



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, FEBRUARY 21, 2019**

The regular meeting of the Benbrook City Council was held on Thursday February 21, 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  
Dustin Phillips  
Jim Wilson  
Laura Mackey  
Ron Sauma

Also Present:

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

Others Present:

Bill Smith  
Kent Williams  
Terri Davis  
Lynette Spence

**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 Mr. Bill Smith.  
The Pledge of Allegiance was recited.

### III. MINUTES

#### 1. Minutes of the regular meeting held February 7, 2019

Motion by Dr. Marshall, seconded by Ms. Franklin to approve the minutes of the regular meeting held February 7, 2019.

Vote on the Motion:

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

Noes: None

Abstain: Mr. Phillips and Mr. Sauma

Motion carries 5-0-2.

### IV. PRESENTATION BY BENBROOK 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**

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 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.

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 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 conducted a public hearing regarding this project at their regular board meeting on Tuesday, February 19, 2019. One positive comment was received.

Motion by Mr. Wilson, seconded by Mr. Sauma to 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 FY 2019 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.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

## **V. REPORTS OF CITY MANAGER**

### **A. GENERAL**

#### **G-2400 Accept finance report for period ending January 31, 2019**

Rick Overgaard gave the following report: 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. 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 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 1<sup>st</sup>. The next debt service payments will occur in July 2019.

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.

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.

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

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**G-2401      Adopt Resolution for transportation Alternatives Set-Aside Program – Dutch Branch Park Pedestrian/Bicycle Access Project**

Bennett Howell gave the following report: 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
Federal Funding	<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.

Motion by Mr. Wilson, seconded by Mr. Phillips to adopt Resolution No. 2019-01 supporting the application for the Transportation Alternatives Set-Aside Program.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2019-01 being **“RESOLUTION IN SUPPORT OF THE DUTCH BRANCH PARK PEDESTRIAN/BICYCLE ACCESS WAY PROJECT TRANSPORTATION ALTERNATIVE SET-ASIDE PROGRAM PROJECT”**

**VI. INFORMAL CITIZEN COMMENTS**

**VII. COUNCIL MEMBER AND STAFF COMMENTS**

**VIII. ADJOURNMENT**

Meeting adjourned at 7:51 p.m. followed by Worksession to discuss Complete Count Committee for 2020 Census.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**