



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MAY 16, 2019**

The regular meeting of the Benbrook City Council was held on Thursday May 16, 2019 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
Rick Overgaard, Finance Director
Amanda Valdez, Management Analyst

Others Present:

Bill Smith
Lonnie Huett
Melisa Shore
Nikolcei Clayton, Boy Scout Troop 326
Lynette Spence
and 4 other citizens

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 Marshall.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held May 2, 2019

Motion by Dr. Marshall seconded by Mr. Sauma to approve the minutes of the regular meeting held May 2, 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.

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2019-03 Z-19-02 CP-19-01

Adopt an ordinance rezoning Lots 8 and 9, Block 7, Benbrook Estates Addition, totaling 0.54 acres, from "HC-PD" Highway Corridor Planned Development District to "CR" Multiple-Family Restricted District and to amend the Benbrook Comprehensive Plan's land use designation, for said lots, from Commercial to Medium Density Residential. The properties are generally located northeast of the intersection of Benbrook Boulevard (Hwy. 377) and Mercedes Street (112 and 116 Del Rio Avenue).

Jim Hinderaker gave the following report: The applicant proposes to rezone Lots 8 and 9, Block 7, Benbrook Estates Addition, from "HC-PD" Highway Corridor Planned Development District to "CR" Multiple-Family Restricted District and further amend the Benbrook Land Use Plan for said lots from Commercial, which allows commercial zoning and development, to Medium Density Residential, which allows residential development with densities ranging between 6.25 and 12.5 dwelling units per acre.

In October of 2007, Lots 7 - 11, Block 7, Benbrook Estates Addition, were rezoned from "B" One-Family District to "HC-PD" Highway Corridor Planned Development District for a proposed site-specific commercial development. But the planned development never materialized.

The applicant intends to purchase Lot 9, raze the existing home, and construct a two-family dwelling, similar to several other homes recently constructed throughout the neighborhood. Lot 8 currently has a two-family dwelling that, due to the commercial zoning, is considered "non-conforming," greatly limiting the owner's

ability to utilize the property. Lot 7 was originally part of this rezone request; however, during the application review period, the owner received an offer for the purchase of the property and subsequently requested Lot 7 be excluded from consideration.

The Benbrook Land Use Plan designates Lots 7-11, Block 7, Benbrook Estates Addition as appropriate for commercial development. The applicant requests the Benbrook Land Use Plan be amended to designate Lots 8 and 9, Block 7, Benbrook Estates Addition as Medium Density Residential development, which would allow the property to be rezoned to "CR" Multiple-Family Restricted District.

In order to rezone the property from "HC-PD" to "CR", the request must be consistent with the Benbrook Land Use Plan. The Medium Density Residential designation is consistent with other properties on the same residential street and neighborhood.

Because the planned commercial development never occurred, the properties have been in a state of non-conformance to the zoning ordinance since 2007.

Stand-alone commercial properties fronting along Del Rio Ave. are not compatible with the residential uses in the area. The recent adjacent commercial development along Benbrook Blvd. has diminished the likelihood of the subject properties redeveloping, without access to Del Rio Ave. The existing PD ordinance prohibits access to Del Rio and the City's Comprehensive Plan discourages commercial access to a residential road; making any rezoning request for commercial uses unlikely. Without commercial access to Del Rio, a zone change to a compatible residential district is recommended.

Mayor Dittrich opened the public hearing at 7:40 p.m.

Lonnie Huett and Melissa Shore both spoke in favor of the rezoning request.

Mayor Dittrich closed the public hearing at 7:44 p.m.

Motion by Mr. Wilson, seconded by Ms. Franklin to adopt Ordinance No. 1442 amending the Benbrook Land Use Plan designation for Lots 8 and 9, Block 7, Benbrook Estates Addition from Commercial to Medium Density Residential and to rezone said lots from "HC-PD" Highway Corridor Planned Development District to "CR" Multiple-Family Restricted District.

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. 1442 being **“AN ORDINANCE AMENDING THE LAND USE PLAN OF THE BENBROOK COMPREHENSIVE PLAN CHANGING THE LAND USE DESIGNATION OF 0.56 ACRES LEGALLY DESCRIBED AS LOTS 8 AND 9, BLOCK 7, BENBROOK ESTATES ADDITION, TARRANT COUNTY, BENBROOK, TEXAS, FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF 0.56 ACRES LEGALLY DESCRIBED AS LOTS 8 AND 9, BLOCK 7, BENBROOK ESTATES ADDITION, TARRANT COUNTY, BENBROOK, TEXAS, FROM “HC-PD” HIGHWAY CORRIDOR PLANNED DEVELOPMENT DISTRICT TO “CR” MULTIPLE-FAMILY RESTRICTED DISTRICT, AND BY AMENDING THE OFFICIAL ZONING AND LAND USE MAPS TO REFLECT THE CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.”**

SECTION 7 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 (\$2,000.00) 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 (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 12 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and it is so ordained

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2408 Accept Investment Report for quarter ending March 31, 2019

Rick Overgaard gave the following report: The Public Funds Investment Act (PFIA), Texas Government Code and the City's Investment Policy require that an Investment Report be presented to City Council.

The Investment Committee met on May 8, 2019, to review the report and ensure compliance with the City's investment policy

The total portfolio for the City and EDC at March 31, 2019 is \$29,399,590, with 80% or \$23,538,428 belonging to the City, and 20% or \$5,861,162 to the EDC.

- 28% of the combined portfolio is in bank accounts, with 54% in local government investment pools, and 18% in certificates of deposit.
- The weighted average maturity on the combined portfolio is 74 days with a 1.64% average yield to maturity.

Motion by Dr. Marshall, seconded by Mr. Sauma to accept the Investment Report for the quarter ending March 31, 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.

G-2409 Conveyance of a 6.04-acre tract of land, situated in the T.&N.O.R.R. CO. Survey, Abstract No. 1645, erroneously dedicated to the City as parkland as part of the Whitestone Heights Preliminary Plat

Jim Hinderaker gave the following report: On April 12, 2001, the Benbrook Planning and Zoning Commission approved the 167-lot Whitestone Heights preliminary plat, which included a 6.04-acre parkland dedication. On May 14, 2003, a conveyance deed from Whitestone Ranch, LTD., to the City of Benbrook of the 6.04-acre tract was recorded with the Deed of Records, Tarrant County, Texas. Unfortunately, the parkland dedication conveyance did not conform to adopted City regulations.

Section 16.04.045.B.2 of the Benbrook Municipal Code, codified by Ordinance No.

1026 on July 2, 1998, stipulates in part, "if fewer than two hundred units (lots) are proposed by a plat filed for approval, the developer shall be required to pay the applicable cash in lieu of land amount unless the dedication will increase the size of an existing park." There are no other parks in this area.

The execution of the attached deeds will convey the 6.04-acre tract from the City of Benbrook to Whitestone Ranch, LTD, the entity that had conveyed the tract to the City in 2003, and then from Whitestone Ranch, LTD to Steve Hawkins, the developer of Whitestone Heights.

Mr. Hawkins will be required to pay the cash in lieu of land dedication for all platted lots in the Whitestone Heights Addition.

Motion by Ms. Mackey, seconded by Ms. Franklin to approve the quitclaim deeds transferring the 6.04-acre tract of land, situated in the T.&N.O. R.R. CO Survey, Abstract No. 1645, back to the developer of Whitestone Heights.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

B. CONTRACT

C-324 Approve Contract with Tarrant County Tax Assessor-Collector for the collection of Ad Valorem Taxes

Rick Overgaard gave the following report: The City of Benbrook has contracted with the Tarrant County Tax Assessor-Collector (Assessor-Collector) to bill and collect property taxes since October 1, 1998. Services performed include: receiving the Certified Appraisal Roll from the Tarrant Appraisal District and monthly changes to the roll; providing mortgage companies, property owners, and tax representatives with tax roll and payment data; providing all necessary assessments of taxes and Truth in Taxation calculations as required; the transmittal of tax statements via the U. S. Mail or electronic transfer of data; and payment processing.

The Assessor-Collector contract has a three-year term instead of a one-year term. The Assessor-Collector's annual compensation, for services performed over the next three years, remains at the current collection rate of ninety-eight cents (\$0.98) per account located within Tarrant County. The term and related fee include fiscal years 2019-20, 2020-21 and 2021-22. State law requires that the Tax Assessor-

Collector charge the actual costs for tax collections. Tarrant County's fee is still the lowest collection fee of any urban county in Texas.

The number of accounts is based on the October billing roll certified to the Assessor-Collector, net of subsequent account additions and deletions made by the Tarrant Appraisal District. The 2018-19 cost for services totaled \$41,180 based on 42,020 accounts within Tarrant County. The estimated cost for 2019-20 is \$42,400; for 2020-21 is \$43,600, and for 2021-22 is \$45,000.

Motion by Mr. Phillips, seconded by Mr. Sauma to authorize the City Manager to contract with the Tarrant County Tax Assessor-Collector for the collection of ad valorem taxes for the term October 1, 2019 through September 30, 2022.

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

Melissa Shore thanked City Council for the adoption of the rezoning change of her property on Del Rio Ave.

VII. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Ron Sauma recognized National Police Week and thanked Police Officers for their service.

Councilmember Renee Franklin reminded citizens of upcoming events.

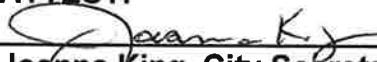
Councilmember Jim Wilson recognized National Bicycle and Awareness Month.

Councilmember Laura Mackey recognized the Benbrook Bobcats for being in the Regional Finals.

VIII. ADJOURNMENT

Meeting adjourned at 8:03 p.m.

ATTEST:



Joanna King, City Secretary

APPROVED:



Jerry B. Dittrich, Mayor