

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 21, 2019
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-CONFERENCE WORKSESSION 7:15 P.M.
CENTRAL CONFERENCE ROOM
1. Review and discuss agenda items for regular meeting
REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

II. INVOCATION

PLEDGE OF ALLEGIANCE

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held February 7, 2019

Documents:

[CC MINUTES-02-07-19.PDF](#)

IV. PRESENTATION BY ECONOMIC DEVELOPMENT CORPORATION

EDC-2019-01 Approve Commercial Contract For Sale And Temporary Commercial Leaseback Agreement With JS And TA Properties, LLC, To Purchase 9331 And 9351 Westpark Drive, Benbrook, Texas, For The Purpose Of Redevelopment

Documents:

[EDC-2019-01 REPORT 9331 AND 9351 WINSCOTT ROAD.PDF](#)

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2400 Accept Finance Report For Period Ending January 31, 2019

Documents:

[G-2400 FINANCE REPORT JAN 2019.PDF](#)
[G-2400 REVENUE CHART JAN 2019.PDF](#)
[G-2400 EXPENDITURE CHART JAN 2019.PDF](#)
[G-2400 SALES TAX COMPARISON JAN 2019.PDF](#)

G-2401 Adopt Resolution For Transportation Alternatives Set-Aside Program – Dutch Branch Park Pedestrian/Bicycle Access Project

Documents:

[G-2401 TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM.PDF](#)
[G-2401 RESOLUTION TRANSPORTATION SET ASIDE PROGRAM.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 Complete Count Committee for 2020 Census



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, FEBRUARY 7, 2019**

The regular meeting of the Benbrook City Council was held on Thursday February 7, 2019 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich, Mayor
Renee Franklin
Larry Marshall
Jim Wilson
Laura Mackey

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Jim Hinderaker, Assistant City Manager
Rick Overgaard, Finance Director
Hillary Cromer, EDC Management Analyst

Others Present:

Bill Smith
David Eason
Chuck Gaither
Alfredo Ayerdis, Boy Scout Troop 48
Alonzo Ayerdis, Boy Scout Troop 48
Roberto Ayerdis

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 Dr. Larry Marshall.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held January 17, 2019

Motion by Dr. Marshall, seconded by Ms. Mackey to approve the minutes of the regular meeting held January 17, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2019-01 Make appointments to the Comprehensive Plan Update Steering Committee

Motion by Ms. Franklin, seconded by Mr. Wilson to appoint Jason Ward, Wes Myers, Lizzy Ward, Leslie Singleton, Alfredo Valverde, David Ramsey and Karen Henderson to the Comprehensive Plan Update Steering Committee.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

V. REPORTS OF CITY MANAGER

A. GENERAL

G-2399 Approve Investment Report for quarter ending December 31, 2018

Rick Overgaard gave the following report: The Public Funds Investment Act (PFIA), Texas Government Code and the City's Investment Policy require that an Investment Report be presented to City Council.

The Investment Committee met on January 29, 2019, to review the report and ensure compliance with the City's investment policy.

- The total portfolio for the City and EDC at December 31, 2018 is \$26,395,233, with 75% or \$19,745,182 belonging to the City, and 25% or \$6,650,050 to the EDC.
- 35% of the combined portfolio is in bank accounts, with 44% in local government investment pools, 19% in certificates of deposit and the remaining 2% in agency notes.
- The weighted average maturity on the combined portfolio is 111 days with a 1.52% average yield to maturity.

Motion by Dr. Marshall, seconded by Ms. Franklin to accept the Investment Report for the quarter ending December 31, 2018.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

Mr. Chuck Gaither spoke regarding an issue he recently had with the bulk trash pick-up. Mr. Wayman advised staff would look into the problem.

VII. COUNCIL MEMBER AND STAFF COMMENTS

VIII. RECESS INTO EXECUTIVE SESSION – Pursuant to Texas Government Code

Mayor Dittrich recessed the regular meeting at 7:44 p.m. to conduct an Executive Session pursuant to the Texas Government Code:

1. Section 551.072, Deliberation Regarding Real Property

Deliberate the sale, purchase, exchange, lease or value of real property, as deliberation in an open session would have a detrimental effect on the position of the governmental body in negotiations with a third party.

2. Section 551.087, Deliberation Regarding Economic Development Negotiations

Discuss possible incentives for redevelopment of Benbrook Economic Development Corporation properties.

IX. RECONVENE INTO REGULAR SESSION- Take action from Executive Session

Mayor Dittrich reconvened the regular meeting at 8:40 p.m.

No action taken from Executive Session.

X. ADJOURNMENT

Meeting adjourned at 8:40 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/21/19	REFERENCE NUMBER: EDC-2019-01	SUBJECT: Approve Commercial Contract for Sale and Temporary Commercial Leaseback Agreement with JS and TA Properties, LLC, to purchase 9331 and 9351 Westpark Drive, Benbrook, Texas, for the purpose of redevelopment	PAGE: 1 of 2
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As part of the Benbrook Economic Development Corporation (BEDC) Strategic Plan, the BEDC is committed to evaluating commercial properties within the Benbrook city limits to determine their highest and best use, to seek ways to encourage redevelopment where appropriate, and to review and analyze select properties and consider purchasing them to expedite quality development.

Focusing on redevelopment opportunities at the corner of Westpark Drive and Benbrook Boulevard/U.S. 377, BEDC has invested in the purchase of two tracts of land; 9301 Westpark (former Express Stop) and 8949 Benbrook Boulevard (former Rub-a-Dub car wash). BEDC has initiated and completed demolition, site improvements, and state-required environmental mitigation on these lots to facilitate desired future development.

BEDC's efforts to assemble adjacent tracts on this corner have resulted in a successful negotiation with the owners of two tracts of neighboring land; 9331 and 9351 Westpark Drive, totaling approximately 1.74 acres, and currently operating as Marc's Automotive.

BEDC has conducted a Phase I Environmental Assessment on both tracts, revealing no evidence of recognized environmental conditions (REC's) in connection with the properties.

A Commercial Contract for Sale and Temporary Commercial Leaseback Agreement have been drafted and approved by both the BEDC real estate attorney and attorneys for the owners, JS and TA Properties, LLC. The BEDC board of directors and JS and TA Properties have agreed to a sale price of \$1,700,000 for both tracts; or approximately \$22.44 a square foot. Staff is requesting a budget adjustment to include the sale price, as well as costs associated with real estate closing, possible demolition, clean-up, and incidentals related to maintaining the property.

JS and TA Properties, LLC are requesting to lease the properties from BEDC after real estate closing, for a period not to exceed 90 days from closing, in order to liquidate and remove fixtures, equipment, and personal property from the premises.

Per the attached documents, JS and TA Properties, LLC will shut down their automotive business prior to real estate closing, will operate no business and pay zero dollars in base rent during the leaseback period, will indemnify and hold harmless the BEDC, as landlord, for any injury or damage occurring on the property after closing, and will maintain a commercial general liability

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

DATE: 02/21/19	REFERENCE NUMBER: EDC-2019-01	SUBJECT: Approve Commercial Contract for Sale and Temporary Commercial Leaseback Agreement with JS and TA Properties, LLC, to purchase 9331 and 9351 Westpark Drive, Benbrook, Texas, for the purpose of redevelopment	PAGE: 2 of 2
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insurance policy, at tenant's expense, insuring tenant against liability arising out of the use or occupancy of the premises, and naming landlord as an additional insured.

The BEDC board of directors has indicated that obtaining these two lots, as assembled with the adjoining BEDC-owned lots, aligns with the board's mission to create attractive development opportunities, encourage preferred commercial uses, increase jobs and sales tax revenue, and sets the stage to partner with a developer to provide desirable retail options for Benbrook and trade area consumers.

As required, the BEDC board of directors will conduct a public hearing regarding this project at their regular board meeting on Tuesday, February 19, 2019.

RECOMMENDATION

The Benbrook Economic Development Corporation recommends that City Council approve and direct the BEDC board president to execute the Commercial Contract for Sale and Temporary Commercial Leaseback Agreement with JS and TA Properties, LLC, for the purchase and leaseback of property located at 9331 and 9351 Westpark Drive, Benbrook, Texas, and to amend the FY2019 BEDC budget by adding \$1,740,000 to be available for this project; a \$1,700,000 sale price, plus costs associated with real estate closing, possible demolition of building/slab/parking lot, clean-up, and any associated incidentals.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 2/21/19	REFERENCE NUMBER: G-2400	SUBJECT: Accept finance report for period ending January 31, 2019	PAGE: 1 of 2
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GENERAL FUND

General Fund revenues for the month of January were \$3,554,263. Property tax collections were \$2,907,026, and charges for services were \$76,679. Sales tax collected and recognized as revenue in January 2019 was \$264,926. A separate summary of sales tax revenue collections is provided for informational purposes. General Fund revenues collected through the end of January were \$11,407,627 or 56.4 percent of the budget.

General Fund expenditures for the month of January were \$2,287,112, which includes budgeted transfers out of \$750,000 for the Capital Asset Replacement Fund (\$250,000) and Clear Fork Emergency Access Bridge Project (\$500,000). Expenditures through January were \$6,398,437 or 30.5 percent of the adopted budget.

For the 2018-19 fiscal year-to-date, total General Fund revenues of \$11,407,627 exceeded General Fund expenditures of \$6,398,437 by \$5,009,190.

DEBT SERVICE

Debt Service revenues for the month of January totaled \$1,234,895, with \$1,079,375 from budgeted transfers in, and the remaining from property tax. Expenditures for January totaled \$1,472,671, which includes debt service payments due February 1st. The next debt service payments will occur in July 2019.

EDC

EDC revenues as of January 31, 2019, were \$1,153,268. Most of the revenue was from the sale of land. EDC expenditures through the end of January were \$206,275. Total revenues exceeded total expenditures by \$946,993.

CAPITAL PROJECTS

Total revenues received through January 31, 2019 were \$925,980 from Stormwater Utility fees, mineral lease revenue, interest earnings, and a \$500,000 transfer in from the General Fund. Total expenditures for the Capital Projects Fund were \$1,914,146 through the end of January 2019. January expenditures were for the following projects: Van Deman Drive Drainage, Vista Way, Clearfork Emergency Access Bridge, and Animal Shelter. Total expenditures exceeded total revenues by \$988,166. 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.

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

DATE:

2/21/19

REFERENCE
NUMBER:

G-2400

SUBJECT:

Accept finance report for period ending January
31, 2019

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CASH & INVESTMENTS

On January 31, 2019, the City had \$20,607,220 invested at varying interest rates; the EDC had \$5,708,487 available.

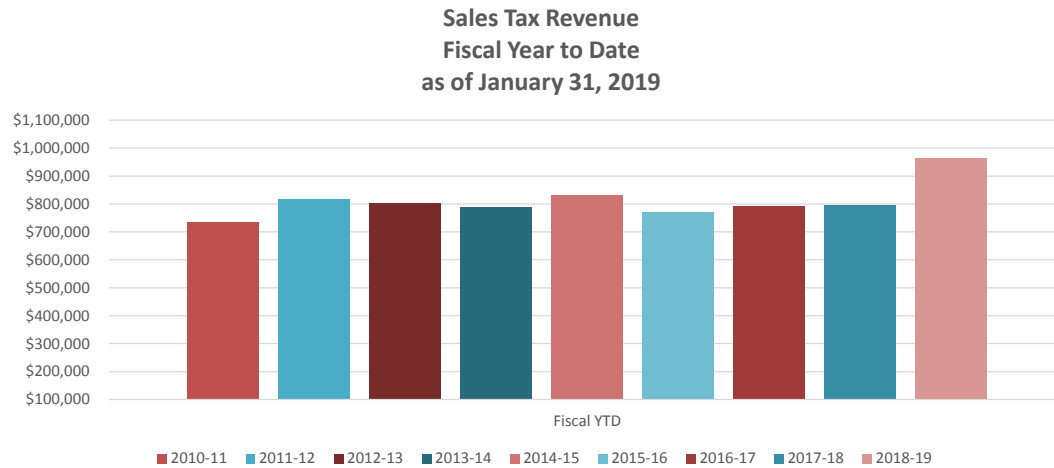
RECOMMENDATION

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

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

Fiscal Year	Fiscal YTD	October	November	December	January	February	March	April	May	June	July	August	September	Annual Total
2010-11	\$ 734,094	\$ 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	818,149	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	804,128	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	789,117	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	833,060	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	771,762	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	792,821	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	795,248	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	965,447	259,437	224,991	216,094	264,926									965,447

Change 2010-11 to 2011-12	11.45%
Change 2011-12 to 2012-13	-1.71%
Change 2012-13 to 2013-14	-1.87%
Change 2013-14 to 2014-15	5.57%
Change 2014-15 to 2015-16	-7.94%
Change 2015-16 to 2016-17	2.73%
Change 2016-17 to 2017-18	0.31%
Change 2017-18 to 2018-19	21.40%



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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 02/21/2019	REFERENCE NUMBER: G-2401	SUBJECT: Adopt Resolution for Transportation Alternatives Set-Aside Program – Dutch Branch Park Pedestrian/Bicycle Access Project	PAGE: 1 of 1
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The North Central Texas Council of Governments (NCTCOG) has initiated a call for projects for the Transportation Alternatives Set-Aside Program. The City of Benbrook is submitting a single application for the Dutch Branch Park Pedestrian/Bicycle Access Way project. The project was included in the City’s annual Capital Improvement Program update adopted by the City Council in January 2019. The attached resolution supports the application. Project funding is competitive and other governmental entities will also apply for funding through the grant program.

The Dutch Branch Park Pedestrian/Bicycle Access Way project is a grade separated crossing allowing pedestrians and bicyclists (including students) to travel under U.S. 377, near Overcrest Drive, without any direct contact with the heavy traffic along U.S. 377. Concrete sidewalks will also be constructed to connect this crossing to existing bicycle/pedestrian improvements in the area.

City Cost Share	\$501,426
<u>Federal Funding</u>	<u>\$2,005,703</u>
Total Project Cost	\$2,507,129

If approved, the City will fully fund the project through construction completion, and then be reimbursed for 80% of the project cost. Staff has been in contact with the Fort Worth Independent School District to make them aware of the grant submittal and discuss potential funding assistance if the project is selected.

RECOMMENDATION

Staff recommends that the City Council adopt the resolution supporting the application for the Transportation Alternatives Set-Aside Program.

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

RESOLUTION NO. 2019-01

RESOLUTION IN SUPPORT OF THE DUTCH BRANCH PARK PEDESTRIAN/BICYCLE ACCESS WAY PROJECT TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM PROJECT

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments (NCTCOG) and the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Regional Transportation Council will award funding on June 13, 2019 for active transportation projects through the current Transportation Alternatives Set-Aside Program Call for projects; and,

WHEREAS, the City of Benbrook intends to submit a transportation alternative project application for the Dutch Branch Park Pedestrian/Bicycle Access Way project to the North Central Texas Council of Governments (NCTCOG) prior to the March 1, 2019 deadline; and,

WHEREAS, the Regional Transportation Council requires the submittal of a resolution as part of the Transportation Alternatives Set-Aside Call for Project application submission.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. The City of Benbrook supports the Dutch Branch Park Pedestrian/Bicycle Access Way Project as applied for in the 2019 Transportation Alternative Set-Aside Call for Projects application.

Section 2. The City of Benbrook will serve as the public sponsor and lead project contact on this project. The City of Benbrook agrees to designate a single point of contact for the project.

Section 3. The City of Benbrook commits to fund or pass through funds from other sources for a minimum local cash match of 20% of the total project cost.

Section 4. The City of Benbrook confirms that the City of Benbrook, not the Regional Transportation Council, will be responsible for any cost overruns.

Section 5. The City of Benbrook understands and acknowledges that all awarded funding is provided on a reimbursement basis.

Section 6. The City of Benbrook confirms the project timeline is realistic and commits that if the project is selected for funding, an agreement will be executed within one year of selection and the project will advance to construction within three years from the date of selection.

PASSED AND APPROVED by the City Council of the City of Benbrook Texas this 21st day of February 2019.

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary