



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, JULY 21, 2022**

The regular meeting of the Benbrook City Council was held on July 21, 2022 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jason Ward, Mayor  
Renee Franklin  
Larry Marshall  
Dustin Phillips  
Gary Addison  
Laura Mackey

Also Present:

Andy Wayman, City Manager  
Jim Hinderaker, Assistant City Manager  
Joanna King, City Secretary  
Beth Fischer, Deputy City Secretary  
Rick Overgaard, Finance Director

Others:

Phyllis Harkins  
Sam Shipley  
Andrea Arabi  
Craig Walters  
Ben Hoskins  
Melissa Hoskins  
Tony Miller  
and 2 other citizens

**I. CALL TO ORDER**

Meeting called to order at 7:30 p. m. by Mayor Ward

**II. INVOCATION/PLEDGE OF ALEGIANCE**

Invocation was given by Councilmember Laura Mackey  
The Pledge of Allegiance was recited.

**III. CITIZEN COMMENTS ON ANY AGENDA ITEM**

**IV. MINUTES**

**1. Approve minutes of the regular meeting held July 7, 2022**

Motion by Dr. Marshall, seconded by Ms. Franklin to approve the minutes of the regular meeting held July 7, 2022.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey

Noes: None

Motion carried unanimously.

**V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL**

**CC-2022-05 Adopt Resolution and Election Order for a General Election to be held on November 8, 2022 and authorizing a Joint Election between Tarrant County Elections and the City of Benbrook**

Joanna King gave the following report: The general election for members of City Council in Places 2, 4 and 6 is scheduled for Tuesday, November 8, 2022. The filing period for candidates begins at 8:00 a.m. Monday July 25, 2022 and ends at 5:00 p.m. on Monday, August 22, 2022.

The City Secretary is requesting that the City enter into a Joint Election Agreement with Tarrant County for election services.

By joining Tarrant County in the election, Benbrook voters would be allowed to cast their ballot in any polling place in the county during both Early Voting and Election Day. Also, Tarrant County would provide the voting equipment, obtain polling places and election workers at a significant savings to Benbrook citizens.

The proposed resolution lists the local polling places for the election. Exhibit "A" will be modified as Tarrant County notifies participating entities of additional locations.

The costs assessed to Benbrook will be in accordance with the total number of political subdivisions contracting for the election.

Motion by Ms. Franklin, seconded by Ms. Mackey to adopt Resolution No. 2022-05 ordering the General Election for November 8, 2022 and authorizing the Mayor to enter into an election contract with Tarrant County Elections.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey

Noes: None

Motion carried unanimously.

Resolution No. 2022-05 being "A RESOLUTION AND ELECTION ORDER BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS CALLING FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022; AUTHORIZING A JOINT ELECTION AGREEMENT BETWEEN TARRANT COUNTY AND THE CITY OF BENBROOK, TEXAS; PROVIDING PROCEDURES FOR THE CONDUCT OF THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

**VI. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS**

**EDC-2022-02 Ratify Benbrook Economic Development Corporation Budget for FY 2022/2023**

Jessica James gave the following report: The proposed Benbrook Economic Development Corporation (BEDC) FY 2022-2023 Budget totals \$1,536,581. City departments submit budgets for the City Manager and Finance Department to review. While administrative/operating costs are approved through the normal City review process, the BEDC Board of Directors considers, approves, and recommends EDC project funding, as generally described in account(s) 5700.

A summary of the proposed Benbrook Economic Development Corporation FY 2022-2023 Budget, with corresponding accounts, is as follows:

Administrative Budget Accounts	
5000 – 5300, 5717	
FY 2022-2023	\$508,302
<b>BEDC Projects 5700</b>	
5705 Storefront Improvement Program Grant (ongoing)	\$200,000
5706 NW Winscott Infrastructure (enviro, maintenance)	\$50,000
5707 Westpark Corner (demo, maintenance)	\$75,000
5708 Russell Feed Incentive	\$186,000
5722 Benbrook Blvd. (infrastructure, beautification)	\$322,279
5731 3500 Williams Rd. Shopping Center	\$195,000
<b>TOTAL PROJECTS</b>	<b>\$1,028,279</b>

**End-of-Year Available Funds**

On October 1, 2022, Staff projects a fund balance of approximately \$5,457,618. Projected FY 2022-2023 total revenue is approximately \$1,750,000. The projected FY 2022-2023 end-of-fiscal-year fund balance is \$5,671,037, notwithstanding unanticipated budget adjustments for new project expenditures and possible revenue from the sale of BEDC owned properties.

Motion by Dr. Marshall, seconded by Mr. Phillips to ratify the Benbrook Economic Development Corporation Budget for FY 2022/2023.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey

Noes: None

Motion carried unanimously.

**VII. REPORTS FROM CITY MANAGER****A. GENERAL****G-2566 Approve finance report for period ending June 30, 2022**

Rick Overgaard gave the following report: General Fund revenues for the month of June were \$852,587. Major revenues collected for the month include Property taxes of \$183,074, Franchise taxes of \$41,678, Permits of \$112,154, Fines and Forfeitures of \$41,966, and Charges for Services of \$106,118. Sales tax collected and recognized as revenue in June was \$331,827. Fiscal year to date sales tax is \$2,783,015, an increase of 12.01% over last year at this time. General Fund revenues collected through the end of June were \$19,905,407 and 93.2% of the budget.

General Fund expenditures for the month of June were \$1,491,102. The increase in expenditures compared to the prior year is due to the street overlay project. Fiscal year to date expenditures were \$14,543,120 and 68.1% of the adopted budget.

Total General Fund revenues of \$19,905,407 were more than total General Fund expenditures of \$14,543,120 by \$5,362,287.

Debt Service revenues for the month of June totaled \$11,540 and were all from property tax. There were no expenditures in June. The next debt service payments are due August 1<sup>st</sup>.

EDC revenues through June were \$1,473,882. EDC expenditures through the end of June were \$664,990. Total revenues exceeded total expenditures by \$808,892.

Total revenues received through June were \$2,748,079 from stormwater utility fees, mineral lease revenue, TIF income, and interest earnings. Total expenditures for the Capital Projects Fund were \$2,272,401 through the end of June. June expenditures included the following projects: Two-Way Conversion, Westerly and Dawn Drainage, and Floodplain Study. Total revenues exceeded total expenditures by \$475,678. 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 June 30, 2022, the City had \$48,992,670 invested at varying interest rates; the EDC had \$5,996,645 available.

Motion by Ms. Franklin, seconded by Mr. Addison to accept the finance report for the period ending June 30, 2022.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey

Noes: None

Motion carried unanimously.

**G-2567      Accept Quarterly Investment Report for period ending June 30, 2022**

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 12, 2022, 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 on June 30, 2022 is \$54,989,315, with 89% or \$48,992,670 belonging to the City, and 11% or \$5,996,645 to the EDC.
- 55.7% of the combined portfolio is in bank accounts, with 33.2% in local government investment pools, 9.7% in certificates of deposit, 0.9% in agency notes, and 0.5% in treasury notes.
- The weighted average maturity on the combined portfolio is 66 days with a .42% average yield to maturity. In comparison, the 90 day T-Bill benchmark rate is 1.10% due to rising interest rates.

As interest rates rise the average yield on the City's portfolio will slowly rise as well but will lag the market. Interest rates are forecast to continue to increase into 2023 and the City is in a good position to take advantage of these rising rates.

Motion by Ms. Mackey, seconded by Mr. Phillips to accept the Investment Report for the quarter ending June 30, 2022.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey

Noes: None

Motion carried unanimously.

**G-2568      Approve Assignment, Consent and Amendment of Public Rights-of-Way Encroachment License Agreement**

Jim Hinderaker gave the following report: On March 4, 2021, as part an Economic Development and Performance Agreement (EDC Agreement), via City Council Agenda Item EDC-2021-02, between the City of Benbrook and business entities controlled by Sam Shipley (Shipley), City Council authorized Staff to execute a public rights-of-way encroachment license agreement with Shipley. The agreement was finalized and recorded with the Tarrant County Clerk's Office on December 17, 2021 at Instrument No. D221368423 (the "Encroachment Agreement"). The Encroachment Agreement grants Shipley private use of an unused 0.397-acre section of public rights-of-way located at the corner of Winscott Road and Old Benbrook Road.

Per the terms of the Encroachment Agreement, Shipley was approved to install a concrete parking lot (approx. 21 spaces), a drive aisle and curbing, one monument style sign, and landscaping, of which all but the monument sign have been completed. The Encroachment Agreement carries a renewable 20-year term provided the Licensee (Shipley) maintain said improvements and hold necessary liability insurance. The City may terminate the Encroachment Agreement for any reason following a written 30-day notice. Upon termination, the Licensee is required to restore the property to its original condition.

Section 17 of the Encroachment Agreement stipulates that Shipley, as the Licensee, may assign all of its rights and obligations under the Encroachment Agreement to a new owner of the abutting property located at 500 Winscott Road, Benbrook, Texas (the Property) upon written approval from: 1) the City, and 2) providing the new owner agrees to the terms of the original encroachment agreement.

On June 27, 2022, Shipley notified the City that he had entered into a Contract of Sale to convey the Property to Williams RDM, a manufacturer of aerospace and defense products as well as products for the oil and gas and fire safety industries and that he desired to exercise Section 17 of the Encroachment Agreement Closing is tentatively scheduled for early August 2022.

Due to the pending sale to Williams RDM that includes only a one-year lease back provision, Shipley will be unable fulfill the terms of the EDC Agreement that require Shipley to operate American Masonry Supply, Inc. (AMS) on the Property for a period of three (3) years after receiving a Certificate of Occupancy (C/O) for the facility. A C/O was issued on February 2, 2022.

In accordance with Section 9 of the EDC Agreement, Shipley is required to cure such default by paying the Benbrook Economic Development Corporation (BEDC) One Hundred Thousand Dollars (\$100,000). Shipley has agreed to deliver payment to BEDC at or prior to closing of the Property.

Shipley has also agreed to close-out all active building permits and execute the Operation and Maintenance Agreement required by the City for private stormwater facilities recently constructed on the Property at or prior to closing.

Staff recommends that City Council approve the Assignment, Consent and Amendment of Public Rights-of-Way Encroachment License Agreement (Agreement) with the following conditions:

1. The Agreement shall be executed at closing of the Property and shall be recorded in the Real Property Records of Tarrant County, Texas, immediately follow recordation of the property's conveyance instrument from Shipley to Williams RDM.
2. Per Section 9 of the Encroachment Agreement, Williams RDM shall provide the City with an updated Certificate of Liability Insurance at or prior to closing of the Property that shall be recorded with the Agreement as Exhibit D, Revised.
3. A check payable to the Benbrook Economic Development Corporation (BEDC) in the amount of \$100,000 shall be given to the BEDC at or prior to closing of the Property.
4. All outstanding building permit applications associated with the Property shall be closed-out prior to closing of the Property.
5. The Operation and Maintenance Agreement shall be executed at or prior to closing of the Property.

Motion by Ms. Franklin, seconded by Mr. Phillips to approve the Assignment, Consent and Amendment of Public Rights-of-Way Encroachment License Agreement with conditions provided in the staff report.

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Ward, Mr. Addison, Ms. Mackey

Noes: None

Motion carried unanimously.

**VIII. INFORMAL CITIZEN COMMENTS**

Tony Miller addressed City Council.

**IX. COUNCIL MEMBER AND STAFF COMMENTS**

Councilmember Franklin recognized and commended the First Responders with the City of Benbrook, City of White Settlement, Parker County and Lockheed Martin Fire Departments for their coordinated efforts in fighting a house fire located in Benbrook.

**X. ADJOURNMENT**

Meeting adjourned at 7:55 p.m.

**APPROVED:**

  
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**Jason Ward, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Joanna King, City Secretary**