

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

I. CALL TO ORDER

II. INVOCATION

Invocation To Be Given By Pastor Todd Pylant With First Baptist Church Of Benbrook

PLEDGE OF ALLEGIANCE

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Approve Minutes Of The Regular Meeting Held August 1, 2019

Documents:

[CC MINUTES-08-01-19.PDF](#)

V. PRESENTATION BY MAYOR AND MEMBERS OF COUNCIL

CC-2019-06 Appointment To Alternate Positions On Zoning Board Of Adjustments/Appeals Commission

VI. REPORTS FROM CITY MANAGER

A. GENERAL

G-2423 Adopt Ordinance Repealing Section 10.40.010.A.8 Of Chapter 10.40 – Parking Restrictions, Title 10 – Vehicles And Traffic Of The Benbrook Municipal Code By Removing No Parking Restrictions On A Portion Of Rolling Hills Drive

Documents:

[G-2423 ROLLING HILLS NO PARKING REPEAL.PDF](#)
[G-2423 ORDINANCE ROLLING HILLS PARKING RESTRICTION.PDF](#)

VII. OTHER MATTERS OF BUSINESS

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

VIII. 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.

IX. 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

X. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, AUGUST 1, 2019**

The interview session with candidates for the Benbrook Zoning Board of Adjustments/Appeals Commission was held on Thursday, August 1, 2019 in the Central Conference Room at 911 Winscott Road at 6:30 p.m. The regular meeting of the Benbrook City Council was held at 7:30 p. m. in the Council Chambers with the following Council members present:

Jerry Dittrich, Mayor
Larry Marshall
Dustin Phillips
Jim Wilson
Laura Mackey
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Jim Hinderaker, Assistant City Manager
Amanda Valdez, Management Analyst
Rick Overgaard, Finance Director
Bennett Howell, Public Services Director

Others Present:

Bill Smith
Lynette Spence
Teri Davis
Denis Greer
Barbara Greet
Bob Putnam
and 7 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 Reverend Don Petty with Benbrook United Methodist Church
The Pledge of Allegiance was recited.

III. INFORMAL CITIZEN COMMENTS AND COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Minutes of the regular meeting held July 18, 2019

Motion by Dr. Marshall seconded by Mr. Sauma to approve the minutes of the regular meeting held July 18, 2019

Vote on the Motion:

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

Noes: None

Abstain: Mr. Wilson

Motion carries 5-0-1.

V. CITIZEN PRESENTATION

1. Denis Greer – Request Ordinance amendment as it pertains to parking on Rolling Hills Drive

Mr. Denis Greer stated that City Ordinance No. 1060 was adopted in 2000 to prohibit parking along portions of Rolling Hills Drive due to the large horse trailers parking along the roadway around an Equestrian Center that is no longer in existence. However, with the parking restriction still in place, parking around his home as well as the two new residences under construction causes visitors to park a distance away.

Mr. Greer requested City Council adopt an ordinance removing the parking restriction in the area as it is no longer needed.

Mayor Dittrich advised Mr. Greer that City Council would take the matter under advisement.

2. Bob Putnam – Request Ordinance requiring pet owners to collect and remove their animal's waste

Mr. Putnam stated he is requesting the City to adopt an ordinance requiring pet owners walking their animals in neighborhoods to collect and remove their animal's waste. He advised that it is becoming a problem in several neighborhoods and becoming intense between residents and violators.

Mayor Dittrich advised Mr. Greer that City Council would take the matter under advisement.

VI. REPORTS FROM CITY MANAGER

A. GENERAL

G-2418 Accept Finance Report for period ending June 30, 2019

Rick Overgaard gave the following report: General Fund revenues for the month of June were \$602,795. Property tax collections were \$179,224, and Building Permits were \$99,094. Sales tax collected and recognized as revenue in June was \$235,611. Fiscal year to date sales tax is \$2,088,926, an increase of 19.1% over last year at this time. General Fund revenues collected through the end of June were \$17,111,373 or 84.6 percent of the budget.

General Fund expenditures for the month of June were \$1,617,614. This includes a transfer to the Capital Projects Fund of \$214,804 for the Animal Shelter. As a reminder, transfers to other funds of \$1,670,000 and the TIF transfer of \$908,903 have already occurred this fiscal year. Last fiscal year, these transfers (a combined \$2.75 million) were made in July and August. Expenditures through June were \$15,978,360 or 75.3 percent of the adopted budget.

Fiscal year-to-date, total General Fund revenues of \$17,111,373 exceeded General Fund expenditures of \$15,978,360 by \$1,133,013.

Debt Service revenues for the month of June totaled \$9,588 and all were from property tax. There were no expenditures for June. The next debt service payments will occur in July 2019. Fiscal year to date revenues of \$1,713,915, exceeded fiscal year to date expenditures of \$1,472,671, by \$241,244.

EDC revenues as of June 30, 2019, were \$1,792,511. EDC expenditures through the end of June were \$2,173,623, which includes the purchase of land. Total expenditures exceeded total revenues by \$381,112.

Total revenues received through June 30, 2019 were \$3,009,585 from stormwater utility fees, mineral lease revenue, TIF revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$3,584,669 through the end of June. June expenditures included the following projects: Van Deman Road Drainage, Vista Way, and Clearfork Emergency Access Bridge. Total expenditures exceeded total revenues by \$575,084. 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 \$18,737,755. 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 June 30, 2019, the City had \$18,737,755 invested at varying interest rates; the EDC had \$4,372,761 available.

Motion by Mr. Wilson, seconded by Dr. Marshall to accept the finance report for the period ending June 30, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2419 Approve Investment Report for quarter ending June 30, 2019

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 July 23, 2019, to review the report and ensure compliance with the City’s investment policy. A copy of the Investment Report is attached and highlights are presented below.

- The total portfolio for the City and EDC at June 30, 2019 is \$23,110,516, with 81% or \$18,737,755 belonging to the City, and 19% or \$4,372,761 to the EDC.
- 22% of the combined portfolio is in bank accounts, with 58% in local government investment pools, and 20% in certificates of deposit.
- The weighted average maturity on the combined portfolio is 67 days with a 1.73% average yield to maturity.

Motion by Ms. Mackey, seconded by Mr. Sauma to accept the Investment Report for the quarter ending June 30, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2420 Accept 2019 Certified Appraisal Roll, set Anticipated Collection Rate, and appoint an officer to calculate the Effective Tax Rate and Roll Back Tax Rate

Rick Overgaard gave the following report: Staff has received the 2019 Certified Appraisal Roll from the Tarrant Appraisal District (TAD). The report "Information on the 2019 Appraisal Roll" contains the State-mandated information on appraised value, adjustments, exemptions, and the taxable value of property.

To comply with "Truth-in-Taxation" (TNT) requirements of Texas law, the City Council must accept the Certified Appraisal Roll as presented by TAD, set the anticipated collection rate for FY 2019-20, and appoint an officer to calculate and publish the Effective Tax Rate (ETR) and the Rollback Tax Rate (RTR).

The "Information on the 2019 Certified Appraisal Roll" indicates that the City of Benbrook will realize an overall increase in the maintenance and operations (M & O) property tax revenues of 9.63 percent or approximately \$1,221,802.

This year, the Benbrook City Council will be required to take a roll call vote to increase property tax revenue and set the anticipated property tax rate. The vote is mandatory because the City's Effective Tax Rate of \$0.587345 falls below the current property tax rate of \$0.6400. As a reminder, Texas law requires municipalities to conduct a vote "to raise taxes" even if the City Council leaves the tax rate at the same (current year's) rate.

Texas law focuses only on property taxes and does not take into consideration any other revenue sources.

In addition, State law does not recognize the intricacies of the property tax roll. The 2019 Appraisal Roll Information Valuation Summary includes \$39,680,605 for properties under protest. Section 25.01 (c) of the State Property Tax Code directs the Chief Appraiser to prepare a list of all properties under protest with the Appraisal Review Board and pending disposition at the time of value roll certification. The estimated minimum taxable value for these properties is \$27,776,424.

State law does not take into consideration the cumulative impact of taxable values over multiple years and instead only compares the current year to the past year.

The current property tax rate of \$0.6400 is above the Roll-Back-Tax-Rate (RTR) of \$0.62777; so, the maximum proposed rate for FY 2019-20 is \$0.62777.

Staff recommends that the City Council set the property tax rate at a proposed tax rate of \$0.62777 for the 2019-20 fiscal year; this rate is lower than the current property tax rate of \$0.6400. The public vote, as well as the additional advertisements and notices, does not mean that the City of Benbrook will increase the property tax rate. As mandated by the City Charter, the final property tax rate will be approved by the City Council during the budget process and adopted by an ordinance. The adopted property tax rate may be lower than the preliminary property tax rate approved on August 1, 2019.

Motion by Mr. Wilson, seconded by Dr. Marshall to:

1. Accept the 2019 Certified Appraisal Roll as presented;
2. Set 100.00 percent as the anticipated property tax collection rate for FY 2019-20;
3. Appoint the Finance Director to calculate and to publish the Effective Tax Rate (ETR) and the Rollback Tax Rate (RTR);
4. Set the preliminary property tax rate for FY 2019-20 at the rate of \$0.62777; and,
5. Take a roll call vote to increase property tax revenue.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2421 Authorize Interlocal Agreement with Benbrook Water Authority for Street Cut Repair Services

Bennett Howell gave the following report: When Benbrook Water Authority (BWA) has a water or sewer line failure under a street, the street must be cut open to repair the line. After the line is repaired, the BWA is responsible for restoring the damaged street. These street repairs are commonly referred to as “street cuts”. In lieu of having BWA contract with an outside contractor, the City of Benbrook has repaired street cuts on asphalt streets for the BWA through an Interlocal Agreement (ILA) since 2000.

The proposed ILA renews the longstanding agreement with BWA allowing the City of Benbrook to complete street cuts for the BWA. The repair cost to the BWA is \$8.91/square foot, which is identical to last year. The term of the proposed ILA is one year, beginning October 1, 2019 and ending September 30, 2020.

BWA street cuts constitute approximately 30% of the total street cuts repaired by the City each year. Because of the economies of scale associated with the City

completing street cuts, the repairs are easily absorbed into the City's work load without significantly impacting operations.

Motion by Dr .Marshall, seconded by Mr. Phillips to authorize the Interlocal Agreement with the Benbrook Water Authority for street cut repair services on asphalt streets.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2422 Authorize Interlocal Agreement with Benbrook Water Authority for Residential Refuser and Storm Water Utility Fee Billing and Payment Collection Services

Bennett Howell gave the following report: Through an Interlocal Agreement (ILA), the City of Benbrook contracts with the Benbrook Water Authority (BWA) to bill and collect residential refuse and storm water utility accounts. Because the BWA already bills these customers for water and sewer service, an economies of scale is created that benefits the City, the Authority, and ultimately the citizens of Benbrook.

The proposed ILA establishes a reimbursement to the BWA of 49.58 cents per bill. This amount is identical to last year.

In addition, the City is assessed its proportionate share of the credit card processing fee for residents paying with credit cards. BWA processes credit card payments through a merchant services provider. The provider charges a percentage (normally between 1.5% and 3%) on each transaction based on the type of card and transaction.

The term of the proposed ILA is one year, beginning October 1, 2019 and ending September 30, 2020.

Motion by Mr. Sauma, seconded by Dr. Marshall to authorize the Interlocal Agreement with the Benbrook Water Authority for residential refuse and storm water utility fee billing and payment collection services.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. COUNCIL MEMBER AND STAFF COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 8:05 p.m. followed by worksession to:

1. Review of HB 2439 regarding municipal regulations of certain building products, materials and methods
2. Discuss FY 2019-2020 Budget

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 8/15/19	REFERENCE NUMBER: G-2423	SUBJECT: Adopt ordinance repealing Section 10.40.010.A.8 of Chapter 10.40 – Parking Restrictions, Title 10 – Vehicles and Traffic of the Benbrook Municipal Code by removing no parking restrictions on a portion of Rolling Hills Drive.	PAGE: 1 of 1
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Pursuant to a recent citizen request to the City Council, the proposed ordinance repeals a “no parking” restriction on both sides of Rolling Hills Drive between R.M. 2871 and Rolling Hills Court/Sorrell Court.

The parking restriction was adopted by City Council via Ordinance No. 1060-2000 based on traffic concerns from neighboring property owners at the time. Specifically, citizens voiced opposition to the parking of vehicles and horse trailers along Rolling Hills Drive near the Shepherd Valley Equestrian Center (now operating as the Tabernacle of Praise Fort Worth) during major equestrian events.

Following the property’s change of use from the Shepard Valley Equestrian Center to the Tabernacle of Praise Fort Worth, the need to accommodate over-flow parking with on-street parking is no longer an issue. In addition, the existing “no parking” restriction places an unnecessary parking burden on family members and visitors seeking to park near any of the residential properties directly abutting this section of Rolling Hills Drive.

RECOMMENDATION

Staff recommends that City Council adopt the ordinance repealing Section 10.40.010.A.8, Chapter 10.40 – Parking Restrictions, Title 10 – Vehicles and Traffic of the Benbrook Municipal Code by removing the “no parking” restrictions from Rolling Hills Drive between R.M. 2871 and Rolling Hills Court/Sorrell Court.

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

ORDINANCE NO. 1447

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 10 – VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE, BY REPEALING SECTION 10.40.010.A.8, CHAPTER 10.40.010 – NO PARKING ANYTIME; 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, Texas (“City”) is a home rule City acting under its own 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 Council has the authority to regulate traffic and parking of vehicles along roadways and rights-of-way within the City Limits of Benbrook; and

WHEREAS, the City has previously adopted parking regulations as Section 10.40.010.A.8, Chapter 10.40 – Parking Restrictions, Title 10 – Vehicles and Traffic of the Benbrook Municipal Code (1985), as amended through Ordinance 1060-2000; and

WHEREAS, the City Council has determined that a previously hazardous condition no longer exists related to vehicles parking along certain portions of Rolling Hills Drive; and

WHEREAS, the City Council now deems it necessary to amend Chapter 10.40 – Parking Restrictions, Title 10 – Vehicles and Traffic of the Benbrook Municipal Code to allow parking along portions of Rolling Hills Drive.

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

SECTION 1

Section 10.40.010.A.8, Chapter 10.40 – Parking Restrictions, Title 10 – Vehicles and Traffic of the Benbrook Municipal Code, as amended, is hereby fully repealed.

SECTION 2

The Public Services Director is hereby directed to remove the appropriate signs along Rolling Hills Drive, from its intersection with R. M. 2871 to the intersection with Rolling Hills Court/Sorrell Court, allowing the parking of vehicles as set forth in this ordinance.

SECTION 3

That all other provisions of Chapter 10.40 – Parking Restrictions of Title 10 – Vehicles and Traffic of the Benbrook Municipal Code, not included in this amendment, shall remain in full force and effect.

SECTION 4 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 5 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 6 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 7 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 8
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 9
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 10
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 11
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 15th day of August 2019.

Jerry Dittrich, Mayor

ATTEST:

Joanna King, City Secretary