



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 20, 2019**

The regular meeting of the Benbrook City Council was held on Thursday June 20, 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:

Jim Hinderaker, Assistant City Manager
Joanna King, City Secretary
Rick Overgaard, Finance Director
Bennett Howell, Public Services Director
Patty Bissey, Marketing Coordinator
Hillary Cromer, EDC Analyst

Others Present:

Bill Smith

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 Bill Smith.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held June 6, 2019

Motion by Dr. Marshall seconded by Ms. Franklin to approve the minutes of the regular meeting held June 6, 2019.

Vote on the Motion:

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

Noes: None

Abstain: Mr. Sauma

Motion carries 6-0-1

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2019-03 Adopt Resolution repealing Personal Property Tax on Leased Vehicles

Motion by Mr. Phillips, seconded by Mr. Wilson to adopt Resolution 2019-04 repealing Personal Property Tax on Leased Vehicles.

Vote on the Motion:

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

Noes: Mr. Sauma

Motion carries 6-1

Resolution No. 2019-04 being **“A RESOLUTION REPEALING THE ASSESSMENT OF PERSONAL PROPERTY TAX ON CERTAIN MOTOR VEHICLES LEASED FOR PERSONAL USE.”**

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2410 Accept finance report for period ending April 30, 2019

Rick Overgaard gave the following report: General Fund revenues for the month of May were \$749,718. Fiscal year-to-date revenues are 5.24% greater than last year. Property tax collections were \$87,116, and franchise taxes were \$118,253. Sales tax collected and recognized as revenue in May was \$227,863. Fiscal year to date sales tax totals \$1,853,315, an increase of 19.6% over last year at this time. General Fund revenues collected through the end of May were \$16,508,183 or 81.6 percent of the budget.

General Fund expenditures for the month of May were \$3,027,785. This includes a \$908,903 annual payment to the TIF, which happened last year in July. In addition, there were three payrolls in May. As a reminder, transfers to other funds of \$1,670,000 have already occurred and were made last year in August. Expenditures through May were \$14,362,178 or 68.4 percent of the adopted budget.

Fiscal year-to-date, total General Fund revenues of \$16,508,183 exceeded General Fund expenditures of \$14,362,178 by \$2,146,005.

Debt Service revenues for the month of May totaled \$4,661 and were all from property tax. There were no expenditures for May. The next debt service payments will occur in July 2019. Fiscal year-to-date revenues of \$1,704,327 exceeded fiscal year-to-date expenditures of \$1,472,671 by \$231,656.

EDC revenues as of May 31, 2019, were \$1,653,285. EDC expenditures through the end of May were \$2,130,189, which includes the purchase of land. Total expenditures exceeded total revenues by \$476,904.

Total revenues received through May 31, 2019 were \$2,698,611 from stormwater utility fees, mineral lease revenue, TIF revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$3,414,686 through the end of May. May expenditures were for the following projects: Vista Way, Clearfork Emergency Access Bridge, and Animal Shelter. Total expenditures exceeded total revenues by \$716,075. 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 May 31, 2019, the City had \$21,439,132 invested at varying interest rates; the EDC had \$4,299,894 available.

Motion by Mr. Sauma, seconded by Ms. Mackey to accept the finance report for the period ending May 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-2414 Approve Interlocal Agreement with Fort Worth Transportation Authority to provide transportation for elderly and disabled residents

Patty Bissey gave the following report: The City's contract with the Fort Worth Transportation Authority (the "T") to provide transit service to Benbrook residents expired June 1, 2019. There has been no interruption in service.

The program provides transit service to residents age 65 or older, or for disabled residents, at a subsidized fare of \$2.50 per one-way trip (on a first-come, first-served basis). The City's cost to participate in the program is \$7,529, and funds are budgeted annually for this expense.

Qualifying residents may utilize the transit service for a variety of purposes, included medical appointments, shopping, recreation, school or work, excluding weekends and holidays. Benbrook residents are guaranteed rides on Tuesdays, Thursdays, and Fridays.

The terms and conditions of service and the annual administrative fee of \$7,529 are identical to the current year's contract.

Motion by Ms. Mackey, seconded by Ms. Franklin to continue participation in the Tarrant County Transportation Services Program for Elderly and Disabled residents, at a cost of \$7,529.

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-2415 Adopt Ordinance amending Section 1.12.80 – Building and Construction, Chapter 1.12 – Fees for city Services, Title 1 – General of the Benbrook Municipal Code by changing the current residential building permit and inspection fee structure from a valuation-based fee structure to a flat fee and square-footage based fee structure

Jim Hinderaker gave the following report: On May 21, 2019, Texas Governor Gregg Abbott signed House Bill 852 into law. HB 852 prohibits cities from considering the value of a residential dwelling or the cost of constructing or improving that dwelling in determining the amount of a building permit or inspection fee. The law went into effective immediately.

As a result of this legislative action, Benbrook's (and most other Texas municipalities) single-family residential dwelling permit fee schedule no longer complies with Texas Law. To achieve compliance, staff seeks to amend Section 1.12.080(B), Chapter 1.12 - Fees for City Services from a valuation-based fee schedule to a flat fee of 0.85 cents per square foot with a \$50 minimum as provided in the attached Ordinance.

Bi-annually, the International Code Council publishes a Building Valuation Data (BVD) table that provides the "average" construction cost per square foot for different construction types. The "average" construction cost of a single-family dwelling is currently listed at \$122.46/square foot (Feb. 2019). Staff applied a lesser baseline amount of \$112.6498243/square foot as this amount is more representative of the cost per square foot currently used by comparison cities.

Using this information, staff compared the building permit/plan fees assessed by the below listed cities to construct a new 2,663.12 square foot residential dwelling valued at \$300,000. The average total permit fee of the six comparison cities is \$2,270.99, which is \$157.24 more than what Benbrook currently charges. In order for Benbrook to assess the approximate "average" single-family residential permit fee collected by neighboring cities, staff recommends charging 0.85 cents per square foot with a \$50 minimum (e.g. 2,663.12 sf x 0.85 cents/sf equals \$2,263.65).

Settlement			Village			Average	Current	Proposed
\$2,906.41	\$2,642.19	\$2,042.34	\$3,487.69	\$1,381.56	\$1,165.76	\$2,270.99	\$2,113.75	\$2,263.65

Staff has not collected any fees for residential building permits issued after May 21, 2019. However, building inspections have continued to ensure timely construction and not inconvenience homebuilders and consumers. Staff has informed affected applicants that building permit fees will be retroactively assessed and collected once the new residential fee schedule Ordinance is formally adopted and effective.

Motion by Dr. Marshall, seconded by Mr. Phillips to adopt Ordinance No. 1445 amending the residential building permit and inspection fee schedule from a valuation-based fee structure to a square-footage based fee structure set at 0.85 cents per square foot with a \$50 minimum.

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. 1445 being “AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 1 – GENERAL PROVISIONS OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING SECTION 1.12.080(B), CHAPTER 1.12 – FEES FOR CITY SERVICES; REPLACING THE CITY’S BUILDING PERMIT AND INSPECTION FEE STRUCTURE FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS FROM A VALUATION BASED FEE SCHEDULE TO A SQUARE-FOOTAGE BASED FEE SCHEDULE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

**SECTION 4
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) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 9
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

B. CONTRACT

C-325 Approve Engineering Contract with Parkhill, Smith & Cooper for the I-20 Service Road Two-Way Conversion and Extension of Vista Way

Bennett Howell gave the following report: On January 17, 2019, the City Council added the I-20 Service Road Two-Way Conversion and Extension of Vista Way to the Capital Improvements Program (CIP). On March 26, 2019, the Tax Increment Finance (TIF) Board added the project to TIF Project Plan

The project will have the following characteristics:

- The section of Vista Way currently under construction will be extended to Benbrook Boulevard, north of I-20. (Figure 1)
- The proposed street cross-section is the same as Vista Way, two – 15 feet travel lanes and two – 5 feet bike lanes. Sidewalks will also be included in the project.
- The Vista Way, Benbrook Boulevard, and Old Benbrook Road Intersection will be realigned and signalized.
- The service road that parallels the railroad track under I-20 will allow for two-way traffic, all other service roads will remain one-way.
- Texas Department of Transportation (TXDOT) has approval authority since much of the project is in TXDOT right-of-way. TXDOT has already approved the conceptual plans for the project.
- The property owners on the west side of Benbrook Boulevard have agreed in principle to the project.

The proposed engineering design contract with Parkhill, Smith and Cooper provides construction plans for a new roadway, utility extension, intersection realignment and signalization. The design process will take approximately 9-12 months depending on regulatory review. Project construction should start in late 2020 and take approximately 9-12 months to complete. The cost of the engineering design contract with Parkhill, Smith and Cooper is \$285,820. The estimated construction cost is \$1,900,000 and does not including right-of-way acquisition from the private property owners. The private property owners have initially indicated they will dedicate the right-of-way for free because the project enhances the value of their land.

The TIF Fund will finance the project.

Motion by Mr. Wilson, seconded by Mr. Sauma to approve the engineering contract with Parkhill, Smith and Cooper for the I-20 Service Road Two-Way Conversion and Extension of Vista Way for \$285,820.

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


VII. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Renee Franklin and Mayor Dittrich recognized the upcoming retirement of Patty Bissey, Marketing Coordinator, and expressed appreciation for her years of service to the citizens of Benbrook.

VII. ADJOURNMENT

Meeting adjourned at 7:55 p.m.

APPROVED:



Jerry B. Dittrich, Mayor

ATTEST:



Joanna King, City Secretary