

**AGENDA  
BENBROOK CITY COUNCIL  
THURSDAY, APRIL 3, 2008  
911 WINSKOTT 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 Lonnie Huett with Restoration Family Church  
PLEDGE OF ALLEGIANCE**
- III. MINUTES**
  1. Minutes of the regular meeting held March 20, 2008
- IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL**
  1. Certification and Ordinance Canceling May 10, 2008 General Election
- V. INFORMATIONAL PRESENTATION**
  1. Tommy Davis, Fire Chief – Compressed Air Foam System
- VI. PRESENTATION BY PLANNING AND ZONING COMMISSION**
- VII. REPORTS OF CITY MANAGER**
- VIII. OTHER MATTERS OF BUSINESS**
- IX. INFORMAL CITIZEN COMMENTS** – State Law prohibits any deliberation of or decisions regarding items presented in information citizen comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting.
- X. ADJOURNMENT**



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, MARCH 20, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, March 20, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich  
Dan Tully  
Larry Stowe  
Keith Bailey  
Ron Sauma

Also Present:

Dave Gattis, Deputy City Manager  
Joanna King, City Secretary  
David Ragsdale, Comptroller  
Cathy Morris, Administrative Analyst

Others Present:

Dorcas Neuman, Benbrook News  
Ed Gallagher, Planner  
Bill Smith  
Colin Murchison  
Ron Underwood  
Robert Loritz  
Mike Patterson  
And 5 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 Mr. Bill Smith.  
The Pledge of Allegiance was recited.

### **III. MINUTES**

#### **1. Minutes of the regular meeting held February 21, 2008**

Motion by Mr. Stowe, seconded by Mr. Sauma to approve the minutes of the regular meeting held February 21, 2008

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

### **IV. PROCLAMATION/AWARDS/RECOGNITION**

#### **1. Proclamation – American Red Cross Month**

Mayor Dittrich presented a Proclamation to Mr. Colin Murchison, Board Director with the Chisholm Trail Chapter of the American Red Cross proclaiming March as American Red Cross Month

### **V. INFORMATIONAL PRESENTATION**

#### **1. Gateway Land Services Seismic Testing**

Mr. Ron Underwood, Permit Supervisor with Gateway Permit Services gave an informational presentation regarding seismic testing that will be performing in the City on behalf of XTO Energy, Inc.

### **VI. PRESENTATION BY PLANNING AND ZONING COMMISSION**

#### **PZ-2008-02 Adopt Update of Section 17- Capital Improvements of the Comprehensive Plan**

Dave Gattis gave the following report: The Capital Improvements Plan (CIP) identifies capital project to be built by the City. CIP projects typically include:

- Street reconstruction
- Drainage projects
- Community facilities, such as parks and City buildings

CIP typically looks at three time horizons: 1 year, 5 year and 10 year.

The CIP is included in the Comprehensive Plan and summarized in the annual budget and is required to be updated annually by the City Charter.

Changes and updates include:

- Financial status of projects updated through September 30, 2007
- Revision and update of bonding capacity
- Community facilities cost revised to 2007 dollars using ENR Building Cost Index
- Revision to street inventory
- Drainage cost revised to 2006 dollars using revised unit cost

Mayor Dittrich opened the public hearing at 8:25 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 8:26 p.m.

Motion by Mr. Stowe, seconded by Mr. Tully to adopt the revised Section 17-Capital Improvements as part of the Comprehensive Plan.

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

## **VII. REPORT OF CITY MANAGER**

### **A. GENERAL**

#### **G-1768 Financial report for month of February 2008**

Dave Gattis gave the following report: General Fund revenues for the month of February totaled \$1,594,153 with almost all this amount coming from property taxes. General Fund expenditures for February totaled \$898,095. At February 29, revenues exceeded expenditures by \$3,880,525.

EDC revenues were \$85,384 while expenditures were \$98,721 with most of this going for legal services, engineering and interest on debt.

Investments were \$14,809,152 at February 29 and the entire amount is available immediately if needed.

Motion by Mr. Tully, seconded by Mr. Bailey to accept the financial report for the month of February 2008 as presented by staff.

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1769      Comprehensive Annual Financial Report for Fiscal Year 2006-2007**

David Ragsdale gave the following report: This marks the fourth year for the new business world format and the objectives are still the same. The report shows that the City had \$12,171,173 in current assets. The City Capital Assets were \$97,515,660 with depreciation of \$43,895,319. The City's Capital Assets are 45% depreciated. These numbers indicate that the City may need to consider issuing bonds to replace some of those fully depreciated assets.

Other highlights of the annual financial report include:

- Although City Council budgeted a balance budget, the City ended the year with a surplus of 812,118. Most of this surplus was due to the department turning back \$789,968 of their budgets.
- The General Fund ended with a balance of \$6,367,531.
- Total ending balances of all funds were \$11,110,789.

Motion by Mr. Sauma, seconded by Mr. Tully to accept the Comprehensive Annual Financial Report for the period ending September 30, 2007.

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1770      Adopt Ordinance amending Chapter 15.28 of the Benbrook Municipal Code by revising the restrictions on moving buildings within the City**

Dave Gattis gave the following report: In 1962 City Council passed an ordinance prohibiting moving houses into residential districts. The ordinance is vague and can be misconstrued. The Ordinance also contains provisions that are in conflict with State law.

City staff and the City Attorney are proposing revisions. The proposed ordinance maintains prohibitions against bringing substandard buildings into the City. The ordinance adds four exemptions:

- Does not apply to moving a building from one part of a lot to another
- Construction trailers
- Manufactured and modular homes
- Prefabricated storage buildings under 400 square feet.

Motion by Mr. Bailey, seconded by Mr. Stowe to adopt Ordinance No. 1255 amending Chapter 15.28 of the Municipal Code regarding house moving.

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1771 Adopt revised Administrative Regulation CD-4 regarding maintenance of detention ponds**

Dave Gattis gave the following report: Administrative Regulation CD-4 addresses maintenance responsibilities for:

- City-owned property
- Drainage easements on private property, and
- Drainage on private property without easements

Existing detention ponds are on common property within drainage easement, so Homeowners Associations are responsible for mowing, etc. The City began requiring detention ponds about five years ago. Currently, there are four detention ponds – La Bandera and Trinity Gardens. More will be required to handle new development under iSWM standards.

The City is in better condition to maintain ponds than a Homeowner Association and the regulation addresses the perceived “double charge” with storm water utility fees. The City will provide basic maintenance for ponds to assure function.

Homeowner Associations will be responsible for any landscaping and maintenance above minimum standards.

Motion by Mr. Sauma, seconded by Mr. Stowe to adopt the revised Administrative Regulation CD-4.

Vote on the Motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**VIII. OTHER MATTERS OF BUSINESS**

**IX. INFORMAL CITIZEN COMMENTS**

**X. ADJOURNMENT**

Meeting adjourned at 8:47 P.M.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**

**CERTIFICATE OF UNOPPOSED CANDIDATES  
CERTIFICACION DE CANDIDATOS UNICOS**

To: Presiding Officer of Governing Body  
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 10, 2008.

Como autoridad a cargo de la preparacion de la boleta de volacion, por la presente certifico que los siguientes candidatos son candidatos unicos para election para un cargo en la eleccion que se llevara a cabo el 10 de mayo do 2008.

List offices and names of candidates:  
Lista de cargo y nombres de los candidatos:

Member of City Council Place 2 El miembro del Lugar de ayuntamiento 2	James D. Schull James D. Schull
Member of City Council Place 4 El miembro del Lugar de ayuntamiento 4	Rickie Allison Rickie Allison
Member of City Council Place 6 El miembro del Lugar de ayuntamiento 6	Mark Washburn Mark Washburn

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Signature (Firma)

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Printed name (Nombre en letra de molde)

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Title (Puesto)

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Date of signing (Fecha de firma)

Seal

**ORDER OF CANCELLATION  
ORDEN DE CANCELACION**

The Benbrook City Council hereby cancels the election scheduled to be held on May 10, 2008 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El Benbrook City Council por la presente cancela la eleccion que, de lo contrario, se hubiera celebrado el 10 de mayo de 2008, con la Seccion 2.053 (a) delCodigo de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos unicos y por la presente quedan elegidos como se halla indicado a continuacion:

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
James D. Schull	Member of City Council, Place 2 El miembro del lagar de ayuntamiento 2
Rickie Allison	Member of City Council, Place 4 El miembro del lagar de ayuntamiento 4
Mark Washburn	Member of City Council, Place 6 El miembro del lagar de ayuntamiento 6

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Dia de las Elecciones se exhibira una copia de esta orden en todas las mesas electorales que se habieran utilizado en la eleccion.

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Jerry B. Dittrich, Mayor

Attest:

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Joanna King, City Secretary

April 3, 2008

Date of adoption (Fecha de adopcion)

**ORDINANCE NO. 1256**

**AN ORDINANCE CANCELING THE MAY 10, 2008 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.**

**WHEREAS**, the City of Benbrook, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, in accordance with law a general election has been order for May 10, 2008 for the purpose of electing City Council members to serve on the City Council in the City of Benbrook; and

**WHEREAS**, no propositions are to appear on the ballot in that election; and

**WHEREAS**, the City Secretary has certified in writing that each candidate on the ballot is unopposed for election to office; and

**WHEREAS**, the filing deadlines for placement on the ballot and declaration of write-in candidacy has passed; and

**WHEREAS**, in these circumstances Title 1, Chapter C, Subchapter C, Section 2.053, 2 of the Texas Election Code authorizes a governing body of a political subdivision, by order or ordinance, to declare each unopposed candidate elected to office and cancel the election.

**NOW, THEREFORE, BE IT ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, THAT:**

**SECTION 1**

The following candidates, who are unopposed in the May 10, 2008 general election, are hereby declared elected to office, to each serve a full two-year term and shall be issued a certificate of election:

- |                                |                 |
|--------------------------------|-----------------|
| Member of the Council, Place 2 | James D. Schull |
| Member of the Council, Place 4 | Rickie Allison  |
| Member of the Council, Place 6 | Mark Washburn   |

**SECTION 2**

The May 10, 2008 General Election is hereby canceled.

### **SECTION 3**

Pursuant to Title 1, Chapter 2, Section 2.053, of the Texas Election Code each candidate elected so named in Section 1 of this Ordinance shall be issued a certificate of election after the May 13, 2006 election date.

### **SECTION 4**

Each candidate so elected shall execute the Statement of Elected Official prior to being administered the oath of office as prescribed by the Benbrook Home Rule Charter.

### **SECTION 5**

The City Secretary is hereby directed to post a copy of the Order of Cancellation at each designated polling place on May 10, 2008.

### **SECTION 6**

This ordinance shall be cumulative of all provisions of ordinances of the City of Benbrook, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

### **SECTION 7**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

### **SECTION 8**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the caption, Section 1, and the effective date in the minutes of the City Council of the City of Benbrook and by filing this Ordinance in the Ordinance records of the City of Benbrook.

### **SECTION 9**

The City Secretary is hereby directed to publish in the official newspaper of the City of Benbrook, the caption, Section 1 and effective date of this Ordinance for two (2) days.

**SECTION 10**

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

**PASSED AND APPROVED ON this 3<sup>rd</sup> day of April 2008**

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Jerry B. Dittrich, Mayor

ATTEST:

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Joanna King, City Secretary