



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 6, 2019**

The regular meeting of the Benbrook City Council was held on Thursday June 6, 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

Also Present:

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

Others Present:

Bill Smith
Dan Tully

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 Reverend Don Petty of Benbrook United Methodist Church.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held May 16, 2019

Motion by Dr. Marshall seconded by Mr. Phillips to approve the minutes of the regular meeting held May 16, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. REPORTS FROM CITY MANAGER

A. GENERAL

G-2410 Accept finance report for period ending April 30, 2019

Rick Overgaard gave the following report: General Fund revenues for the month of April were \$702,644. Property tax collections were \$66,210, and franchise taxes were \$109,772. Sales tax collected and recognized as revenue in April was \$261,099. Fiscal year to date sales tax totals \$1,625,452, an increase of 20.23% over last year at this time. General Fund revenues collected through the end of April were \$15,758,465 or 77.9 percent of the budget.

General Fund expenditures for the month of April were \$1,376,133. As a reminder, transfers to other funds (\$1,670,000) have already occurred. Last year, the transfers occurred in August. Expenditures through April were \$11,334,393 or 54.0 percent of the adopted budget.

Fiscal year-to-date, total General Fund revenues of \$15,758,465 exceeded General Fund expenditures of \$11,334,393 by \$4,424,072.

Debt Service revenues for the month of April totaled \$3,542 and are all from property tax. There were no expenditures for April. The next debt service payments will occur in July 2019.

EDC revenues as of April 30, 2019, were \$1,520,126. EDC expenditures through the end of April were \$2,072,020, which includes the purchase of land in April. Total expenditures exceeded total revenues by \$551,894.

Total revenues received through April 30, 2019 were \$1,192,224 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$2,874,771 through the end of April. April expenditures were for the following projects: Chapin Road Cross Culvert, Van Deman Road Drainage, Vista Way, Clearfork Emergency Access Bridge, and Animal Shelter. Total expenditures exceeded total revenues by \$1,682,547. 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 April 30, 2019, the City had \$22,340,865 invested at varying interest rates; the EDC had \$4,222,336 available.

Motion by Ms. Franklin, seconded by Ms. Mackey to accept the finance report for the period ending April 30, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2411 Adopt Ordinance amending the 2018-2019 Annual Budget for the Benbrook Animal Shelter

Bennett Howell gave the following report: In December 2015, the concept plan for the new Benbrook Animal Shelter was initiated. In February 2017, the City Council awarded the architectural design contract for \$192,000 to Quorum Architects, Inc., and in September 2017, the City Council awarded the construction contract for \$1,996,500 to Hasen. The City also incurred a number of deferred budget costs for necessary utility relocations, security upgrades, fencing and furniture totaling \$76,304.

The Benbrook Animal Shelter was substantially completed and opened in December 2018. The final elements of the project, including security fencing and parking lot concrete work, were completed in April 2019.

The Benbrook City Council set aside \$550,000 from General Fund reserves during fiscal year 2015/2016, \$500,000 in fiscal year 2016/2017, and an additional \$1,000,000 in fiscal year 2017/18 for a total of \$2,050,000 to fund the construction of the Benbrook Animal Shelter. As stated previously during formal project approval, the remaining costs will be paid from General Fund reserves once the final costs are determined.

Design	\$ 192,000
Construction	\$1,996,500
Deferred Budget Costs	\$ 76,304 (rounded up to nearest whole \$)
Total	\$2,264,804

Set Aside \$2,050,000

Remainder \$ 214,804

With the animal shelter fully complete, the project requires the transfer of funds from General Fund reserves to the Capital Projects Fund No. 4, and to make the appropriate budget adjustments.

Project/Fund
Transfer In

Transfer Out

Benbrook Animal Shelter Construction Cost

- General Fund Reserves \$214,804
- Capital Projects Fund No. 4
\$214,804

The Texas Attorney General has ruled that a budget must be amended in the same manner in which it is adopted (Attorney General Opinion GA-0431). Since the City budget is adopted by Ordinance, it may only be amended by Ordinance. The attached Ordinance is intended to keep the City in compliance with the AG Opinion and with generally accepted accounting principles.

Motion by Dr. Marshall, seconded by Mr. Wilson to adopt Ordinance No. 14443 amending the Annual Budget for the Benbrook Animal Shelter

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 14443 being "AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND RESERVES TO THE CAPITAL PROJECTS FUND No. 4 AND AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 FOR THE PURPOSES OF CONSTRUCTING THE BENBROOK ANIMAL SHELTER PROJECT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. "

G-2412 Adopt Ordinance amending Title 15 of the Benbrook Municipal Code by adopting the 2018 Edition of the (IEBC) International Existing Building Code, by amending portions of the 2018 Edition of the (ISPC) International Swimming Pool and Spa Code, by repealing Chapter 15.32 Swimming Pools and Chapter 15.34 Public Swimming Pools, Spas, and Interactive Water Features and by adopting regional and local amendments to said codes.

Jim Hinderaker gave the following report: The City of Benbrook currently operates under the 2017 National Electrical Code and under the 2018 International Code Council series, with local and regional amendments, as follows:

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

Staff recommends City Council also adopt the 2018 (IEBC) International Existing Building Code, together with regional and local amendments. The 2018 IEBC provides greater flexibility for property owners seeking to remodel, upgrade or repurpose an existing building.

Staff further recommends City Council repeal Chapter 15.32 Swimming Pools and Chapter 15.34 Public Swimming Pools, Spas, and Interactive Water Features, Title 15 Buildings and Construction, Benbrook Municipal Code. Following City Council adoption of the 2018 International Swimming Pool and Spa Code in December 2018, these sections of the Municipal Code are redundant and no longer necessary.

Motion by Mr. Wilson, seconded by Ms. Franklin to adopt Ordinance No. 1444 adopting the 2018 International Existing Building Code, together with local and regional amendments, and repeal Chapter 15.32 - Swimming Pools and Chapter 15.34 - Public Swimming Pools, Spas, and Interactive Water Features of Title 15 Buildings and Construction of the Benbrook Municipal Code.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1444 being "AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 15 OF THE CITY OF BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING SECTION 15.26.20 OF CHAPTER 15.26-SWIMMING POOL AND SPA CODE; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDING 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; AND REPEALING CHAPTER 15.32-SWIMMING POOLS AND CHAPTER 15.34- PUBLIC SWIMMING POOLS, SPAS, AND INTERACTIVE WATER FEATURES; 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 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) 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 publication as provided by law, and it is so ordained.

V. INFORMAL CITIZEN COMMENTS

Dan Tully spoke regarding completion of asphalt on Hike and Bike Trail at Lakeside Drive and Winscott Road; possibility of an arborist looking at the trees at Dutch Branch Park tree lot; need for sidewalk from Westpark to Jerry Dunn; and recognition of the Benbrook Middle High School baseball team.

VI. COUNCIL MEMBER AND STAFF COMMENTS

VII. ADJOURNMENT

Meeting adjourned at 7:50 p.m. followed by worksession:


1. Discuss amendment to Building Code requiring baby changing stations in men's restrooms (Councilmember Laura Mackey)
2. Discuss Personal Property Tax on leased vehicles (Mayor Dittrich)
3. Discuss status of U.S. 377 south of Winscott Road
4. Discuss traffic control plan at Overcrest Drive at Benbrook Boulevard intersection

ATTEST:



Joanna King, City Secretary

APPROVED:



Jerry B. Dittrich, Mayor