

**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 3, 2005**

The regular meeting of the Benbrook City Council was held on Thursday, February 3, 2005 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Felix Hebert
Jerry Dittrich
Ron Sauma
Keith Bailey
Robert Cook
Rickie Allison

Also Present:

Cary Conklin, City Manager
Joanna King, City Secretary
Andy Wayman, Assistant City Manager
Tommy Davis, Fire Chief
Wayne Carlisle, City Inspector

Others Present:

Ed Gallagher, City Planner
Maggie Hebert
Dorcas Neuman, Benbrook News
Robert Cook
Bill Smith
Daniel Tulley
Jane Smith
Larry Stowe

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Pastor Todd Pylan with First Baptist Church of Benbrook gave invocation.
The Pledge of Allegiance was recited.

III. CONSENT AGENDA (Items listed under the Consent Agenda are considered routine and are enacted in one motion. The exception to this rule is that a Councilmember, citizen or the City Manager may request one or more items be removed from the Consent Agenda for separate discussion and action.)

1. Minutes of the regular meeting held January 20, 2005

Motion by Mr. Allison, seconded by Dr. Dittrich to approve the consent agenda as presented.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Hebert, Dr. Dittrich, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Accept Resignation from Councilmember Robert Cook, Place 2

Mayor Hebert stated that Councilmember Robert Cook, Place 2 submitted his resignation effective January 31, 2005 and requested a motion on the issue. (Note: The resignation was submitted to avoid violation of City Charter regarding nepotism rule. The Benbrook Police Department offered Councilmember Cook's son an entry-level position and could not make the appointment with Councilmember's Cook sitting on council.)

Motion by Mr. Bailey, seconded by Mr. Sauma to accept the resignation submitted by Councilmember Cook in Place 2.

Vote on the Motion:

Ayes: Mr. Allison, Mayor Hebert, Dr. Dittrich, Mr. Sauma, Mr. Cook

Noes: None

Motion carries unanimously.

2. Recognition of Councilmember Robert Cook Service to the City

Mayor Hebert presented Robert Cook with a plaque recognizing his service to the City of Benbrook while serving on the Benbrook City Council.

Mr. Cook expressed appreciation to the citizens of Benbrook and members of City Council for allowing him to serve. He stated it was an honor as well as a learning experience to serve as a representative of the City.

3. Adopt Resolution Calling Special Election on May 7, 2005 to Fill

Vacancy in Place 2

Joanna King gave the following report: The resignation of Robert Cook as Councilmember in Place 2 leaves a vacancy with more than 400 days remaining in the term. The Benbrook City Charter requires that this position be filled not by appointment but by election at the next regular city council election. The next regular election is to be held on May 7, 2005.

The proposed resolution calls the special election, states the filing period for candidates, lists the same polling places, election officials and early voting procedures that are to be used in the May 7, 2005 General Election.

Motion by Mr. Allison, seconded by Mr. Sauma to adopt Resolution 2005-04 calling a special election on May 7, 2005 to fill the vacancy in Place 2.

Vote on the Motion:

Ayes: Mayor Hebert, Dr. Dittrich, Mr. Sauma, Mr. Bailey, Mr. Allison

Noes: None

Motion carries unanimously.

Resolution No. 2005-04 being **“A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, CALLING FOR A SPECIAL ELECTION TO BE HELD ON MAY 7, 2005 TO ELECT THE MEMBER OF CITY COUNCIL TO FILL THE UNEXPIRED TERM IN PLACE 2.”**

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1545 Adopt Ordinance Amending Chapter 1.12 of the Benbrook Municipal Code by Revising Fee Schedules for Municipal Court, Building Permits, Electrical Permits, Mechanical Permits and Plumbing Permits; Amending Chapter 5.36 by Revising Regulations for General Building Contractors, Heating and Air Conditioning Contractors, Concrete Contractors, and Swimming Pool Contractors; and Amending Chapter 17.92 by Revising Regulations for Contractor Signs

Wayne Carlisle gave the following report: Each year staff reviews the fee ordinance to determine whether changes are necessary or appropriate. Cities enforce building codes to protect the health and safety of its citizens. The purpose of the building

permit fee is to cover the cost of inspections and administration. Building permits should not be viewed as a means to general revenue. The proposed fee revisions are generally revenue neutral.

A typical 1,800 square foot house will require up to 20 inspections prior to completion. Building permit fees are a function of the building construction cost valuation and the fee schedule applied to that valuation. To obtain the cost of a building permit fee, the staff must determine the valuation of a structure. The staff multiplies the square footage of the living area by the average valuation for the specific type of construction. In the case of residential construction, this value is \$51.82 per square foot. Once the valuation is determined, staff uses a table from the 1997 Uniform Building Code to determine the dollar amount of the building permit.

The fees charged for permits throughout the Metroplex are not consistent since most cities calculate fees in different ways. The other various building related fees such as electrical, plumbing and mechanical fees are just as complicated.

Historically, Benbrook has used the valuation for the residential living area only, based on the valuation data provided by the International Conference of Building Officials (ICBO). That calculation is adjusted downward by applying a "Texas" multiplier of 0.77. The last set of valuation data provided by ICBO was in April 2002. It is also important to note that the City to date has not assessed permit fees on residential garages.

A comparison of building valuations with other cities based on a standard 1,800 SF house with a 480 SF garage indicates an average valuation of \$128,280. With the exception of Mansfield, Benbrook's valuation of \$93,276 is well below valuations of other comparable cities.

The International Codes Council has resumed publication of building valuation data. The ICC is no longer publishing a "Texas" multiplier. Therefore, staff is proposing to use a local multiplier of 0.80. Using the new local multiplier and adding the valuation of garage at a utility building rate, Benbrook's valuation increases to \$124,905. This calculation is 2.6 percent less than the average valuation of comparative cities.

The staff is also proposing to simplify the permitting process for residential mechanical permits by providing a system-wide fee for each house, based on the total square footage. Currently, the permit fee is determined by counting all of the apparatus to be installed. The staff has also standardized the cost of permit issuance and inspection costs among the various building disciplines. Other fees were raised to cover inspection and processing costs.

The staff is also proposing to delete the requirement for contractor sign permits since enforcement has proven difficult.

Motion by Mr. Sauma, seconded by Mr. Bailey to adopt Ordinance No. 1182 amending the fees for certain services and requirements for contractor registration.

Vote on the Motion:

Ayes: Dr. Dittrich, Mr. Sauma, Mr. Bailey, Mr. Allison, Mayor Hebert

Noes: None

Motion carries unanimously.

Ordinance No. 1182 being **“AN ORDINANCE AMENDING CHAPTER 1.12 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REVISING THE FEE SCHEDULE FOR THE CITY OF BENBROOK, BY REVISING FEES FOR MUNICIPAL COURT, BUILDING PERMITS, ELECTRICAL PERMITS, MECHANICAL PERMITS, AND PLUMBING PERMITS; AND AMENDING CHAPTER 5.36 BY REVISING REGULATIONS FOR GENERAL BUILDING CONTRACTORS, HEATING AND AIR CONDITIONING CONTRACTORS, CONCRETE CONTRACTORS, AND SWIMMING POOL CONTRACTORS; AND AMENDING CHAPTER 17.92 BY REVISING REGULATIONS FOR CONTRACTOR SIGNS; 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 ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.”**

SECTION 6

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 10

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.

B. PURCHASE

P-245 Purchase Outdoor Warning System

Mr. Wayman gave the following report: For the 2004/2005 fiscal year, City Council budgeted funds to replace all six of the City's 22-year old warning sirens with new battery operated sirens. The one (1) existing battery operated Rolling Hills siren, installed in 1999, will be seamlessly integrated with the new sirens.

City staff prepared specifications from an assortment of references including other local cities and warning siren manufacturers. The specified system provides a computerized control station for testing and data collection. The control station also allows for silent tests when necessary. The batteries are on constant charge utilizing a trickle charger fed by electrical current. Finally, the control station detects and alarms when batteries are low or when the door panel at a siren site is opened.

The system coverage is also improved with the upgraded sirens, addressing a particularly weak area that exists in newly developed portions of Team Ranch. The specified system represents the "cutting edge" of the industry and should serve Benbrook for many years.

On January 19, 2005, City staff received bids from four vendors during the formal bid opening. All vendors substantially met the bid specifications. American Communications submitted the low bid of \$73,407. Warning sirens are generally low in maintenance requirements. American Communications offered a full one-year warranty, which includes travel, training, labor and troubleshooting. In addition, a five-year parts warranty is included. All vendor warranties were nearly identical to American Communications. American Communications installed the City's seventh siren in 1999 and is a reliable, credible company.

City Council approved \$23,500 per year for six years to lease/purchase the system based on a total estimated cost of \$120,000. Because the bids received were substantially lower than originally estimated, several options may be considered including:

1. Purchase the system outright utilizing reserves.
2. Lease/purchase the system for four years at slightly less than the amount originally budgeted (approximately \$22,000 per year).

Based on the lower than anticipated cost of the system and the low return on the City's invested reserves, Staff prefers paying for the system outright with reserves.

Motion by Mr. Allison, seconded by Dr. Dittrich to approve the purchase of the updated outdoor warning system from American Communications at the low bid cost of \$73,407 to be paid in full from unencumbered general fund reserves.

Vote on the Motion:

Ayes: Mr. Sauma, Mr. Bailey, Mr. Allison, Mayor Hebert, Dr. Dittrich

Noes: None

Motion carries unanimously.

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN PRESENTATION

XI. ADJOURNMENT

Meeting adjourned at 8:05

APPROVED:

Felix T. Hebert, Mayor

ATTEST:

Joanna King, City Secretary