



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 19, 2019**

The regular meeting of the Benbrook City Council was held on September 19, 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
Jim Wilson
Laura Mackey
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Jim Hinderaker, Assistant City Manager
Jeff Rodriguez, Marketing and Communications
Rick Overgaard, Finance Director
Michael Mullinax, Commander
Wes Cooper, Assistant IT Director

Others Present:

Phyllis Wolfe, IT Director
Bill Smith
Jason Ward
Charlie McCaslin
Larry Abshire
and 1 other citizen

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 Franklin.
The Pledge of Allegiance was recited.

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Minutes of the regular meeting held September 5, 2019

Motion by Dr. Marshall seconded by Mr. Phillips to approve the minutes of the regular meeting held September 5, 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.

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2430 Accept finance report for period ending August 31, 2019

Rick Overgaard gave the following report: 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. 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 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 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.

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 in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

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

Motion by Ms. Mackey, seconded by Mr. Sauma to accept the finance report for the period ending August 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-2431 Adopt Ordinance approving budget figures for Fiscal Year 2019-2020

Motion by Dr. Marshall, seconded by Mr. Phillips to adopt Ordinance No. 1448 approving budget figures for FY 2019-2020.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1448 being **“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.**

G-2432 Adopt Ordinance fixing and levying Ad Valore, Tax for 2019

Motion by Ms. Franklin, seconded by Mr. Sauma to adopt Ordinance No. 1449 fixing and levying Ad Valorem Tax for 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.

Ordinance No. 1449 being **“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.**

G-2423 Ratify property tax revenue reflected in the Fiscal Year 2019-2020 Budget

Motion by Mr. Phillips, seconded by Mr. Wilson to ratify the property tax revenue increase reflected in the Fiscal Year 2019-2020 budget.

Vote on the Motion by Roll Call Vote.

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

Noes: None

Motion carries unanimously.

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

Jim Hinderaker gave the following report: 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.

Motion by Dr. Marshall, seconded by Ms. Franklin to adopt Ordinance No. 1450 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.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1450 being **“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.**

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 10
EFFECTIVE DATE**

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

B. PURCHASE

P-279 Purchase four (4) 2020 Police Vehicles

Michael Mullinax gave the following report: 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.

Motion by Ms. Mackey, seconded by Mr. Wilson to purchase of four (4) police package vehicles from the low bidder, Texas Buy Board, in the total amount of \$134,160.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

P-280 Purchase Scale Computing System

Wes Cooper gave the following report: 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).

Motion by Mr. Wilson, seconded by Mr. Phillips to approve the purchase of the Maverick Computer Services - Scale Computing System at a low bid cost of \$120,692.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

Larry Abshire requested City Council consider the purchase of new Fire Trucks in future budgets.

VII. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Renee Franklin reminded citizens of the Benbrook Trash Bash to be held September 21, 2019 at Dutch Branch Park.

XI. ADJOURNMENT

Meeting adjourned at 7:55 p.m. followed by a Worksession to discuss the Comprehensive Plan Update.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary