

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 19, 2019
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM
1. Review and discuss agenda items for regular meeting
REGULAR MEETING
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

II. INVOCATION

PLEDGE OF ALLEGIANCE

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Approve Minutes Of The Regular Meeting Held September 5, 2019

Documents:

[CC MINUTES-09-05-19.PDF](#)

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2430 Accept Finance Report For Period Ending August 31, 2019

Documents:

[G-2430 FINANCE REPORT AUG 2019.PDF](#)
[G-2430 REVENUE CHART AUG 2019.PDF](#)
[G-2430 EXPENDITURE CHART AUG 2019.PDF](#)
[G-2430 SALES TAX COMPARISON AUG 2019.PDF](#)

G-2431 Adopt Ordinance Approving Budget Figures For Fiscal Year 2019-2020

Documents:

[G-2431 ORDINANCE BUDGET FIGURES 2019-20.PDF](#)

G-2432 Adopt Ordinance Fixing And Levying Ad Valorem Tax For 2019

Documents:

[G-2432 ORDINANCE AD VALOREM TAX 2019.PDF](#)

G-2433 Ratify Property Tax Revenue Reflected In The Fiscal Year 2019-2020 Budget

Documents:

[G-2433 RATIFY TAX REVENUE.PDF](#)

G-2434 Adopt An Ordinance Amending Sections 5.42.090 And 5.42.100 Of Chapter 5.42 – Use Of Public Rights-Of-Way Of Title 5 – Business Licenses And Regulations Of The Benbrook Municipal Code

Documents:

[G-2434 SMALL CELL NODES.PDF](#)

[G-2434 ORDINANCE CELLULAR NODE.PDF](#)

B. PURCHASE

P-279 Purchase Four (4) 2020 Police Vehicles

Documents:

[P-279 PURCHASE POLICE VEHICLES.PDF](#)

P-280 Purchase Scale Computing System

Documents:

[P-280 PURCHASE SCALE COMPUTING SYSTEM.PDF](#)

VI. INFORMAL CITIZEN COMMENTS

State Law Prohibits Any Deliberation Of Or Decisions Regarding Items Presented In Informal Citizen Comments. City Council May Only Make A Statement Of Specific Information Given In Response To The Inquiry; Recite An Existing Policy; Or Request Staff Place The Item On An Agenda For A Subsequent Meeting. The Exception To Informal Comments Is That Once An Election Date Has Been Set By City Council Comments Relative To Elections Will Not Be Broadcast On The City's Cable Channel. However, A Copy Of The Tape Containing Citizens' Comments Will Be Available At City Hall For Review Or Purchase By Interested Citizens.

VII. COUNCIL MEMBER AND STAFF COMMENTS

Announcements From City Councilmembers And City Staff May Be Made For Items To Include: Expression Of Thanks; Congratulations; Condolence; Recognition Of Public Officials, Employees Or Citizens; Information Regarding Holiday Schedules; Reminders Of Community Events Or Announcements Involving An Imminent Threat To The Public Health And Safety Of The Municipality That Has Arisen After The Posing Of The Agenda. No Discussion Or Formal Action May Be Taken On These Items At This Meeting

VIII. ADJOURNMENT

WORKSESSION

1. Discuss Comprehensive Plan Update



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 5, 2019**

The regular meeting of the Benbrook City Council was held on September 5, 2019 at 7:30 p. m. in the Council Chambers with the following Council members present:

Jerry Dittrich, Mayor
Renee Franklin
Larry Marshall
Dustin Phillips
Laura Mackey
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Jim Hinderaker, Assistant City Manager
Hillary Cromer, EDC Analyst
Rick Overgaard, Finance Director
Dawn Green, Police Administrative Manager
Amanda Valdez, Management Analyst
Bennett Howell, Public Services Director

Others Present:

Jeff Rodriguez
Bill Smith
Jason Ward
Kent Williams
Dennis Lindgrom
Carroll Crombie
Henry Harveson, Boy Scout Troop 17
and 2 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. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Minutes of the regular meeting held August 15, 2019

Motion by Ms. Franklin seconded by Dr. Marshall to approve the minutes of the regular meeting held August 15, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2019-07 Adopt Resolution adopting voting system for use in City of Benbrook Elections

Joanna King gave the following report: The Texas Election Code requires entities to officially adopt the voting system used in elections. In August, the Tarrant County Commissioners Court awarded a contract with HART InterCivic to purchase Verity Voting System version 2.3.1 as the voting system for all forms of voting in Tarrant County elections.

The City of Benbrook currently contracts with Tarrant County Elections for joint elections. Through the contract, Tarrant County furnishes all voting equipment to be used during early voting and Election Day voting.

The Benbrook City Council called the November 5, 2019 General Election in July. With the recent purchase of the new equipment, it is now necessary that the City Council formally adopt the system that will be used in Benbrook elections.

Motion by Dr. Marshall, seconded by Mr. Phillips to adopt Resolution No. 2019-07 adopting the Hart Verity Voting System version 2.3.1 for City of Benbrook election beginning with the November 5, 2019 General Election.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2019-07 being **‘A RESOLUTION ADOPTING THE HART VERITY VOTING SYSTEM FOR ELECTIONS CONDUCTED BY THE CITY OF BENBROOK, TARRANT COUNTY, TEXAS.’**

CC-2019-08 Adopt Resolution amending Election Day polling places for Precincts 1021 and 1206

Joanna King gave the following report: On July 18, 2019, City Council adopted Resolution No. 2019-05 approving the Joint Election Agreement between the City and Tarrant County Elections for the November 5, 2019, General Election.

At the time of adoption, the election-day polling places were determined from a draft document provided by the Tarrant County Elections Division. On August 23, 2019, the City Secretary was notified by Tarrant County that the election-day polling place for Precinct No. 1021 (Benbrook City Hall) and Precinct No. 1206 (Benbrook Fire Station) were being combined into one polling place. The polling place for these two precincts will be the Benbrook Community Center, 228 San Angelo, Benbrook, Texas 76126.

With the change in the election-day polling place for Precinct No. 1021 and Precinct No. 1206, staff has prepared a resolution amending the polling places for the November 5, 2019, General Election.

Motion by Ms. Mackey, seconded by Mr., Sauma to adopt Resolution No. 2019-08 amending the election-day polling place for the election to be held November 5, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2019-08 being **“A RESOLUTION AMENDING THE ELECTION-DAY POLLING PLACE FOR PRECINCT NO. 1021 AND PRECINCT NO. 1206 FOR THE NOVEMBER 5, 2019 GENERAL ELECTION.”**

VI. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2019-03 Ratify BEDC budget for Fiscal Year 2019-2020

Cathy Morris gave the following report: The proposed Benbrook Economic Development Corporation (BEDC) FY2019-2020 budget totals \$1,874,158.00. City departments submit budgets for review by the City Manager and the Finance Department.

While administrative costs are approved through the normal budget review process, the BEDC board is asked to consider and approve EDC projects, as generally described in accounts 5700. At their August 19, 2019 regular meeting, the BEDC board approved the proposed budget; and is now seeking City Council ratification.

A summary of the Benbrook Economic Development Corporation FY 2019-2020 proposed budget is as follows:

Administrative Budget Accounts 5000 - 5300	
FY 2019-2020	\$499,158
BEDC Projects 5700	
5705 Storefront Improvement Program Grant (ongoing)	\$150,000
5706 NW Winscott Infrastructure (overruns, maintenance, incidentals)	\$100,000 \$50,000
5707 Westpark Corner (demo, maintenance, incidentals)	\$400,000
5711 Benbrook Plaza (redevelopment reimbursement)	\$75,000
5712 8909 Benbrook Boulevard (utility connections)	\$600,000
5722 Benbrook Boulevard (landscape, signage, beautification)	
	\$1,375,000
5700 Total Projects	
	<u>\$1,874,158</u>
<u>TOTAL FY 2019-2020 BEDC BUDGET</u>	

End-of-Year Available Funds

As of June 30, 2019, Staff projects liquid assets available (fund balance) on October 1, 2019 of approximately \$4,547,761. Projected FY2020 total revenue is approximately \$1,250,000. Subtracting the proposed FY2020 budget leaves projected end-of-fiscal-year funds available of \$3,923,603; notwithstanding anticipated new project expenditures and possible revenue from the sale of EDC-owned properties.

At their August 19, 2019 regular meeting, the BEDC board conducted a public hearing on this item; there were no citizen comments.

Motion by Mr. Sauma, seconded by Dr. Marshall to approve the proposed BEDC budget for FY2019-2020.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

EDC-2019-04 Approve Commercial Contract for Sale with Caron Moore Harrison to purchase 9460 Benbrook Boulevard, Benbrook, Texas for the purpose of redevelopment

Cathy Morris gave the following report: As part of the Benbrook Economic Development Corporation (BEDC) Strategic Plan, the BEDC is committed to evaluating commercial properties within Benbrook city limits to determine their highest and best use, to seek ways to encourage redevelopment where appropriate and feasible, and to review and analyze select properties and consider purchasing them to expedite quality development.

Focusing on creating redevelopment opportunities at the corner of Westpark Drive and Benbrook Boulevard/U.S. 377, BEDC has purchased four tracts of land; 9201 Westpark Drive (former Express Stop), 8949 Benbrook Boulevard (former Rub-a-Dub car wash), and 9331 and 9351 Westpark Drive (former Marc's Automotive). BEDC has initiated demolition, site improvements, and/or state-required environmental mitigation on these lots to facilitate desired future development.

BEDC's efforts to assemble tracts on this corner have resulted in the recent successful negotiation with the owner of 9460 Benbrook Boulevard, currently operating as Foot Works Performing Arts Center.

A contract for sale has been drafted and approved by the BEDC real estate attorney, attorneys for the property owner, Caron Moore Harrison, and the Benbrook Economic Development board of directors. The BEDC board and Caron Moore Harrison have agreed to a sale price of \$300,000 for the property; or approximately \$23 a square foot.

Staff is requesting a budget adjustment totaling \$350,000 to include the sale price as well as costs associated with real estate closing, possible demolition, and incidentals related to clean-up, preparation, and maintenance of the site.

BEDC conducted a Phase I Environmental Assessment which revealed no evidence of recognized environmental conditions (REC's) in connection with this property. At approximately .29 acres, this acquisition assembles all commercial tracts on this prominent corner, totaling approximately 3.37 acres for redevelopment opportunity.

The contract allows for a short-term commercial lease agreement with the current tenants of 9460 Benbrook Boulevard, Foot Works Performing Arts Center. The short-term lease is for a term of 180 days, and allows for an extension of that timeframe as the tenants undergo completion of their new dance studio facility, currently under construction at 9191 Vista Way.

The lease allows that the tenants will pay the BEDC a monthly rent of \$3,500; will be responsible for all utilities, expenses and maintenance and repair of the building and all systems; will maintain general liability insurance to protect the BEDC and the City of Benbrook; and will indemnify and hold harmless the landlord for any damages, losses, or injury.

Motion by Ms. Franklin, seconded by Mr. Phillips to ratify and direct the BEDC board president to execute the commercial contract for sale with Caron Moore Harrison for the purchase of property located at 9460 Benbrook Boulevard, Benbrook, Texas, and to amend the approved FY2020 BEDC budget by adding \$350,000 to be available for this project; a \$300,000 sale price, plus an additional \$50,000 to be available for associated real estate closing costs, possible demolition of building/slab/parking lot, clean-up, and any associated incidentals.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. REPORTS FROM CITY MANAGER

A. GENERAL

G-2424 Accept finance report for period ending July 31, 2019

Rick Overgaard gave the following report: General Fund revenues for the month of July were \$653,566. Property tax collections were \$154,486, Franchise Taxes were \$33,182, and Permits & Fees were \$31,055. Sales tax collected and recognized as revenue in July was \$250,363. Fiscal year to date sales tax is \$2,339,288, an increase of 16.99% over last year at this time. General Fund revenues collected through the end of July were \$17,765,426 or 87.8 percent of the budget.

General Fund expenditures for the month of July were \$1,327,789. As a reminder, transfers to other funds of \$1,670,000 and a transfer of \$214,804 for the Animal Shelter already occurred this fiscal year. Last fiscal year, these transfers (a combined \$2.0 million) were made in August. Expenditures through July were \$17,306,139 or 81.6 percent of the adopted budget.

Fiscal year-to-date, total General Fund revenues of \$17,765,426 exceeded General Fund expenditures of \$17,306,139 by \$459,287.

Debt Service revenues for the month of July totaled \$8,265 and all were from property tax. Expenditures for July were \$67,429 and were for debt service payments due August 1st. The next debt service payments will occur in February 2020. Fiscal year to date revenues of \$1,722,179, exceeded fiscal year to date expenditures of \$1,540,099, by \$182,080.

EDC revenues as of July 31, 2019, were \$1,912,678. EDC expenditures through the end of July were \$2,233,145, which includes the purchase of land. Total expenditures exceeded total revenues by \$320,467.

Total revenues received through July 31, 2019 were \$3,403,082 from stormwater utility fees, mineral lease revenue, TIF revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$4,330,965 through the end of July. July expenditures included the following projects: Chapin Road Cross Culver, Vista Way, Westpark Wall, and Clearfork Emergency Access Bridge. Total expenditures exceeded total revenues by \$927,883. 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.

A number of planned capital projects have occurred or are ongoing including the Vista Way extension (\$2.33 million), 800 MHz radio system (\$560,000), Animal Shelter (\$2.2 million), and multiple drainage projects. These projects, in combination with the end of the fiscal year, have incrementally decreased the total

“all funds” balance to \$19,274,546. This planned decrease is consistent with the adopted Capital Improvement Plan and ongoing cash flow requirements. General Fund reserves are still projected in excess of \$8,000,000.

On July 31, 2019, the City had \$19,274,546 invested at varying interest rates; the EDC had \$4,458,693 available.

Motion by Ms. Mackey, seconded by Dr. Marshall to accept the finance report for the period ending July 31, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2425 Adopt Resolution approving negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the 2019 Rate review Mechanism filing

Rick Overgaard gave the following report: The City, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in a resolution adopted by ACSC members in 2018. On or about April 1, 2019, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2018, entitled it to additional system-wide revenues of \$70 million. Application of the standards set forth in ACSC’s RRM Tariff required Atmos to reduce its request to \$54 million, \$39.3 million of which would be applicable to ACSC members. ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$38.7 million instead of the claimed \$54 million. The amount of the \$38.7 million deficiency applicable to ACSC members would be \$28.2 million.

After the Company reviewed ACSC's consultants' report, ACSC's Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$35.4 million from ACSC Cities.

The Executive Committee recommends a settlement at this amount. The Effective Date for new rates is October 1, 2019. ACSC members should take action approving the Resolution before the end of September.

Atmos generated proof that the rate tariffs will generate \$35.4 million in additional revenues from ACSC Cities. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

The impact of the settlement on average residential rates is an increase of \$2.05 on a monthly basis, or 3.7 percent. The increase for average commercial usage will be \$6.18 or 2.31 percent.

Motion by Dr. Marshall, seconded by Mr. Phillips to adopt Resolution No. 2019-09 approving the negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the 2019 Rate Review Mechanism filing.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2019-09 being "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING

DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL. "

G-2426 Authorize Interlocal Agreement with Fort Worth Independent School District to provide three police officers to participate in Annual School Security Initiative

Dawn Green gave the following report: The Benbrook Police Department provides three full-time School Resource Officers (SRO) for FWISD campuses located in Benbrook. The three officers serve as a liaison between the police department and Benbrook schools. All reports and incidents occurring on school property are handled primarily by the SRO's. During holidays and summer break, the officers perform regular patrol duties. The Fort Worth Independent School District subsidizes fifty percent (50%) of the salary, benefits, overtime, and training for all three officers.

Motion by Ms. Mackey, seconded by Mr. Sauma to approve the interlocal agreement between the City of Benbrook and the Fort Worth Independent School District for three (3) full-time School Resource Officers.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2427 Adopt Resolution continuing the receipt of the City's share of bingo prize fee funds

Amanda Valdez gave the following report: The Texas Legislature, during its 86th Regular Session, adopted House Bill 914 requiring the governing body of a municipality to authorize the continued collection of a portion of the bingo prize fee, after January 1, 2020, pursuant to the Texas Occupations Code.

The proposed Resolution reserves the City's future right to collect its share of bingo prize fees should a licensed authorized bingo organization begin operations within the corporate limits of the City of Benbrook after January 1, 2020. Currently, there are no licensed authorized bingo organizations operating within the corporate limits of the City.

As a result of an election held on August 14, 1982, Benbrook citizens approved legalization authorizing bingo games within the City of Benbrook.

Motion by Mr. Phillips, seconded by Dr. Marshall to approve the Resolution No. 2019-10 authorizing the continued receipt of the City's share of bingo prize fees collected from licensed authorized bingo organizations operating, after January 1, 2020, within the corporate limits of the City of Benbrook.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2019-10 being **"A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, AUTHORIZING THE CONTINUED RECEIPT OF ITS SHARE OF BINGO PRIZE FEES COLLECTED FROM LICENSED AUTHORIZED BINGO ORGANIZATIONS OPERATING WITHIN THE CORPORATE LIMITS OF THE CITY OF BENBROOK"**

G-2428 Approve Concessionaire Agreement with Benbrook Stables

Bennett Howell gave the following report: The operators of the Triple T Ranches, Inc. (d.b.a. Benbrook Stables), Steven and Molly Thomson, seek to renew their concession agreement with the City of Benbrook through June 14, 2027, which coincides with the expiration of the City's lease agreement with the U.S. Army Corps of Engineers (Corps)

The Benbrook Stables, which opened in the early 1950's, is a full-service equestrian facility offering several horse stabling options, guided trail rides, riding lessons, youth camps, rodeos and other horse themed social events. The facility is located on approximately 60-acres abutting the east side of Benbrook Boulevard, is one of five concessionaires currently operating on Corps property managed by the City of Benbrook under a fifty-year lease agreement with the Corps. The Thomson's have operated the facility since 1998.

The proposed concession agreement is largely unchanged from the previous agreement save some preferred, but non-material, contract verbiage included by the new Real Estate Contracting Officer for the Corps. Significant improvements included in the agreement are as follows:

- Enhanced pastureland management to include a grazing rotation plan, a seeding/fertilization plan and weed prevention plan.
- Repair caretaker quarters and corral announcer booth.
- Obtain final approval of "Unauthorized" Structures and Uses, which includes the conversion of three accessory buildings into operating cabins.
- Restoration of the existing "rotating" free standing pole sign.

Years 2-5 Improvements – Continue to improve the overall landscaping of the property by adding new plants and trees. Maintain buildings, fences and structures.

The Parks and Recreation Board held a public hearing on August 14th to review and take public comment. The Board unanimously recommended approval of the Benbrook Stables Concessionaire Agreement as amended.

Motion by Dr. Marshall, seconded by Mr. Sauma to approve the revised Concessionaire Agreement for Benbrook Stables.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2429 Revise 45th Year CDBG project scope of work and engineering contract

Bennett Howell gave the following report: On January 17, 2019, City Council approved the 45th-Year Community Development Block Grant (CDBG) project to include installing streetlights on Crosslands Road between S.H. 183 and Bellaire Drive. Staff is requesting that City Council approve expanding the scope of the project to include installing a portion of sidewalk along this same stretch of street.

City Council included the following CDBG projects in the current Capital Improvement Program (CIP).

- 43rd-Year – Streetlights on the north side of Bellaire Drive between the trail head and Crosslands Road. This project is under construction.
- 45th-Year – Streetlights on the east side of Crosslands Road between S.H. 183 and Bellaire Drive. Tarrant County has awarded the City \$130,000 for this project.
- 47th-Year – Sidewalk on the north side of Bellaire Drive between the trail head and Crosslands Road. The application will be submitted in 2021.
- 49th-Year – Sidewalk on the east side of Crosslands Road between S.H. 183 and Bellaire Drive. The application will be submitted in 2023.

The City has an opportunity to expand the scope of work for the 45th Year (Crosslands Road Streetlights) CDBG project to utilize excess funds from the 43rd Year CDBG project (Bellaire Streetlight Project). The Bellaire Streetlight Project will have approximately \$53,000 unencumbered once the project is finished. HUD will not allow Tarrant County to roll over more than \$25,000 to the next project, so

the City could lose \$28,000. Tarrant County will allow the City to expand the scope of work on the next CDBG project to include the sidewalk on Crosslands Road so the City doesn't lose the funds.

City staff requested that the 47th Year project (Bellaire Sidewalk) be included in the revised scope of work since that is the next project in the CIP. Tarrant County denied the request because the City cannot expand the project boundaries in order to receive the unencumbered funds. Therefore, City staff included the 49th Year (Crosslands Road sidewalk) CDBG project in the revised scope of work request.

There will be sufficient funds to construct approximately half of the sidewalk along Crosslands Road between S.H. 183 and Bellaire Drive. The remaining Crosslands Road sidewalk section will be constructed during the 47th Year project, along with the Bellaire Drive sidewalk. At a future date, the City Council will need to select a new project for the 49th Year CDBG.

The City will have to enter into a contract to design the sidewalk along Crosslands Road, because Tarrant County has expended its entire engineering budget. The design contract will include the entire length of Crosslands Road between S.H. 183 and Bellaire Drive. The cost is \$8,600. Teague, Nall & Perkins (TNP) is Tarrant County's engineering firm for this project. TNP has a long work history with the City.

If City Council approves these revisions, staff will include them in the CIP for formal approval later in the year.

The engineering contract will be financed through General Fund Reserves.

Motion by Ms. Franklin, seconded by Dr. Marshall to approve the revised 45th-Year Community Development Block Grant Project Scope of Work and the Engineering Contract.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

- 1. Conduct 1st Public Hearing on 2019 Property Tax Rate**
- 2. Conduct 1st Public Hearing on 2019-2020 Proposed Budget**

Rick Overgaard gave the following summary of the proposed 2019 Property Tax Rate

Effective and Roll Back Tax Rates (per \$100 valuation)

- Effective Tax Rate \$0.587345
- Roll Back Tax Rate \$0.627770
- Proposed Tax Rate \$0.627770

Proposed Ad Valorem Tax Rates (per \$100 valuation)

- General Fund \$0.60647
- Debt Service Fund \$0.02130
- Operating Funds \$0.62777

Changes in Assessed Valuations

- Certified Appraised Value 6.32%
- Total Taxable Value 9.82%

Assessed Value Data

- New Construction \$29,989,655
- One Cent of Property tax \$ 229,368

At the August 1, 2019 City Council meeting the Finance Director presented the certified appraisal roll from Tarrant Appraisal District (TAD). City Council accepted the certified appraisal roll and appointed the Finance Director to calculate and publish the effective tax rate and roll back tax rate. Notice was published in the Fort Worth Star-Telegram on August 7, 2019. The first public hearing on the tax rate was held on August 15, 2019 and the second public hearing will be held tonight, September 5, 2019.

The current tax rate is \$0.64 per \$100 valuation. The proposed tax rate for 2019 is \$0.62777 per \$100 valuation.

Rick Overgaard gave the following summary of the 2019-2020 Proposed Budget:

Revenues

- General Fund \$20,973,383
- Debt Service Fund \$ 487,107
- Operating Funds \$21,460,490

Expenditures

- General Fund \$19,872,244
- Debt Service Fund \$ 1,561,424

- Operating Funds \$21,433,668

Transfers Out – General Fund

- Capital Asset Replacement \$250,000
- Capital Projects Fund \$650,000
- Wall Repair Fund \$250,000

Transfers to Operating Funds

- Road Damage Fund \$1000,000
- Storm Water Utility Fund \$586,752
- TIF Fund \$503,136

Projected Ending Fund Balances

- General Fund \$8,386,666
- Debt Service Fund \$ 345,018
- Operating Funds \$8,731,684

Budget Highlights (Base Budget)

- Continuation of current services, programs and staffing levels
- Step increases of eligible full-time employees
- Replacement of computers, peripherals, and software as scheduled
- Swing sets for City parks
- \$250,000 transfer out to Wall Repair Fund
- Purchase two desktop scanners for Finance
- Additional software licenses for electronic plan review
- Upgrade and modernization of the IT infrastructure
- Upgrade Laserfiche/GIS software and services
- One additional police officer

Budget Highlights (Decision Packages)

- Replacement of four light bars for police vehicles
- Seven new Taser devices
- Eleven SWAT ballistic helmets
- Incentive money for out-of-state applicants
- Incinerator for property and evidence destruction
- New animal control vehicle
- Replacement of 16 self-contained breathing apparatus bottles
- Opticom traffic light system for emergency vehicles
- One Lucas chest compression unit for EMS
- Replacement of one ambulance

- Replacement of radar light sensors for intersections
- Continuation of street sign replacement program
- Expansion of street overlay program
- Expansion of concrete infrastructure repair program
- Rebuild and expand ballfield dugouts
- One 2.3-yard hopper top dresser for athletic field maintenance
- One stump grinder for tree removal
- Refinish shop floors in fleet maintenance
- Update plan room for digital plan review

Debt Service Fund

- Principal and interest payments for three General Obligation Bond issues
- Transfers from Storm Water Utility Fund and TIF Fund for related debt - \$1,089,878
- Debt Service Property Tax Rate at \$0.0213

This is the second public hearing on the proposed Fiscal Year 2019-2020 budget. The first public hearing was held on August 15, 2019. City Council will adopt the FY 2019-2020 budget, adopt the 2019 property tax rate and ratify property tax revenue increase at the September 19, 2019 meeting.

Mayor Dittrich opened the public hearing on the 2019 Property Tax Rate at 8:21 p.m. No one spoke to the item. Mayor Dittrich closed the hearing at 8:21 p.m.

Mayor Dittrich opened the public hearing on the 2019-2020 proposed budget at 8:22 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 8:23 p.m.

IX. INFORMAL CITIZEN COMMENTS

Daniel Bennett provided information to City Council regarding proposed resolution supporting a change to the procedure for voting for candidates to serve on the Board of Directors of the Tarrant Appraisal District.

X. COUNCIL MEMBER AND STAFF COMMENTS

XI. ADJOURNMENT

Meeting adjourned at 8:28 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 9/19/19	REFERENCE NUMBER: G-2430	SUBJECT: Accept finance report for period ending August 31, 2019	PAGE: 1 of 2
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GENERAL FUND

General Fund revenues for the month of August were \$597,849. Property Tax collections were \$41,248, Franchise Fees were \$36,620, and Permits & Fees were \$70,650. Sales tax collected and recognized as revenue in August was \$253,206. Fiscal year to date sales tax is \$2,592,494, an increase of 15.53% over last year at this time. A separate summary of sales tax revenue collections is provided for informational purposes. General Fund revenues collected through the end of August were \$18,363,275 or 90.8 percent of the budget.

General Fund expenditures for the month of August were \$1,234,612. Expenditures through August were \$18,540,751 or 87.4 percent of the adopted budget.

Fiscal year-to-date, total General Fund expenditures of \$18,540,751 exceeded General Fund revenues of \$18,363,275 by \$177,476. The FY 2018/2019 Budget includes the planned use of General Fund reserves for capital projects including the 800mhz radio system, Clearfork Emergency Access Bridge, and new Fire Truck. This planned use of reserves maintains the City's cash position while continuing to fund capital projects with cash savings, rather than debt.

DEBT SERVICE

Debt Service revenues for the month of August totaled \$2,207 and were all from property tax. There were no expenditures in August. The next debt service payments will occur in February 2020. Fiscal year to date revenues of \$1,724,386, exceeded fiscal year to date expenditures of \$1,540,099, by \$184,287.

EDC

EDC revenues as of August 31, 2019, were \$2,166,148. EDC expenditures through the end of August were \$2,262,528, which includes the purchase of land. Total expenditures exceeded total revenues by \$96,380.

CAPITAL PROJECTS

Total revenues received through August 31, 2019 were \$3,479,958 from stormwater utility fees, mineral lease revenue, TIF revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$4,522,658 through the end of August. August expenditures included the following projects: Chapin Road Cross Culvert, Vista Way, and Clearfork Emergency Access Bridge. Total expenditures exceeded total revenues by \$1,042,700. Sufficient funds are available

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

DATE: 9/19/19	REFERENCE NUMBER: G-2430	SUBJECT: Accept finance report for period ending August 31, 2019	PAGE: 2 of 2
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in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

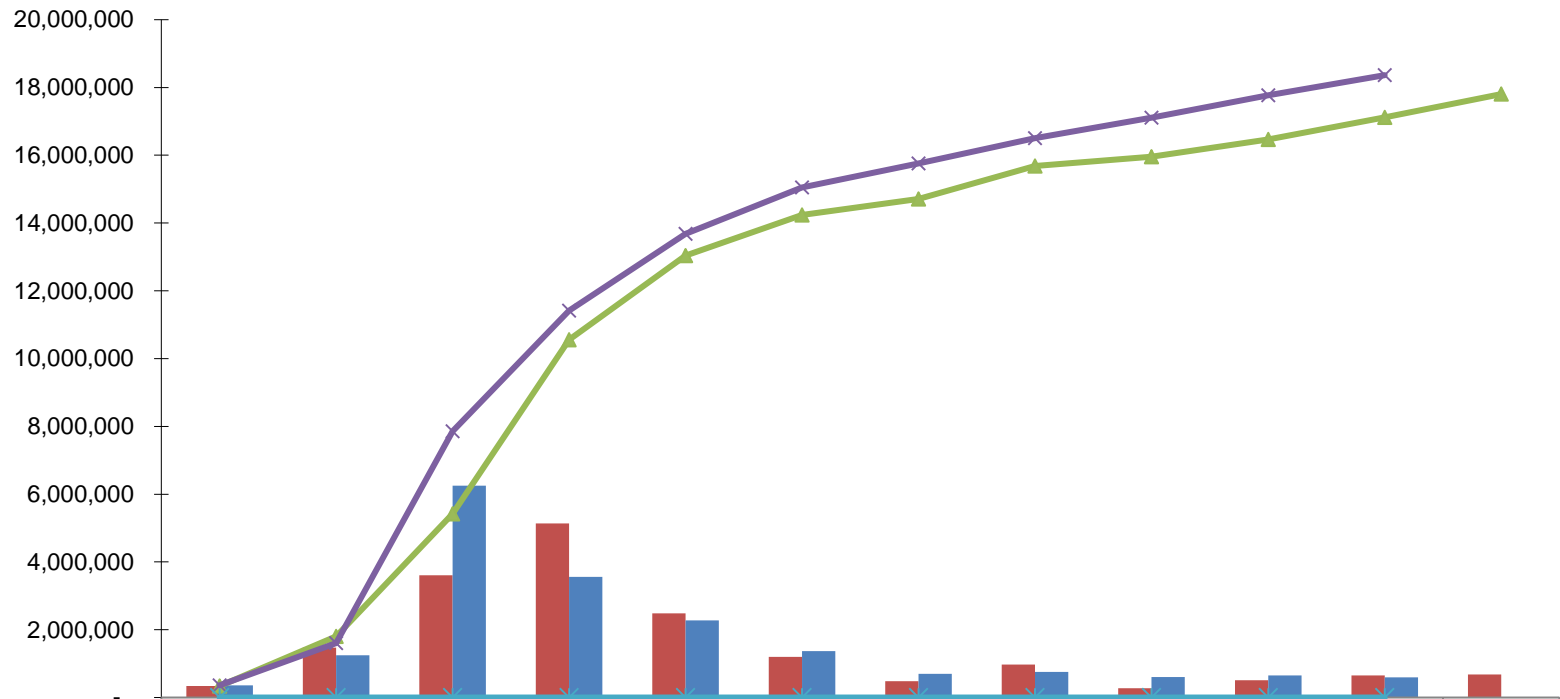
CASH & INVESTMENTS

On August 31, 2019, the City had \$18,536,331 invested at varying interest rates; the EDC had \$4,525,988 available.

RECOMMENDATION

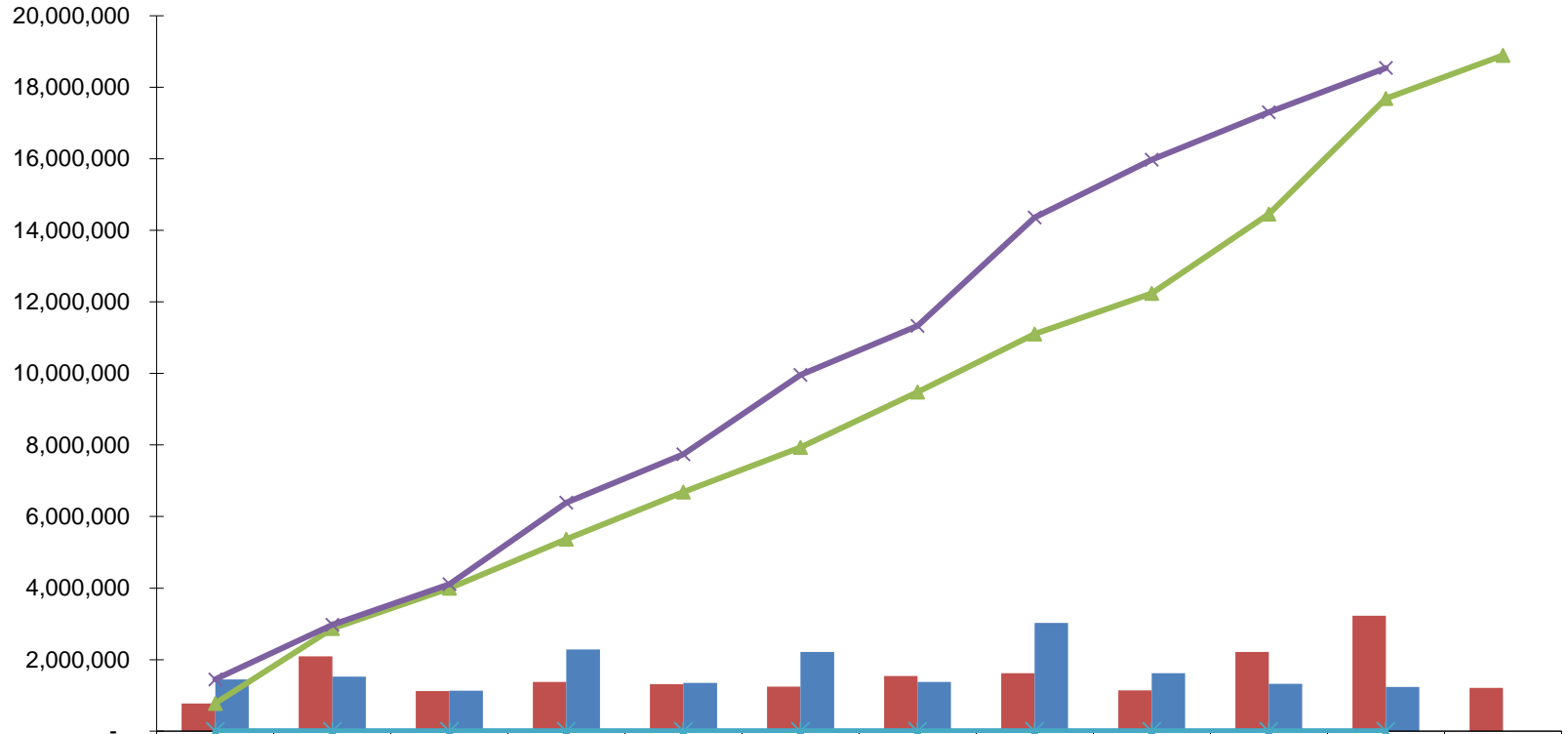
Staff recommends that City Council accept the finance report for the period ending August 31, 2019.

General Fund Revenue Trend Comparison



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
2017-18	337,614	1,469,706	3,608,527	5,139,266	2,485,752	1,194,686	476,803	974,077	273,484	510,504	650,367	683,007
2018-19	358,790	1,242,504	6,252,635	3,557,063	2,271,202	1,372,967	702,644	750,772	603,282	653,566	597,849	
YTD 2017-18	337,614	1,807,320	5,415,847	10,555,113	13,040,866	14,235,552	14,712,355	15,686,432	15,959,916	16,470,419	17,120,787	17,803,794
YTD 2018-19	358,790	1,601,295	7,853,930	11,410,993	13,682,195	15,055,162	15,757,806	16,508,578	17,111,860	17,765,426	18,363,275	
% Increase 17-18 to 18-19	6.27%	-11.40%	45.02%	8.11%	4.92%	5.76%	7.11%	5.24%	7.22%	7.86%	7.26%	

General Fund Expenditure Trend Comparison

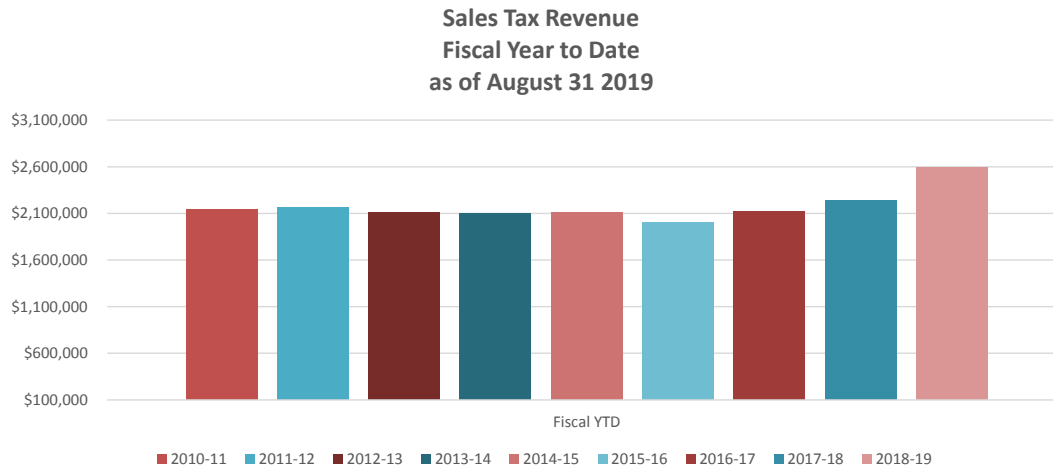


	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT
2017-18	777,908	2,089,129	1,125,744	1,374,833	1,317,660	1,248,670	1,542,116	1,622,915	1,139,091	2,217,153	3,229,232	1,208,595
2018-19	1,448,756	1,527,703	1,128,837	2,287,202	1,351,028	2,213,906	1,376,133	3,027,182	1,617,604	1,327,789	1,234,612	
YTD 17-18	777,908	2,867,036	3,992,780	5,367,613	6,685,273	7,933,943	9,476,059	11,098,974	12,238,065	14,455,218	17,684,450	18,893,046
YTD 18-19	1,448,756	2,976,458	4,105,295	6,392,498	7,743,526	9,957,431	11,333,564	14,360,746	15,978,350	17,306,139	18,540,751	
% Change 2017-18 to 2018-19	86.24%	3.82%	2.82%	19.09%	15.83%	25.50%	19.60%	29.39%	30.56%	19.72%	4.84%	

**City of Benbrook
Sales Tax Analysis
August 31, 2019**

Fiscal Year	Fiscal YTD	October	November	December	January	February	March	April	May	June	July	August	September	Annual Total
2010-11	\$ 2,143,140	\$ 212,494	\$ 161,967	\$ 160,492	\$ 199,141	\$ 190,084	\$ 143,760	\$ 245,116	\$ 223,000	\$ 181,216	\$ 229,160	\$ 196,711	\$ 175,140	\$ 2,318,281
2011-12	2,158,771	218,564	161,430	186,638	251,517	168,551	171,053	236,986	178,165	188,604	218,557	178,708	161,070	2,319,841
2012-13	2,106,807	215,752	184,452	181,368	222,555	170,084	174,164	201,241	164,765	202,525	211,491	178,411	170,324	2,277,131
2013-14	2,098,727	215,869	177,403	161,342	234,503	154,780	155,432	229,367	176,980	175,792	217,955	199,305	187,172	2,285,899
2014-15	2,112,704	215,101	207,526	173,580	236,852	149,782	162,730	219,751	181,230	163,667	213,300	189,185	164,742	2,277,446
2015-16	1,998,953	216,144	177,560	175,150	202,909	149,580	153,523	222,661	158,987	177,732	210,000	154,708	182,656	2,181,609
2016-17	2,121,217	204,261	175,885	172,554	240,121	171,805	163,151	226,550	184,775	200,138	206,455	175,522	176,026	2,297,243
2017-18	2,244,076	218,480	168,272	178,150	230,346	169,346	147,291	240,071	197,667	204,243	245,717	244,494	160,148	2,404,224
2018-19	2,592,494	259,437	224,991	216,094	264,926	205,387	193,520	261,099	227,863	235,611	250,363	253,206		2,592,494

Change 2010-11 to 2011-12	0.73%
Change 2011-12 to 2012-13	-2.41%
Change 2012-13 to 2013-14	-0.38%
Change 2013-14 to 2014-15	0.67%
Change 2014-15 to 2015-16	-5.69%
Change 2015-16 to 2016-17	6.12%
Change 2016-17 to 2017-18	5.79%
Change 2017-18 to 2018-19	15.53%



Budget 2018-19	\$ 2,450,000
Projected 2018-19	2,650,000
Variance from Budget	\$ 200,000

**ORDINANCE NO. 1448
APPROPRIATION ORDINANCE**

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, APPROVING BUDGET FIGURES FOR THE FISCAL YEAR 2019 THROUGH 2020; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT AND ACCOUNT; ACCEPTING AND APPROVING THE EMPLOYEE CIVIL SERVICE CLASSIFICATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Benbrook, Texas, (hereinafter referred to as the "City"), submitted a budget proposal to the City Council prior to the beginning of the fiscal year, and in said budget proposal set forth the estimated revenues and expenditures; and

WHEREAS, the City Manager of the City has filed with the City Secretary a budget outlining all proposed expenditures of the government of the City for the fiscal year beginning October 1, 2019 and ending September 30, 2020 (hereinafter referred to as the "Budget"); and

WHEREAS, the attached Budget, specifically sets forth each of the various projects which appropriations are delineated in the Budget, and the estimated amount of money carried in the Budget for each of such projects; and

WHEREAS, the Budget has been filed with the City Secretary for, at least, thirty (30) days before the date the City Council makes its tax levy for the fiscal year and such Budget has been available for inspection by any taxpayer; and

WHEREAS, the public notices of public hearings on the proposed annual Budget, stating the date, time, place and subject matter of such public hearing, were given as required by the laws of the State of Texas; and

WHEREAS, such public hearings were held by the City Council of the City on said Budget on August 15, 2019 and on September 5, 2019, at which time said Budget was fully considered, and interested taxpayers were heard by said City Council; and

WHEREAS, the City Council has studied the Budget and listened to the comments of the taxpayers at the public hearings held therefore and has determined that the Budget attached hereto is in the best interest of the City and that same should be approved and adopted.

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

SECTION I

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II

The attached Budget consisting of revenues and expenses of the City for conducting the affairs thereof for the ensuing fiscal year beginning October 1, 2019 and ending September 30, 2020, as modified by the City Council, be, and the same is, in all things, adopted and approved as the Annual Budget of the City for the fiscal year, beginning the 1st day of October, 2019 and ending the 30th day of September, 2020; and there is hereby appropriated the funds indicated herein for such projects, operations, activities, purchases and other expenditures proposed in the Budget.

SECTION III

Pursuant to the laws of the State of Texas and Article 6, Section 6.03 of the City Charter, there be, and is hereby incorporated for the operating expenditures, the following sums of money for the following purposes for the fiscal year beginning October 1, 2019 and ending September 30, 2020.

<u>DIVISION</u>	<u>AMOUNT</u>
General Government	\$ 2,338,360
Staff Services	1,116,767
Public Safety	11,247,149
Public Services	4,315,525
Community Development	854,443
Debt Service	<u>1,561,424</u>
TOTAL OPERATING EXPENDITURES	\$ 21,433,668
TRANSFERS OUT	<u>1,150,000</u>
TOTAL EXPENDITURES & TRANSFERS OUT	<u>\$ 22,583,668</u>

Any necessary transfers between accounts and departments are hereby authorized, approved and appropriated.

SECTION IV

The City Manager shall file or cause to be filed a true and correct copy of this Ordinance, along with the approved Budget attached hereto, with the City Secretary and in the office of the County Clerk of Tarrant County, Texas, as required by State Law.

SECTION V

Pursuant to the laws of the State of Texas, and specifically Section 143.004, the City held an election to adopt Chapter 143 - Municipal Civil Service of the Local Government Code, wherein it was approved to provide civil service status and protection therefrom to all police officers employed by the City. In compliance with Section 143.021 of the Local Government Code which provides that a municipality's governing body shall establish, by ordinance, the classification of all civil service employees, including the number of positions in each classification, the City hereby establishes its classification of civil service employees for the fiscal year beginning October 1, 2019 and ending September 30, 2020, as stated below and as more fully described in the Cost Center Summary contained in the Annual Budget.

<u>CLASSIFICATION</u>	<u>NUMBER OF AUTHORIZED POSITIONS</u>
Commander	2.0
Police Lieutenant	2.0
Police Sergeant	5.0
Police Detective/Corporal	10.0
Police Patrol Officer	<u>23.0</u>
TOTAL CIVIL SERVICE POSITIONS	42.0

SECTION VI

Any and all ordinances and resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict therewith.

SECTION VII

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 affect any of the remaining phrases, clauses, sentences,

paragraphs and sections of this ordinance, since the same would have been enacted by the City without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION VIII

The necessity of adopting and approving a proposed Budget for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Benbrook, Tarrant County, Texas, on this 19th day of September 2019, at a meeting open to the public after notice thereof being given as required by law.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

ORDINANCE NO. 1449

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT THE RATE OF \$0.62777 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUE ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF BENBROOK, TEXAS, AS OF JANUARY 1, 2019, TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST IN DEBT SERVICE FUNDS ON ALL OUTSTANDING DEBTS OF THE CITY; DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR PLACE OF PAYMENT; PROVIDING FOR APPROVAL OF THE TAX ROLLS PRESENTED TO THE CITY COUNCIL; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Benbrook, Texas (hereinafter referred to as the "City") hereby finds that the tax for the fiscal year beginning October 1, 2019, and ending September 30, 2020, hereinafter levied for current expenses of the City and the general improvements of the City and its property must be levied to provide the revenue requirements of the budget for the ensuing year; and

WHEREAS, the City Council has approved by a separate ordinance adopted on the 19th day of September 2019, the budget for the fiscal year beginning October 1, 2019, and ending September 30, 2020; and

WHEREAS, all statutory and constitutional requirements concerning the levying and assessing of ad valorem taxes have been complied with.

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

SECTION I

All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

SECTION II

The ad valorem tax appraisal roll and effective tax rate information as presented by the assessor to the City Council for the tax year 2019, be and is hereby, in all things, approved and adopted.

SECTION III

There is hereby levied and ordered to be assessed and collected for the fiscal year beginning October 1, 2019, and ending September 30, 2020, and for each fiscal year thereafter until it be otherwise provided by and ordained on all taxable property, real, personal and mixed, situated within the corporate limits of the City, and not exempt from taxation by the Constitution of the State and valid State laws, an ad valorem tax rate of \$0.62777 for the general operations of the City on each One Hundred Dollars (\$100.00) assessed value of taxable property, and shall be apportioned and distributed as follows:

- (a) For the purpose of defraying the current expenses of the municipal government of the City (a General Fund), a tax of \$0.60647 of each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City.
- (b) For the purpose of creating a Debt Service Fund to pay the interest and principal on all outstanding debts of the City, not otherwise provided for, a tax of \$0.02130 on each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City.

SECTION IV

All monies collected and hereby apportioned are set apart for the specific purposes indicated herein and the funds shall be accounted for in such a manner as to readily show balances at any time.

SECTION V

All ad valorem taxes shall become due and payable on October 1, 2019, and all ad valorem taxes for the year shall become delinquent after January 31, 2020. There shall be no discount for payment of taxes prior to said January 31, 2020. A delinquent tax shall incur all penalty and interest authorized by Chapter 33 of the State Property Tax Code.

SECTION VI

Taxes are payable at the Office of the Tarrant County Tax Assessor/Collector by submitting payment to Wendy Burgess, County Tax-Assessor-Collector. The County shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

SECTION VII

The tax rolls, as presented to the City Council, together with any supplement thereto, be, and the same are hereby approved.

SECTION VIII

There is hereby affixed on each and every item of property a lien for the said purpose of securing the certain payment of the taxes assessed against said item or property and said lien shall continue to exist against any item of property upon which a tax is assessed hereunder and to such tax, together with all interest and all penalty, shall be paid.

SECTION IX

There is hereby levied and ordered collected an annual occupation tax of twenty-five (25) percent on the State occupational tax on each and every occupation subject to an occupational tax under the laws of the State of Texas.

SECTION X

Any and all ordinances and resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict therewith.

SECTION XI

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 affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XII

The necessity of affixing and levying municipal ad valorem taxes of the City for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Benbrook, Tarrant County, Texas, on this 19th day of September 2019, at a meeting open to the public after notice thereof being given as required by law.

APPROVED:

Jerry B. Dittrich Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 09/19/19	REFERENCE NUMBER: G-2433	SUBJECT: Ratify property tax revenue reflected in the Fiscal Year 2019-2020 Budget	PAGE: 1 of 1
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BACKGROUND

H.B. 3195, approved in the 2007 legislative session, affects the 2019-20 Budget adoption process. H.B. 3195 requires that any budget enacted after September 1, 2007 must meet the following requirement regarding property tax revenue: "Adoption of a budget that raises more property revenue than was generated the previous year requires two votes by the City Council: (a) one vote to adopt the budget and (b) a separate vote to ratify the property tax revenue increase reflected in the budget."

The budget will raise more total property taxes than last year's budget by \$743,557 or 5.56 percent, and of that amount \$188,266 is tax revenue to be raised from new property added to the roll this year.

RECOMMENDATION

Staff recommends that the City Council ratify the property tax revenue increase reflected in the 2019-20 Budget.

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: 9/19/19	REFERENCE NUMBER: G-2434	SUBJECT: Adopt of an Ordinance amending Sections 5.42.090 and 5.42.100 of Chapter 5.42 – Use of Public Rights-of-Way of Title 5 – Business Licenses and Regulations of the Benbrook Municipal Code.	PAGE: 1 of 1
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Senate Bill 1004, adopted during the 85th Texas Legislature, became effective September 1, 2017. In response to the bill, City Council adopted Ordinance 1414 on September 9, 2017 allowing wireless network providers to install cellular network nodes (cellular antennae and related equipment) in the City’s public rights-of-way. Ordinance 1414 was prepared using model language provided by the Texas Municipal League.

Ordinance 1414, codified in Chapter 5.42 – Use of Public Rights-of-Way of Title 5-Business License and Regulations of the Benbrook Municipal Code, stipulates a network provider may not install a new node support pole in a public right-of-way without City Council approval if the public right-of-way is in a municipal park or adjacent to a street or thoroughfare that is 1) not more than 50 feet wide; and 2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restriction.

Since the adoption of Ordinance 1414, staff has been monitoring the adoption of small cell node regulations in other cities throughout the Metroplex. Some cities, including Bedford and Grapevine, currently do not permit network providers to install any new network node support poles in parks, residential areas and design/historic districts. Other cities, including Fort Worth and North Richland Hills, allow for the installation of new network node support poles in sensitive areas, but they require significant stealth methods. While both are viable options, Staff supports the prohibition of new network node support poles at this time.

The proposed ordinance prohibits the installation of new network node support poles in rights-of-way (50’ or less in width) adjacent to residential areas or municipal parks. The proposed ordinance further eliminates the need for City Council to act on a network provider’s request to install new network nodes or node support poles along the portion of Benbrook Boulevard designated as a Design District, as City Council has already prohibited these type of installations with the adoption of Ordinance 1414.

RECOMMENDATION

Staff recommends that City Council approve the ordinance amending Sections 5.42.090 and 5.42.100 of Chapter 5.42 – Use of Public Rights-of-Way of Title 5-Business License and Regulations of the Benbrook Municipal Code.

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

ORDINANCE 1450

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 5 – BUSINESS LICENSES AND REGULATIONS OF THE BENBROOK MUNICIPAL CODE, AS AMENDED, BY AMENDING SECTIONS 5.42.090 AND 5.42.100, CHAPTER 5.42 – USE OF PUBLIC RIGHTS-OF-WAY; 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.

WHEREAS, the City of Benbrook 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, the City had previously adopted regulations establishing Chapter 5.42 – Use of Public Rights-of-Way via Ordinance No. 1414; and

WHEREAS, the City Council desires the continued regulation of the installation of Network Nodes and Network Support Poles pursuant to Chapter 284 of the Texas Local Government Code in a way that is fair, reasonable and nondiscriminatory; and

WHEREAS, the City Council now desires to amend Sections 5.42.090 and 5.42.100 of Chapter 5.42 - Network Nodes for Cellular Communication to better facilitate the expeditious review of Network Node and Network Support Pole applications pursuant to said Chapter 284.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:

SECTION 1

That Chapter 5.42 – Use of Public Rights-of-Way of Title 5 – Business Licenses and Regulations of the Benbrook Municipal Code, as amended, is hereby amended by replacing Section 5.42.090 - Installation in historic districts or design districts in its entirety to provide the following:

5.42.090 – Installation in historic districts or design districts.

- A. The council may designate an area as a historic district or design district at any time.
- B. Design district - The city council has authorized the beautification of Highway 377 (Benbrook Blvd) by removing the above-ground utilities from the right-of-way of

Highway 377 and added decorative traffic signal poles and street light poles thereby creating a design district. As allowed under Chapter 284 of the Texas Local Government Code, wireless facilities shall not be allowed to install their facilities in the right-of-way of this design district.

SECTION 2

That Chapter 5.42 – Use of Public Rights-of-Way of Title 5 – Business Licenses and Regulations of the Benbrook Municipal Code, as amended, is hereby amended by replacing Section 5.42.100 - Installation in municipal parks and residential areas in its entirety to provide the following:

5.42.100 - Installation in municipal parks and residential areas.

A network provider may not install a new node support pole in a public right-of-way if the public right-of way:

1. Is in a municipal park; or
2. Is adjacent to a street or thoroughfare that is:
 - a. Not more than fifty feet wide; and
 - b. Adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
3. In addition to the above, a network provider installing a network node or node support pole in a public right-of way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
4. The network provider shall be further required to comply with guidelines set out in the city's design manual.

SECTION 3 CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4 SEVERABILITY CLAUSE

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 affect 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 5 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 shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that violation is permitted to exist shall constitute a separate offense.

SECTION 6 SAVINGS CLAUSE

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating City Rights-of-Way which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7 PUBLICATION IN PAMPHLET FORM

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

SECTION 8 ENGROSSMENT AND ENROLLMENT

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

**SECTION 9
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 10
EFFECTIVE DATE**

This ordinance shall be in force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED on this the 19th day of September 2019.

Jerry Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 09/19/19	REFERENCE NUMBER: P-279	SUBJECT: Purchase four (4) 2020 Police Vehicles	PAGE: 1 of 1
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The 2019/2020 budget allocates \$140,000 for the purchase of four (4) police package patrol vehicles (2020 Chevrolet Tahoe).

Through cooperative purchasing programs, the City received bids from Texas Buy Board, Tarrant County Cooperative Joint Venture, and Texas Smart Buy. The bids include all purchasing fees.

	<u>Make/Model</u>	<u>Cost/Unit</u>	<u>Total</u>
Texas Buy Board	Chevrolet Tahoe 9C1	\$33,540	\$134,160
Tarrant County Cooperative Joint Venture	Chevrolet Tahoe 9C1	\$33,615	\$134,460
Texas Smart Buy	Chevrolet Tahoe 9C1	\$33,993	\$135,972

Texas Buy Board provided the low bid, which is \$5,840 below the approved budget.

RECOMMENDATION

Staff recommends that City Council approve the purchase of four (4) police package vehicles from the low bidder, Texas Buy Board, in the total amount of \$134,160.

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: 09/19/19	REFERENCE NUMBER: P-280	SUBJECT: Purchase Scale Computing System	PAGE: 1 of 1
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Benbrook’s current servers were purchased in 2011 and 2012. With the utilization of network storage devices, Staff extended the service life of the four servers (which host 13 Virtual Servers) to defer replacement. Because the servers are well past end of life, the purchase of a new hyperconverged network infrastructure is included in the FY 2019-2020 budget.

Staff received the following bids for hyperconverged platforms:

1. Maverick Computer Services – Scale Computing - \$120,692
2. Parity Consultants – Scale Computing - \$147,328
3. Promark – Scale Computing - \$148,255
4. EST Group – Cloudisitics Platform - \$175,565.91

Maverick Computer Services - Scale Computing provided the low bid. Maverick Computer Services - Scale Computing has positive reviews from other municipalities.

The current server support, back up and disaster recovery costs \$49,080 a year. The Maverick Computer Services - Scale Computing System has no recurring costs, resulting in a net savings of \$124,708 over a five-year period (the minimum life of the equipment).

RECOMMENDATION

Staff recommends that City Council approve the purchase of the Maverick Computer Services - Scale Computing System at a low bid cost of \$120,692.

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