



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, DECEMBER 20, 2018**

The regular meeting of the Benbrook City Council was held on Thursday December 20, 2018 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich, Mayor
Renee Franklin
Larry Marshall
Dustin Phillips
Jim Wilson
Laura Mackey
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Jim Hinderaker, Assistant City Manager
Amanda Valdez, Management Analyst
Rick Overgaard, Finance Director
Bennett Howell, Public Services Director

Others Present:

Bill Smith
Caroline Lausch

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Jerry Dittrich.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation given by Councilmember Renee Franklin.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held December 6, 2018

Motion by Dr. Marshall, seconded by Mr. Wilson to approve the minutes of the regular meeting held December 6, 2018.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey

Noes: None

Abstain: Mr. Sauma

Motion carries 6-0-1.

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2018-07 Adopt Resolution Opposing Revenue Caps and Interference with Local Services

Mayor Dittrich stated the Resolution before City Council is opposing the State Legislature from imposing a revenue cap and legislative interference with local services. The imposition of a revenue cap on cities does not provide meaningful tax relief and deprives cities of the ability to meet local needs.

Motion by Mr. Wilson, seconded by Mr. Sauma to adopt Resolution No. 2018-10 opposing revenue caps and interference with local services.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

Resolution No. 2018-10 being **“A RESOLUTION OF THE CITY OF BENBROOK, TEXAS IN OPPOSITION TO REVENUE CAPS AND INTERFERENCE WITH LOCAL SERVICES.”**

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2389 Accept finance report for period ending November 30, 2018

Rick Overgaard gave the following report: General Fund revenues for the month of November were \$1,241,443. Property tax collections were \$657,344 and franchise fees were \$92,101. Property tax revenues will begin increasing significantly in December ahead of the February 1 payment deadline. Sales tax collected and recognized as revenue in November 2018 was \$224,991. General Fund revenues collected through the end of November were \$1,599,122 or 7.9 percent of the budget.

General Fund expenditures for the month of November were \$1,528,068. Expenditures through November were \$2,988,450 or 14.2 percent of the adopted budget.

For the 2018-19 fiscal year-to-date, total General Fund expenditures of \$2,988,450 exceeded General Fund revenues of \$1,599,122 by \$1,389,328.

Debt Service revenues for the month of November totaled \$35,167; all revenue was from property tax. There were no expenditures for November. The next debt service payments will occur in January 2019, and then in July 2019.

EDC revenues as of November 30, 2018, were \$894,329. Most of the revenue was from the sale of land. EDC expenditures through the end of November were \$91,179. Total revenues exceeded total expenditures by \$803,150.

Total revenues received through November 30, 2018 were \$238,352 from Stormwater Utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$334,368 through the end of November 2018. November expenditures were for the following projects: Plantation West, Mary's Creek, Vista Way, and the Animal Shelter. Total expenditures exceeded total revenues by \$96,016. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On November 30, 2018, the City had \$16,917,245 invested at varying interest rates; the EDC had \$5,566,987 available.

Motion by Dr. Marshall, seconded by Ms. Mackey to accept the finance report for the period ending November 30, 2018.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2390 Approve Benbrook Marina Concessionaire Agreement

Bennett Howell gave the following report: The operators of the Benbrook Lake Marina, LLC (Marina), Ron Rogers and Kayla Stidham, seek to renew their concession agreement with the City of Benbrook (City) for an additional 10-year term. The Marina, located on approximately 17.4 acres (see Figure 1) and addressed as 301 Lakeview Drive, is one of five concessionaires currently operating on U.S. Army Corps of Engineers (Corps) property managed by the City under a fifty (50) year lease agreement with the Corps.

The Marina is a full-service boating facility with 100 covered and 35 uncovered boat slips, dry storage, fishing barge, courtesy dock, and picnic area. The facility also sells boat fuel, live bait, and snacks. Mr. Rogers and Ms. Stidham have operated the Marina since July 2008, but unstable lake levels have adversely affected their ability to generate sufficient cash flow to adequately maintain or upgrade the facility.

To address the deferred maintenance and the overall appearance of the facility, the proposed concession agreement requires the operators to make a number of general repairs and improvements to the facility in calendar year 2019 including:

- * Power-wash all surfaces and repaint, as needed
- * Repair and patch all deteriorating wood and metal areas
- * Trim trees and clear additional shoreline
- * Patch all asphalt surfaces
- * Repair and/or replace picnic tables and covered area
- * Increase security for boat owners
- * Add grills to the picnic area

The proposed concession agreement also includes provisions to increase overall cash flow through increased public awareness and interest in the Marina via an enhanced marketing campaign including:

- * Additional print advertising

- * Promotional giveaways
- * Annual holiday community gatherings (Memorial Day, 4th of July, Labor Day)

Finally, the proposed concession agreement includes a number of proposals in Years 2 – 5, all subject to final Corps approval, intended to enhance the overall viability of the Marina by adding new services including:

- * RV area with power and water
- * Expand dry storage areas with covered slips to accommodate RV storage
- * Add and modify existing boat slips to accommodate larger vessels
- * Expand recreational activities including rental of equipment (kayaks, pontoons, wave runners, etc.)
- * Expand and enhance picnic, beach and camping areas

The proposed agreement is in the format required by the Corps and is materially identical to the previous concession agreement except for the above noted five-year improvement plan. The monthly lease fee to the City is 3% of the gross revenues and the term is for ten years with an option for a five-year extension. While the proposed term exceeds the City's lease agreement with the Corps, set to expire on June 14, 2027, staff fully anticipates the Corps will renew their agreement with the City for an extended period of time. However, should the Corps not renew the City's lease, then the proposed concession agreement will also expire on June 14, 2027.

The Parks and Recreation Board reviewed the Marina's concession agreement during their November 14, 2018 meeting and unanimously recommended approval.

Motion by Ms. Franklin, seconded by Mr. Sauma to approve the concessionaire agreement with Benbrook Lake Marina, LLC for the continued operation of the Benbrook Marina.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2391 Adopt Ordinance amending Title 15 of the Benbrook Municipal Code by adopting the 2018 Edition of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Swimming Pool and Spa Code and regional and local amendments

Jim Hinderaker gave the following report: The City of Benbrook currently operates under the 2015 International Code Council series, a series that includes the following:

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Fire Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel Gas Code
- 2015 International Energy Conservation Code

The codes are revised every three years to incorporate newly-approved materials and methods of construction. Construction codes are adopted to protect public health, safety and welfare by establishing minimum standards for materials and methods of construction. The City of Benbrook first adopted the Uniform Building Code in 1969

The NCTCOG established a Regional Codes Coordinating Committee (RCCC) in 1967 with the goal of coordinating and recommending a common set of building codes for North Central Texas. In 1983, NCTCOG recommended that all cities in the region adopt the Uniform Building Code (UBC) series, published by the International Conference of Building Officials (ICBO) over the outdated Southern Building Code (SBC). Instead of having two codes, the ICBO and the Southern Building Code Congress International (SBCCI) merged in 1994 to create one code council and publish codes that could be used throughout the United States. This merger created the International Code Council (ICC) and the first set of unified codes was published in 2000. Over the past several years, most cities have converted to the International Code.

The NCTCOG also recommends the adoption of regional amendments (developed by the Regional Code Coordinating Committee) to adjust the International Code to serve local needs and conditions.

The 2018 International Swimming Pool and Spa Code (ISPSC) is a relatively new code. It replaces Appendix G of previous code cycles. Previously adopted local amendments will be continued.

As with other code updates, City Staff and the construction industry communicate and collaborate regarding implementation. In addition, Staff provides educational seminars when necessary.

Motion by Ms. Franklin, seconded by Dr. Marshall to adopt Ordinance No. 1437 Amending Title 15 of the Benbrook Municipal Code by adopting the following:

2018 International Building Code,
2018 International Residential Code,
2018 International Fire Code,
2018 International Plumbing Code,
2018 International Mechanical Code,
2018 International Fuel Gas Code,
2018 International Energy Conservation Code,
2018 International Swimming Pool and Spa Code,

with regional and local amendments, as the official building and construction codes for the City of Benbrook commencing January 3, 2019.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1437 being “AN ORDINANCE AMENDING TITLE 15 OF THE CITY OF BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FUEL GAS CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE; AND FURTHER

PROVIDING FOR THE MODIFICATION OF SAID CODES TO INCORPORATE REGIONAL AND LOCAL AMENDMENTS; SAID CODES TO BE ADOPTED AND INCORPORATED INTO THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REFERENCE ONLY; PROVIDING THAT AN OFFICIAL COPY OF SAID CODES SHALL BE MAINTAINED AS A PUBLIC RECORD IN THE OFFICE OF THE BENBROOK BUILDING OFFICIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

**SECTION 25
PENALTY CLAUSE**

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 30
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

G-2392 Appointment to Animal Shelter Advisory Committee

Joanna King gave the following report: The Texas Health and Safety Code requires cities that own and operate an Animal Shelter located to appoint an advisory committee. The committee must be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter, and representative from an animal welfare organization.

Motion by Ms. Franklin, seconded by Mr. Phillips to appoint Dr. Rhonda Daniels (Veterinarian), Commander David Babcock (City Official), Jennifer Sharp (Animal Control Officer), and Caroline Lausch (4-PAWS representative) to serve on the Animal Shelter committee.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2393 Appointments to Boards and Commissions

Joanna King gave the following report: The even numbered positions on the City's various Boards and Commissions will expire on December 30, 2018. There is also a one-year unexpired term in Place 9 on the Planning and Zoning Commission and in Place 7 on the Benbrook Economic Development Corporation Board of Directors.

City Council conducted interviews with the candidates seeking appointment on December 5 and 6, 2018.

Motion by Mr. Wilson, seconded by Ms. Franklin to make the following appointments

Planning and Zoning Commission

Place 2	John Logan	2-year term expiring December 30, 2020
Place 4	Nathan Sultermier	2-year term expiring December 30, 2020
Place 6	Jon Craver	2-year term expiring December 30, 2020
Place 8	David Eason	2-year term expiring December 30, 2020
Place 9	Damn Farrar	1-year term expiring December 30, 2019

Zoning Board of Adjustments/Board of Appeals

Place 2	Ghias Dean	2-year term expiring December 30, 2020
	Moving from Alternate position to Regular position	
Place 4	Robert Wood	2-year term expiring December 30, 2020
Alternate B	Carol Stacy	2-year term expiring December 30, 2020

Parks and Recreation Board

Place 2	Carol Hafer	2-year term expiring December 30, 2020
Place 4	Karen Henderson	2-year term expiring December 30, 2020
Place 6	Lizzy Ward	2-year term expiring December 30, 2020

Benbrook Economic Development Corporation Board of Directors

Place 2	Leslie Singleton	2-year term expiring December 30, 2020
Place 4	Julie Nova	2-year term expiring December 30, 2020
Place 6	Gary Crowell	2-year term expiring December 30, 2020
Place 7	Kristina West	1-year term expiring December 30, 2019

Tax Increment Financing Board of Directors

Place 2	Brandon Ellison	2-year term expiring December 30, 2020
Place 4	Michael Leach	2-year term expiring December 30, 2020

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2394 Confirm appointments to Benbrook Civil Service Commission

Joanna King gave the following report: The Benbrook Police Officer's Civil Service Commission consists of three members serving three-year staggered terms. Presently, one position has expired, and one position will expire January 2019.

State law requires the City Manager to make appointments to the Commission with confirmation by City Council.

The City Manager has made contact and offered reappointment to:

Place 2 Ron Dilulio to serve from December 7, 2018 to January 20, 2021

Place 1 Keith Bailey to serve from January 21, 2019 to January 20, 2022

Motion by Dr. Marshall, seconded by Mr. Wilson to confirm the appointments to the Civil Service Commission.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

VII. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Sauma expressed appreciation to City staff for the Christmas decorations at City Hall, Municipal buildings and Holiday in the Park.

Councilmember Renee Franklin expressed appreciation to City staff for preparations for the Ribbon Cutting at the New Animal Facility and to the citizens for their attendance.

VIII. ADJOURNMENT

Meeting adjourned at 7:58 followed by worksession to discuss current and future Community Development Block Grant Projects (2017-2019).

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary