

**AGENDA  
BENBROOK CITY COUNCIL  
THURSDAY, APRIL 19, 2007  
911 WINSCOTT ROAD, BENBROOK, TEXAS  
PRE-COUNCIL WORKSESSION 7:00 P.M.  
CENTRAL CONFERENCE ROOM**



1. Review and discuss agenda items for regular meeting.
2. Receive other information from staff and Boards and Commissions.

**REGULAR MEETING 7:30 P.M.  
COUNCIL CHAMBERS  
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

**I. CALL TO ORDER**

**II. INVOCATION –Pastor Todd Pylant with First Baptist Church of Benbrook  
PLEDGE OF ALLEGIANCE**

**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 City Manager may request one or more items to be removed from the Consent Agenda for separate discussion and action.)**

1. Minutes of the regular meeting held April 5, 2007
2. Resolution Supporting Repeal of GRIP
3. Approve Settlement Agreement with Claudio Magiocca for Plantation East Creek Drainage Easement (4009 Springbranch)
4. Interlocal Agreement with City of Fort Worth for Relocation of Sewer Interceptor N-259 within Mary's Creek Drive Right-of-Way

**III. PROCLAMATION/AWARDS/RECOGNITION**

Proclamation Honoring Sergeant Lance C. Springer II – Benbrook Fallen Warrior

**IV. CITIZEN PRESENTATION**

1. Ken Shetter, Mayor of City of Burleson – Transportation Outlook for Region and Update on the TRTC

**V. PRESENTATION BY PLANNING AND ZONING COMMISSION**

PZ-2007-05 Adopt Ordinance rezoning 27.58 acres of land in the J.M. Evans Survey Abstract Number 466 and the C.A. Kuykendall Survey Abstract Number 890, also being Lots 1-37 of Block 1; Lots 17-24 of Block 2; Lots 1 ,2, and 33-56 of Block 3; Lots 1-30 of Block 4; and Lots 39-43 of Block 5, of Brookside At Benbrook Field Phase I from “BR” One Family Reduced District to “BR-PD” One Family Reduced Planned Development District (west of Vista Way and south of Sterling Drive)

**VI. REPORTS OF CITY MANAGER**

**A. GENERAL**

- |        |   |
|--------|---|
| G-1694 | Financial Report for Quarter Ending March 31, 2007            |
| G-1695 | Quarterly Hotel/Motel Tax Report                              |
| G-1696 | Resolution Supporting Price Disclosure on Sale of Real Estate |

**BENBROOK CITY COUNCIL AGENDA**  
**Page 2 of 2**

- VII. OTHER MATTERS OF BUSINESS**
- VIII. INFORMAL CITIZEN COMMENTS**
- IX. ADJOURNMENT**



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, APRIL 5, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, April 5, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich  
John Vander Pan  
Larry Stowe  
Ron Sauma  
Rickie Allison  
James Schull

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Dave Gattis, Deputy City Manager  
James Mills, Police Chief  
Walter Shumac, Director of Public Services

Others Present:

Dorcas Neuman, Benbrook News  
Ed Gallagher, City Planner  
Phyllis Wolfe, IT Coordinator  
Cathy Morris, Administrative Analyst  
Bill Smith  
Daniel Tully  
Mr. & Mrs. Harold Evetts  
Gayle Hebert  
Students from UTA Small City Management  
Public Administration  
and 7 other citizens

**I. CALL TO ORDER**

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

**II. INVOCATION  
PLEDGE OF ALLEGIANCE**

Invocation given by Pastor Lonnie Huett with Restoration Family Church  
The Pledge of Allegiance was recited.

### **III. MINUTES**

#### **1. Minutes of the regular meeting held March 15, 2007**

Motion by Mr. Sauma, seconded by Mr. Stowe to approve the minutes of the regular meeting held March 15, 2007.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

### **IV. CITIZEN PRESENTATION**

#### **1. Ken Shetter, Mayor of City of Burleson – Transportation Outlook for Region and Update on the TRTC**

This item rescheduled for April 19, 2007.

### **V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL**

#### **1. Ordinance Cancelling May 12, 2007 General Election**

Joanna King gave the following report: In accordance with law, a general election has been ordered for May 12, 2007 to elect members to serve on the Benbrook City Council in Place 1, Mayor and Members of the Council in Places 3, 5, and 7. There are no propositions to appear on the ballot in this election.

The filing deadlines for placement on the ballot and declaration of write-in candidacy have passed. In these circumstances Title 1, Chapter C, Subchapter C, Section 2.053 of the Texas Election Code authorizes a governing body of a political subdivision, by order, to declare each unopposed candidate elected to office and cancel the election.

As the authority responsible for having the official ballot prepared, the City Secretary certifies that the following candidates are unopposed for election to office in the election scheduled for May 12, 2007:

Mayor, Place 1	Jerry Dittrich
Member of the City Council, Place 3	Keith Bailey
Member of the City Council, Place 5	Daniel L. Tully
Member of the City Council, Place 7	Ron Sauma

It should be noted that the unopposed candidates will not take office until the first meeting following the May 12, 2007 election date. It should also be noted that

although Benbrook will be cancelling the Benbrook Officials election, Tarrant County will have a constitutional amendment election on May 12<sup>th</sup>. Proposition 1 will appear on the ballot as follows: "The constitutional amendment authorizing the legislature to provide for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed for public school purposes on the residence homesteads of the elderly or disabled to reflect any reduction in the rate of those taxes for the 2006 and 2007 tax years."

Motion by Mr. Vander Pan, seconded by Mr. Schull to accept the Certification of Unopposed Candidates and adopt Ordinance No. 1232 cancelling the general election and declaring each unopposed candidate elected to office.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1232 being **"AN ORDINANCE CANCELLING THE MAY 12, 2007 REGULAR ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE."**

#### SECTION 1

The following candidates, who are unopposed in the May 12, 2007 general election, are hereby declared elected to office, to each serve a full two-year term and shall be issued a certificate of election:

Mayor, Place 1	Jerry Dittrich
Member of the Council, Place 3	Keith Bailey
Member of the Council, Place 5	Daniel L. Tully
Member of the Council, Place 7	Ron Sauma

#### SECTION 10

This Ordinance shall be in full force and effect after its passage, and it is so ordained.

Passed and Approved on this 5<sup>th</sup> day of April 2007.

## VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

## VII. REPORTS OF CITY MANAGER

### A. GENERAL

#### **G-1691 Adopt Ordinance Amending Chapter 9 – Public Peace, Morals and Welfare of the Benbrook Municipal Code by adding Section 9.36 – Residency Restrictions for Sex Offenders**

James Mills gave the following report: The State of Texas and the Tarrant County Sheriffs Office have primary jurisdiction over registered sex offenders in Benbrook. This includes terms and conditions of probation, parole, monitoring, and registration. The State has established numerous categories of sex offenders depending on age of victim, severity of offense, number of offenses, etc.

Although Benbrook's statutory authority is limited, the Texas Attorney General has ruled that municipalities may prohibit registered sex offenders of minors from residing within prescribed distance of a place frequented by children.

The proposed ordinance prohibits registered sex offenders of minors from establishing permanent or temporary residence within 2,000 feet of facilities frequented by children to include:

1. A public park
2. A library
3. A public or private school, except trade or business schools, colleges or universities
4. A public or semi-public swimming pool
5. A licensed day care center
6. A studio or facility for instruction in the arts or sports where classes are taught to four (4) or more children at a time
7. A church
8. A video arcade facility
9. A public or non-profit recreation facility

As defined by State Law, minors are anyone under seventeen (17) year of age. Permanent residence is defined as a place where a person lives for fourteen (14) or more consecutive days. A temporary residence is a place where a person lives a total of fourteen (14) or more days in a year or four (4) or more days in any month. The Benbrook Police Department will have primary jurisdiction over enforcement. The City will also maintain a map of restricted areas.

Motion by Mr. Schull, seconded by Mr. Allison to adopt Ordinance No. 1227 establishing residency requirements for registered sex offenders of minors.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1227 being “**AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 9 OF THE BENBROOK MUNICIPAL CODE BY ADDING SECTION 9.36, RESIDENCY REQUIREMENTS FOR SEX OFFENDERS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**”

#### SECTION 5

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for all violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

#### SECTION 8

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

Passed and Approved the 5<sup>th</sup> day of April 2007.

#### **G-1692      Authorize Benbrook Boulevard Beautification Project**

Walter Shumac gave the following report: The City and EDC have worked diligently to improve the appearance of Benbrook’s primary entrance corridors. Improvements to the City’s south entrance via Benbrook Boulevard include rehabbing the Benbrook Lake sign, landscape improvements along Dutch Branch Park, and painting and repairing the Westpark Wall. Other improvements include Benbrook monument signs on east and westbound I-20 and the new sign under construction on RM 2871. In total, the projects have added to the City’s branding efforts and made Benbrook more attractive.

The EDC Board recently approved funding of a beautification project on Benbrook Boulevard. The proposed project replaces the existing wood rail fence fronting the Benbrook Stables from Park Road 1 to FM 2871 with a painted black steel pipe fence transitioned with rock columns. The project also includes two Benbrook monument signs. The monument signs are located at the fence ends (Park Road 1 and RM 2871). Vehicles waiting for the light at RM 2871 will have a clear view of the south monument sign. The monument signs will match the current monument signs on I-20 and RM 2871.

The project will be constructed and maintained by City personnel. The EDC is funding the materials cost for an amount not to exceed \$23,000. The proposed project is located solely on City property.

Motion by Mr. Stowe, seconded by Mr. Sauma to authorize the construction of monument signs and a new fence along Benbrook Boulevard from Park Road 1 to RM 2871.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1693      Interlocal Agreement with City of Fort Worth for Asphalt Overlay on Chapin Road**

Dave Gattis gave the following report: As part of discussions with Fort Worth for adjusting the city limits boundary between Benbrook and Fort Worth, both parties agreed to jointly share in the cost of installing a 2-inch asphalt overlay over the portion of Chapin Road extending from Western Hills High School to Van Deman Drive. Benbrook agreed to take the entire portion of the street into its city limits and assume maintenance responsibilities. Fort Worth is participating because it is a boundary street, many of the residents use the street, and they also have a number of water and sewer lines under the street. Fort Worth also participated in 1991 in a similar overlay project on Chapin Road.

The asphalt overlay will be done as part of the annual Tarrant County overlay program. Tarrant County provides the labor and equipment, while Benbrook pays for the materials. The estimated cost of materials for this portion of Chapin Road is \$76,290. Under the Interlocal Agreement with Fort Worth, Fort Worth will reimburse Benbrook for 50 percent of the cost of materials, up to a maximum of \$40,000.

Motion by Mr. Sauma, seconded by Mr. Vander Pan to approve the Interlocal Agreement with Fort Worth for the rehabilitation of Chapin Road.

Ayes: Mr. Schull, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

## **B. CONTRACT**

### **C-227 Approve Contract with Teague, Nall and Perkins for Schematic Design and Environmental Clearance for Benbrook Boulevard Widening Project**

Dave Gattis gave the following report: Engineering for the Benbrook Boulevard Widening project is a 3-step process. The schematic design and environmental clearance is the first step. Once the schematics and environmental documents are approved by TxDOT and the Federal Highway Administration, the second step is to prepare plans, specifications and estimates (PS&E) which are the actual construction documents. The final step is to acquire any additional right-of-way and to construct the project. The contract authorization at this meeting is only for the first step.

Teague Nall and Perkins is the City's engineer and also prepared the schematic design for the I-20 ramp relocation and Texas turn-around project. TNP plans to use HNTB as a sub-consultant to assist in traffic analysis and environmental studies. HNTB was the consultant for the Benbrook Boulevard Master Plan.

The fee for the proposed schematic design contract is \$250,478.60. \$100,000 is in this year's budget and the remainder to be included in the next year's budget. The consultant is aware of this funding limitation.

Motion by Mr. Vander Pan, seconded by Mr. Schull to approve the contract with Teague Nall and Perkins for schematic design and environmental clearance for Benbrook Boulevard widening project to be paid from Account 01-5101-5211 from the fiscal year 2006-2007 and fiscal year 2007-2008 budgets.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

## **IX. OTHER MATTERS OF BUSINESS**

## **X. INFORMAL CITIZEN COMMENTS**

## **XI. EXECUTIVE SESSION – Pursuant to Texas Government Code**

### **Section 551-073 – Deliberation Regarding Real Property**

#### **1. Consider Counter Offer for Drainage Easement at 4105 Springbranch Drive for Plantation East Creek Drainage Project**

Mayor Dittrich recessed the regular meeting at 7:58 p.m. to conduct Executive Session pursuant to Texas Government Code Section 551-073 – Deliberation Regarding Real Property to consider a counter offer for drainage easement for the Plantation East Creek drainage project.

**XII. RECONVENE FROM EXECUTIVE SESSION**

**Take Necessary Action from Executive Session**

Mayor Dittrich reconvened the regular meeting at 8:07 p.m. No action taken from Executive Session.

**XIII. ADJOURNMENT**

Meeting adjourned at 8:07 p.m.

**APPROVED:**

\_\_\_\_\_  
**Jerry B. Dittrich, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Joanna King, City Secretary**

**RETURN TO  
AGENDA**



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/19/07	REFERENCE NUMBER: CA-2	SUBJECT: Resolution Supporting Repeal of GRIP	PAGE: 1 of 2
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**BACKGROUND**

The Gas Steering Committee (GSC) and Cities for Reasonable Gas Rates (CRGR) have asked all Texas cities to pass a resolution supporting the repeal of the Gas Reliability Infrastructure Program (GRIP). GRIP has failed to meet its original legislative intent.

**SUMMARY OF PROBLEMS WITH GRIP**

*The Legislative Purpose of GRIP:*

- To encourage gas utilities to invest in their systems to ensure system safety and reliability by allowing an expedited return on that investment, thereby saving **all parties** the expense of a full-blown rate case.
- Protect interests of ratepayers by requiring utility to file annual reports monitoring their earnings and by requiring utility to true-up GRIP surcharges at least once every 5 years.

*What GRIP Really Does:*

- **Allows** gas utilities to accelerate recovery of expenses not related to system safety or reliability – such as furniture, food, luxurious travel for company executives, and office supplies.
- **Allows** gas utilities to earn more than their authorized rate of return by not accounting for increased revenues, by piggy-backing onto the financial data of other utilities, and by receiving a return on funds supplied not by investors, but by ratepayers.
- **Encourages** even **more** rate cases because the courts and the Railroad Commission have interpreted the statute to (a) completely exclude cities from the review of GRIP applications **and** (b) prohibit any review by the cities **and the Commission** of the merits of the GRIP applications. Travis County District Judge Triana’s Final Judgment provides that if a city disputes the basis for a GRIP filing, the **only** avenue for relief is for the city to institute a full-blown rate case. There is no mechanism available between the extremes of simply accepting a GRIP surcharge or instituting a full-blown rate case.

GRIP has failed to meet its legislative purpose – it has not been used to make gas utility systems safer, and it doesn't save anyone from the expense of a full-blown rate case.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:

DATE:

04/19/07

REFERENCE  
NUMBER:

CA-2

SUBJECT:

Resolution Supporting Repeal of GRIP

PAGE:

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**RECOMMENDATION**

Staff recommends that City Council pass the proposed Resolution opposing HB 651 and supporting SB 742 and HB 1994.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/19/07	REFERENCE NUMBER: CA-3	SUBJECT: Approve Settlement Agreement with Claudio Magiocca for Plantation East Creek Drainage Easement (4009 Springbranch)	PAGE: 1 of 2
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Improvements to Plantation East Creek were approved as part of the 2004 bond election. Construction of the Plantation East Creek drainage project required acquisition of drainage easements from 22 property owners. To date, the City has secured easements from 21 property owners (20 by negotiation and one by condemnation).

The sole remaining drainage easement (1,086 square-feet) is owned by Claudio Magliocca of 4009 Springbranch Drive. The City Attorney has negotiated a settlement of \$6,000 to acquire the easement.

### **RECOMMENDATION**

Staff recommends that City Council approve the settlement with Claudio Magliocca to acquire a drainage easement for \$6,000, to be paid from Account 04-3012-5286.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE:

04/19/07

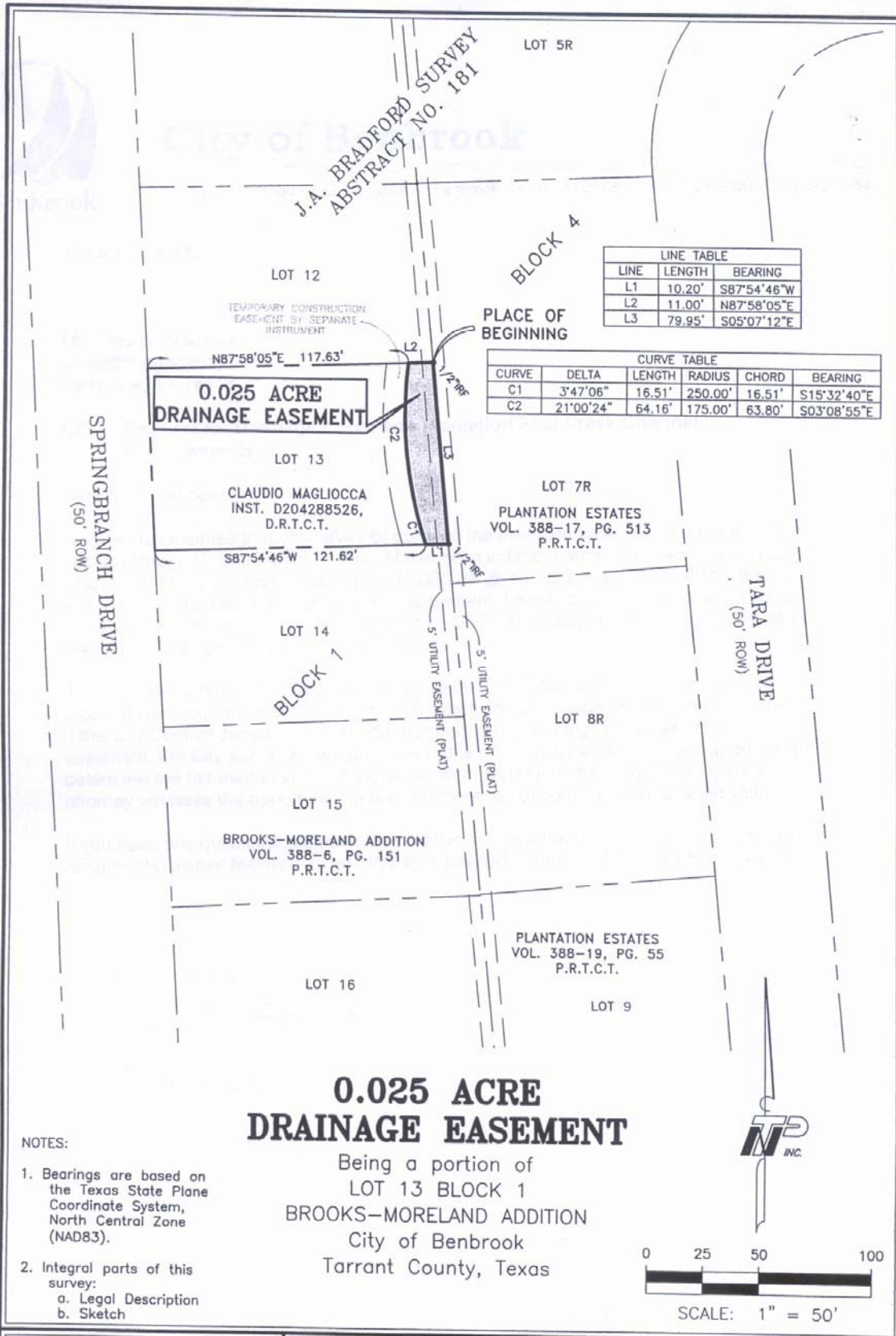
REFERENCE  
NUMBER:  
CA-3

SUBJECT:

Approve Settlement Agreement with Claudio  
Magliocca for Plantation East Creek Drainage  
Easement (4009 Springbranch)

PAGE:

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# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/19/07	REFERENCE NUMBER: CA-4	SUBJECT: Interlocal Agreement with City of Fort Worth for Relocation of Sewer Interceptor N-259 within Mary's Creek Drive Right-of-Way	PAGE: 1 of 1
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### BACKGROUND

As part of drainage improvements to Plantation West Creek, Benbrook is enlarging the culvert and eliminating the low-water crossing as Plantation West Creek crosses Mary's Creek Drive. Fort Worth has a sewer interceptor (M-259) that serves both Fort Worth and Benbrook residents within the road right-of-way that needs to be lowered to avoid conflict with the new culvert. Fort Worth is responsible for the cost of the sewer line adjustments within Benbrook's street right-of-way that conflict with road and drainage projects. Approximately 407 feet of the sewer line will be affected.

### PROPOSED INTERLOCAL AGREEMENT

Fort Worth and Benbrook have agreed that the most efficient and cost-effective method of relocating the sewer line is to include the relocation in the Benbrook project and have Fort Worth reimburse Benbrook for the expenses related to the relocation. This scope of work was included in contractor's bid and totals \$94,745.

Under the Interlocal Agreement with Fort Worth, Fort Worth will reimburse Benbrook for the cost of construction, up to a maximum of \$100,000.

### RECOMMENDATION

Staff recommends that the City Council approve the Interlocal Agreement with Fort Worth for the relocation of Sewer Interceptor M-259 within the Mary's Creek Drive right-of-way.

SUBMITTED BY:  CITY MANAGER	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:  CITY SECRETARY
		DATE:



# City of Benbrook

## CITY COUNCIL COMMUNICATION

<b>DATE:</b> 04/19/07	<b>REFERENCE NUMBER:</b> PZ-2007-05	<b>SUBJECT:</b> Adopt Ordinance rezoning 27.58 acres of land in the J.M. Evans Survey Abstract Number 466 and the C.A. Kuykendall Survey Abstract Number 890, also being Lots 1-37 of Block 1; Lots 17-24 of Block 2; Lots 1, 2, and 33-56 of Block 3; Lots 1-30 of Block 4; and Lots 39-43 of Block 5 of Brookside at Benbrook Field Phase I from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (west of Vista Way and south of Sterling Drive)	<b>PAGE:</b> 1 of 8
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**PZ – 07 – 02 STAFF REPORT  
TO PLANNING AND ZONING COMMISSION  
MARCH 8, 2007**

**SUBJECT PROPERTY:** 27.58 acres of land in the J. M. Evans Survey Abstract Number 466 and the C. A. Kuykendall Survey Abstract Number 890, (Lots 1-37, Block 1; Lots 17-24, Block 2; Lots 1, 2, and 33-56, Block 3; Lots 1-30, Block 4; and Lots 39-43, Block 5; Brookside At Benbrook Field Phase I

**LOCATION:** Planning Area "D", Brookside At Benbrook Field Phase I, west of Vista Way and south of Sterling Drive

**AREA:** 27.58 acres

**CURRENT ZONING:** "BR" One Family Reduced District

**LAND USE PLAN REFERENCE:** Residential, Low Density Single Family

**PROPOSED ZONING:** "BR-PD" One Family Reduced Planned Development District

**OWNER:** One Benbrook Ranch, LTD  
Irving, Texas

**APPLICANTS:** National Homes of Fort Worth  
Fort Worth, Texas  
and  
Adams Polk Homes, Inc.  
Willow Park, Texas

**History**

<b>SUBMITTED BY:</b>	<b>DISPOSITION BY COUNCIL:</b> <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	<b>PROCESSED BY:</b> CITY SECRETARY
<b>CITY MANAGER</b>		<b>DATE:</b>

DATE:  04/19/07	REFERENCE NUMBER: PZ-2007-05	SUBJECT: Adopt Ordinance rezoning 27.58 acres of land in the J.M. Evans Survey Abstract Number 466 and the C.A. Kuykendall Survey Abstract Number 890, also being Lots 1-37 of Block 1; Lots 17-24 of Block 2; Lots 1, 2, and 33-56 of Block 3; Lots 1-30 of Block 4; and Lots 39-43 of Block 5 of Brookside at Benbrook Field Phase I from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (west of Vista Way and south of Sterling Drive)	PAGE:  2 of 8
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The subject property is a portion of a 109.8-acre tract that was rezoned to "BR" District in September 2004 in conjunction with the August 2004 preliminary plat approval of Benbrook Towne Crossing (P-04-04) by the Planning and Zoning Commission. Prior to the 2004 rezoning to "BR" District, the subject property was zoned "SD" Suburban District since August 1977. Before the 1977 zoning change, the property was zoned "A" One Family District.

**Planning Review**

The City Planning Staff has reviewed the rezoning application and offers the following:

1. Two home building groups, Adams Polk Homes and National Homes, have a contract to purchase the 106 single-family lots in Brookside At Benbrook Field Phase I. The rezoning application submitted by the two home building groups is joined and signed by the current landowner.
2. The "PD" rezoning application proposes reductions in the Front Yard, Rear Yard, and Side Yard provisions of the "BR" District Height and Area Regulations. The application does not propose any modifications to the balance of the "BR" District Height and Area Regulations or any of the Use Regulations in the Zoning Ordinance text.

The Front Yard requirement with the "PD" application is proposed to reduce the setback from 25 feet to 20 feet for houses and allow a 15-foot setback for covered front porches. The 5-foot porch encroachment is limited to porches open on three sides. The Rear Yard requirement with the "PD" application is proposed to reduce the 15-foot setback to five feet. The applicant told Staff the proposed rear yard reduction is intended for detached garages. The Side Yard requirement with the "PD" application is proposed to maintain the minimum five-foot setback on each side but reduce the minimum combined side yard on an interior lot from 15 feet to ten feet.

The applicants describe the proposed "PD" regulations as an enhancement on their ability to use period architecture that is consistent with the 1920's design theme anticipated in the development.

The 25-foot front yard requirement in all single-family districts in the Zoning Ordinance is to provide a standard of open space, a degree of consistency, and achieve a desired streetscape design. Additionally, the 25-foot setback provides an area where vehicles can be reasonably parked between garage doors and property lines without encroaching on public sidewalks along front lot lines. The capability for off-street parking in the front yard area reduces the occurrence of on-street parking and resulting street congestion and traffic hazards. Staff does not support the proposed 20-foot building setback. However, Staff does support the proposed 5-foot porch encroachment to achieve the desired architectural theme. The only neighborhood in Benbrook with a 20-foot front yard setback is the 228-lot

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Winchester Addition that was developed in the late 1980's, north of Jerry Dunn Parkway and east of Rolling Hills Drive. Staff would not object to a smaller front yard setback with a greater setback required for the garage.

The proposed 10-foot reduction of the 15-foot rear yard minimum specified in the Zoning Ordinance is intended to allow detached garages 5 feet from the rear lot line. It is Staff's opinion that the 15-foot minimum rear yard should be maintained for dwelling structures and the proposed 5-foot minimum rear yard should be specifically limited to uninhabitable, detached accessory structures.

The proposed deletion of the 15-foot minimum side-yard combination on interior lots has been used in the La Bandera Phase III development south of Cook Ranch Road and all three phases of the Whitestone Ranch development south of Jerry Dunn Parkway. The proposal maintains the minimum 10-foot separation between houses but does limit access to rear yards for boat and trailer storage. With the exception of complaints from subsequent homeowners unable to access back yards for boat, RV, and trailer storage, and swimming pool construction, the staff is not aware of any problems in the developments where the 15-foot combination side-yard requirement has been deleted and has no objection to that element of the current proposal.

3. The proposed rezoning is compatible with existing zoning and land uses in the area which have similar densities, permitted activities, and design standards. The proposed zoning will not have an appreciable effect on existing or future infrastructure.
4. Section 211.004 of the Texas Local Government Code requires that "Zoning Regulations must be adopted in accordance with a comprehensive plan..." The proposed rezoning conforms to the Land Use Element of the Comprehensive Plan.

**Recommendation**

It is recommended that the Planning and Zoning Commission recommend that the City Council approve the Z-07-02 rezoning of the 27.58 acres in the J.M. Evans Survey Abstract Number 466 and the C.A. Kuykendall Survey Abstract Number 890 from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District, with conformance with all provisions of the Zoning Ordinance except:

1. Front yards shall be not less than twenty-five feet (25'). Attached covered porches may encroach on the front yard requirement by up to five feet (5'), leaving a 20-foot (20') front yard at the width of the porch, with a front porch defined as a covered area fully open on the front and both sides with the side opening being a minimum of 5 feet (5'), or the depth of the encroachment.

DATE:  04/19/07	REFERENCE NUMBER: PZ-2007-05	SUBJECT: Adopt Ordinance rezoning 27.58 acres of land in the J.M. Evans Survey Abstract Number 466 and the C.A. Kuykendall Survey Abstract Number 890, also being Lots 1-37 of Block 1; Lots 17-24 of Block 2; Lots 1, 2, and 33-56 of Block 3; Lots 1-30 of Block 4; and Lots 39-43 of Block 5 of Brookside at Benbrook Field Phase I from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (west of Vista Way and south of Sterling Drive)	PAGE:  4 of 8
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2. Rear yards shall not be less than fifteen feet (15') for dwelling structures. Rear yards shall not be less than five feet (5') for uninhabitable, detached accessory buildings.
3. Side yards on interior lots shall be a minimum of five feet (5').

\*\*\*\*\*

**UNAPPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
August 12, 2004**

**Z – 07 – 02**

**Consider rezoning of 27.58 acres of land in the J. M. Evans Survey Abstract Number 466 and the C. A. Kuykendall Survey Abstract Number 890, also being Lots 1-37 of Block 1; Lots 17-24 of Block 2; Lots 1, 2, and 33-56 of Block 3; Lots 1-30 of Block 4; and Lots 39-43 of Block 5; of Brookside At Benbrook Field Phase I from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (West of Vista Way and south of Sterling Drive)**

Chairman Early introduced the item and asked for a presentation from the applicant.

Trine Owen with National Homes, 6133 Cliffbrook, North Richland Hills, said he and the joint applicant, Jeff Polk with Adams Polk Homes, had read the staff report and concur with the staff's recommendations. Mr. Owen said they originally had requested a 20-foot front yard setback but is not adverse to Staff's recommendation of leaving the setback at 25 feet. They are also in agreement with Staff's recommendation that the rear yard setback be not less than fifteen feet (15') for dwelling structures and not less than five feet (5') for uninhabitable, detached accessory buildings.

Mr. Owen said the main reason for the rezoning is their request for a minimum 5-foot side yard setback. He said they want to build a period home product and the smaller setback helps them achieve that look and gives them flexibility for more creativity in the design of the homes. The homes will vary from approximately 1,900 square feet up to 3,500 square feet.

Jeff Polk, 6305 Bettinger, Colleyville, said the five-foot side yard setback is key to their home designs. Mr. Polk said right now the "BR" zoning requires a combination of 15 feet, which takes out a substantial amount of width on the houses they can build. He said one of the main reasons is that they are not doing a single door on a two-car garage. Period homes from the 1920's did not have 16-foot garage doors, so by doing two, eight and a half-foot (8 ½ ') garage doors, another one and one half (1 ½') feet are required between the two doors.

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Another factor is the front porches and architectural details they want to use on the houses. With the combined 15-foot setback, they are left with a very small area on the front of the house.

Mr. Polk handed out pictures of houses and floor plans reflecting the style of homes they wish to build in the subdivision. He explained how the different front elevations would need to change if the requested 5-foot side yard setbacks are not approved. He said the majority of the homes will not have the minimum 5-foot on the side yards. Mr. Polk said there will be a good mix of different style homes that add to the charm of the neighborhood.

The Chair asked for any comments or questions from the Commission. Discussion followed between the applicants and the Commission on the design, exterior materials, size, width, and garages of the house plans that Mr. Polk handed out. Mr. Polk said he and Mr. Owen will oversee the architectural control of the houses and the deed restrictions will require at least 80 percent brick or stone on the entire first floor elevations. He said some of the plans will require some siding above the first floor but they are very particular about the type of siding that can be used.

The Chair asked for a report from Staff.

Ed Gallagher said the applicants, National Homes and Adams Polk Homes will be building single-family houses on the 106 lots of the recently platted Brookside At Benbrook Field Phase I development, west of the recent extension of Vista Way.

The two builders are requesting a Planned Development attachment to the current BR District classification on the lots to have reduced front, side, and rear yard setbacks and maintain all other provisions of BR District. The setback reductions are proposed as part of an anticipated 1920's period architectural theme for the development.

Mr. Gallagher said with the application, front yards would be reduced from 25 feet to 20 feet for houses and an additional five-foot reduction to have a 15-foot setback for porches. Side yards are proposed to maintain the five-foot minimum but delete the 15-foot combination minimum. Rear yards are proposed to reduce by ten feet, from a 15-foot minimum to a five-foot minimum.

Setbacks provide a standard of open space and consistency in a neighborhood and front setbacks additionally create a streetscape and provide for off-street parking that reduces on-street parking that results in traffic congestion and traffic hazards.

Mr. Gallagher said the reduced front setback will contribute to on-street parking and the staff does not support that element but has no objection to the five-foot porch encroachment of a 25-foot setback as part of an architectural theme. He said Staff does not object to the reduced rear yard with it applying to an uninhabitable, detached accessory building, but not the dwelling structure. The proposed deletion of the 15-foot minimum side yard combination has been used in a few other areas and Staff does not object to that

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element. However, it should be noted that the side yard reduction does limit future access to back yards for boat, trailer, and other similar equipment, and for swimming pool and other construction.

Mr. Gallagher said the requested zoning is compatible with existing zoning and land uses in the area which have similar densities, permitted activities, and design standards and will not have an appreciable effect on existing or future infrastructure.

Section 211.004 of the Texas Local Government Code requires that "Zoning Regulations must be adopted in accordance with a comprehensive plan..." This rezoning conforms to the Land Use Element of the Comprehensive Plan.

Staff recommends that the Planning and Zoning Commission recommend City Council approval of the Z-07-02 rezoning of Brookside At Benbrook Field Phase I from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District, with conformance with all provisions of the Zoning Ordinance except:

1. Front yards shall be not less than twenty-five feet (25'). Attached covered porches may encroach on the front yard requirement by up to five feet (5'), leaving a 20-foot (20') front yard at the width of the porch, with a front porch defined as a covered area fully open on the front and both sides with the side opening being a minimum of 5 feet (5'), or the depth of the encroachment.
2. Rear yards shall not be less than fifteen feet (15') for dwelling structures. Rear yards shall not be less than five feet (5') for uninhabitable, detached accessory buildings.
3. Side yards on interior lots shall be a minimum of five feet (5').

The Chair asked for any comments or questions from the Commission. Ms. Price asked what kind of landscaping would be used in the project. Mr. Polk said the entire yard will have full sod and irrigation. He said they had originally wanted to plant trees along the right-of-way but City ordinances would not allow it so they will require two trees in the front yard of every lot.

Ms. Price asked why the homes with front porches could not be pushed back instead of encroaching into the 25-foot front yard setback. Mr. Polk said most customers want a bigger back yard. Mr. Owen said a bigger back yard also increases the perceived and actual value of the property.

Mr. Shah said he would like to have some assurance that what the applicants are asking for, will be built the way it has been presented. He said he would like to have architectural standards as part of the PD zoning. Dave Gattis said, when PD zoning requirements are reduced from what would ordinarily be required, it is not unreasonable to consider the public benefit. Mr. Gattis said the Commission could attach required architectural standards in return for granting the less restrictive setback standards that would normally be required.

DATE:  04/19/07	REFERENCE NUMBER: PZ-2007-05	SUBJECT: Adopt Ordinance rezoning 27.58 acres of land in the J.M. Evans Survey Abstract Number 466 and the C.A. Kuykendall Survey Abstract Number 890, also being Lots 1-37 of Block 1; Lots 17-24 of Block 2; Lots 1, 2, and 33-56 of Block 3; Lots 1-30 of Block 4; and Lots 39-43 of Block 5 of Brookside at Benbrook Field Phase I from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (west of Vista Way and south of Sterling Drive)	PAGE:  7 of 8
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Following discussion between Staff and the Commission on architectural standards and setbacks, the Chair opened the public hearing at 8:28 p.m. and asked if anyone wished to speak for or against the item.

Ron Rainey, Director Benbrook Economic Development Corporation, said Benbrook EDC and their development partners had originally planned on a ranch theme for all the commercial properties in the development. Because of all the cities that have developed areas with a ranch theme, they looked at ways to make the Benbrook development unique. Mr. Rainey said in the early 1900s, the area was known as Benbrook Field, where many Canadian pilots were trained as part of World War I operations. He said they have changed the theme of the two large commercial developments at Benbrook Field to look more like that era, i.e., WWI and the 1920s.

Mr. Rainey said the applicants are excited about the period type homes they plan to build, which have been described as looking like the area around TCU. It will make the whole project look like it has been there for a number of years because one particular commercial development at 200,000 square feet, has agreed to a façade that matches the 1920s period. Mr. Rainey said another commercial development at 140,000 square feet has also agreed so it will really blend well as you go from the commercial areas into the residential areas. If the requirement for the applicants to build that period home is for the variance they are requesting, then Mr. Rainey said he would support that variance.

The Chair asked if there any others that wished to speak for against the item. There being none, the Chair closed the public hearing at 8:30 p.m. and asked for any comments, questions, or a motion from the Commission.

Discussion followed between the Commission, Staff, and the applicants on architectural standards, setbacks, tract or volume builders versus custom builders, and how the ordinance for the PD zoning should be worded.

Motion by Dr. Marshall that the Commission recommend the City Council approve Z – 07 – 02 with conformance with all provisions of the Zoning Ordinance except:

1. Front yards shall be not less than twenty-five feet (25'). Attached covered porches may encroach on the front yard requirement by up to five feet (5'), leaving a 20-foot (20') front yard at the width of the porch, with a front porch defined as a covered area fully open on the front and both sides with the side opening being a minimum of 5 feet (5'), or the depth of the encroachment.
2. Rear yards shall not be less than fifteen feet (15') for dwelling structures. Rear yards shall not be less than five feet (5') for uninhabitable, detached accessory buildings.
3. Side yards on interior lots shall be a minimum of five feet (5').

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4. Architectural standards shall be related to early 20<sup>th</sup> Century theme, pre 1945-time period, as approved by the Building Official and if not approved, the builder may submit the plan to the Planning and Zoning Commission for approval.
5. Landscaping shall be left up to the developer.
6. At least 65 percent of the front elevation shall be masonry.
7. The builders deed restrictions shall include limitations on recreational vehicles not be allowed past the front building line.

Second by Mr. Valverde. Following discussion on the motion, the Chair called the question.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. Early, Ms. Price, Mr. Shah, Dr. Marshall, Mr. Hughes, and Mr. Ramsey

Noes: None

Motion carried 7 – 0



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/19/07	REFERENCE NUMBER: G-1694	SUBJECT: Financial Report for Quarter Ending March 31, 2007	PAGE: 1 of 2
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Attached for City Councils information and consideration is the financial report for the quarter ended March 31, 2007.

### **GENERAL FUND REVENUES**

Revenues through the end of the City's second quarter totaled \$9,360,576 or 77.82% of budgeted revenues. Ad Valorem Taxes produced almost 73% of total revenues. Franchise taxes produced 10.57%, while Other Taxes were responsible for 7.34% of total revenues.

Revenue collected through the end of the second quarter was \$526,765 more than the amount received during the same period in the prior year.

### **GENERAL FUND EXPENDITURES**

Expenditures through the end of the quarter were \$5,751,569 or 47.82% of budgeted expenditures. No departments are over expended at this time.

Revenues exceed expenditures by \$3,609,007.

### **DEBT SERVICE FUND**

Revenues received through the end of the quarter totaled \$1,185,668 or 95.66% of the budget. Total expenditures during the quarter amounted to \$930,486.

### **EDC REPORT**

EDC revenues were \$392,778, with most of this amount coming from the sales tax receipts. EDC expenditures were \$903,898, with the largest expenditures going toward land acquisition and interest on outstanding loans.

### **CAPITAL PROJECTS FUNDS**

Capital Projects revenues amounted to \$101,567. Capital Projects expenditures were \$283,784.

### **SPECIAL ASSESSMENT**

Special Assessments revenues were \$40,374, while expenditures amounted to \$38,720.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:

DATE: 04/19/07	REFERENCE NUMBER: G-1694	SUBJECT: Financial Report for Quarter Ending March 31, 2007	PAGE: 2 of 2
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**INVESTMENTS**

At March 31, 2007, the City had \$14,127,876 invested at varying interest rates.

**RECOMMENDATION**

Staff recommends that City Council accept the quarterly financial report for the quarter ended March 31, 2007.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/19/07	REFERENCE NUMBER: G-1695	SUBJECT: Quarterly Hotel/Motel Tax Report	PAGE: 1 of 1
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Attached for City Council's information and consideration is the quarterly Hotel Motel Occupancy Tax report for the quarter ended March 31, 2007.

**REVENUES**

The opening balance on January 1 was \$267,410 with quarterly revenue collections of \$32,927.

**EXPENSES**

Total quarterly expenses were \$15,925. The HMOT fund balance was \$284,411 at March 31, 2007.

**Benbrook Area Chamber of Commerce**

The Chamber submitted receipts totaling \$10,815. Most of this amount was for the salary and shared overhead of the Tourism Director (\$10,038) and dues and training expenses of \$777.

**VSA**

After not submitting a report for the first quarter, VSA submitted expenses of \$1,541. All of the expenses are substantiated by receipts or other forms of documentation.

**Motel 6**

Motel 6 submitted \$3,570 in advertising expenses.

**RECOMMENDATION**

Staff recommends that City Council approve the Quarterly HMOT report and authorize staff to make the reimbursements requested.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:  CITY SECRETARY
CITY MANAGER		DATE:



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/19/07	REFERENCE NUMBER: G-1696	SUBJECT: Resolution Supporting Price Disclosure on Sale of Real Estate	PAGE: 1 of 1
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### **BACKGROUND**

Several years ago, the State Legislature mandated that all property be appraised at market value. The only way to determine true market value is to know the sales price of property. Currently, Texas is one of 15 states that does not require sales price disclosure. Therefore, tax appraisal districts throughout the State must estimate property values based on whatever information is available. As a result, property values for commercial and industrial property are historically undervalued, costing taxing entities billions in lost revenue. The problem is more pronounced for commercial and industrial property because there is much less comparative data to base appraisals on than residential property. Simply put, commercial and industrial property sales occur much less frequently than residential sales.

### **LEGISLATION**

The Legislature is currently considering legislation (HB 1552 and SB 270) that would require sales price disclosure. The Tarrant Appraisal District (TAD) has asked that all cities support the proposed legislation by passing the attached resolution of support. TAD strongly believes HB 1552 and SB 270 will promote more accurate appraisals while making the appraisal process more efficient and understandable to the consumer.

### **RECOMMENDATIONS**

Staff recommends that City Council pass the Resolution supporting sales price disclosure.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
CITY MANAGER		CITY SECRETARY
		DATE: