



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 17, 2020**

The regular meeting of the Benbrook City Council was held on September 17, 2020 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jerry Dittrich, Mayor
Renee Franklin-via Telephone Conference
Larry Marshall- via Telephone Conference
Dustin Phillips-via Telephone Conference
Jim Wilson-via Telephone Conference
Laura Mackey-via Telephone Conference
Jason Ward-via Telephone Conference

Also Present:

Andy Wayman, City Manager
Jim Hinderaker, Assistant City Manager
Beth Fischer, Deputy City Secretary
Michael Mullinax, Commander
Rick Overgaard, Finance Director
Phyllis Wolfe, Systems Administrator

Others Present:

Wes Sheffield

I. CALL TO ORDER

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

II. CITIZEN COMMENTS ON ANY AGENDA ITEM

Mayor Dittrich paused the meeting for any citizen comments on any agenda item via telephone conference. There were no calls.

III. MINUTES

1. Minutes of the regular meeting held September 3, 2020

Motion by Dr. Marshall, seconded by Mr. Ward to approve the minutes of the regular meeting held September 3, 2020.

Vote on the Motion by Roll Call:

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

Noes: None

Motion carried unanimously.

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2020-04 Adopt an ordinance amending Title 17 – Zoning of the Benbrook Municipal Code (1985), as amending Chapter 17.92 – Sign Regulations and Chapter 17.79 – Benbrook Boulevard Corridor Overlay District establishing updated sign regulations; and amending Chapter 17.08 – Definitions updating various sign definitions (Public Hearing)

Jim Hinderaker gave the following report: The purpose of the sign ordinance update is to improve readability, incorporate recent Supreme Court decisions, and clarify conflicting and vague regulations.

The following is a summary of the draft ordinance:

- Reorganized the sign chapter to make the regulations easier to find, understand, and implement.
- Created new purpose section.
- Removed sign definitions from Chapter 17.08 and placed applicable sign terms and definitions within Chapter 17.92. Some definitions were either updated or removed to reflect City Attorney suggestions to comply with recent Supreme Court decisions, or to resolve conflicting or vague regulations.
- Created new temporary sign regulations. Based on City Attorney guidance, sign regulations should not be based on the sign's content like "real estate sign", "residential sign", "political sign", and "menu board sign", among others. To avoid legal issues, yet still allow these signs as a practical matter, the City should allow additional signage when a certain condition exists on a property, but not tie the additional sign allowance to its content.
- Clarified the number of freestanding signs allowed on a property.
- Allowed individual sign panel changes on freestanding signs, with an approved sign permit, so long as the sign's location, height, cabinet(s), basic construction, and other significant characteristic remain unchanged and the total sign area does not increase.
- Signs constructed, placed, or maintained by the federal, state, or local government are exempt from zoning code.
- Removed redundant and/or conflicting administrative procedures.
- Removed variance process from the sign chapter, as the zoning ordinance already contains Chapter 17.16 – Board of Adjustment, which contains details on the authority of the Zoning Board of Adjustment and criteria for variance approval, as regulated by State Law.

Mayor Dittrich opened the public hearing at 7:49 p.m. and announced that the telephone lines were open to accept citizen input on the proposed ordinance amendments. After three minutes there were no calls received.

Mayor Dittrich closed the public hearing at 7:52 p.m.

Motion by Mr. Wilson, seconded by Ms. Mackey to adopt Ordinance No. 1459 amending Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, by amending Chapter 17.92 – Sign Regulations and Chapter 17.79 – Benbrook Boulevard Corridor Overlay District establishing updated sign regulations; and amending Chapter 17.08 – Definitions updating various sign definitions.

Vote on the Motion by Roll Call:

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

Noes: None

Motion carried unanimously.

Ordinance No. 1459 being **“AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 17.92 – SIGN REGULATIONS AND CHAPTER 17.79 – BENBROOK BOULEVARD CORRIDOR OVERLAY DISTRICT ESTABLISHING UPDATED SIGN REGULATIONS; AND AMENDING CHAPTER 17.08 – DEFINITIONS UPDATING VARIOUS SIGN DEFINITIONS; 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.”**

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2481 Approve Interlocal Agreement with the City of Fort Worth for rabies control and testing

Michael Mullinax gave the following report: In 1999, the City of Benbrook entered into an agreement with the City of Fort Worth for the processing, shipping, and testing of suspected rabid animals. When services are needed, specimens are transported to the City of Fort Worth Animal Control Office for processing and shipment to the laboratory. The results are returned directly to the Benbrook Animal Control Officer. The annual Interlocal agreement is written on a per case basis and the 2020-2021 contract fee is \$200 per animal. On average, 3 specimens are processed each year.

Motion by Ms. Franklin, seconded by Mr. Wilson to approve the interlocal agreement with the City of Fort Worth for rabies control and testing.

Vote on the Motion by Roll Call:

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

Noes: None

Motion carried unanimously

G-2482 Accept finance report for period ending August 31, 2020

Rick Overgaard gave the following report: General Fund revenues for the month of August were \$673,756. Major revenues collected for the month include Property taxes of \$32,233, Franchise taxes of \$83,869, Fines and Forfeitures of \$49,429, Charges for Services of \$147,809, Permits of \$51,829, Interest of \$8,649, and Other Agency of \$57,095. Sales tax collected and recognized as revenue in August was \$242,843. Fiscal year to date sales tax is 18.0% greater than last year at this time. A separate summary of sales tax revenue collections is provided for informational purposes. General Fund revenues collected through the end of August were \$20,186,758 and 95.7% of the budget.

General Fund expenditures for the month of August were \$1,492,660. Fiscal year to date expenditures were \$18,258,157 and 86.9% of the adopted budget.

Total General Fund revenues of \$20,186,758 were greater than General Fund expenditures of \$18,258,157 by \$1,928,601.

Debt Service revenues for the month of August totaled \$1,132 and were all from property tax. Fiscal year to date revenues total \$1,551,464. There were no expenditures in August. The next debt service payments will occur in February 2021. Total revenues of \$1,551,464 exceeded total expenditures of \$1,549,905 by \$1,559.

EDC revenues through August 31, 2020, were \$1,613,558. EDC expenditures through the end of August were \$1,472,091. Total revenues exceeded total expenditures by \$141,467.

Capital projects total revenues received through August 31, 2020 were \$3,954,559 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$4,450,338 through the end of August. August expenditures included the following projects: Clearfork Emergency Access Bridge. Total expenditures exceeded total revenues by \$495,779. 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.

Cash and investments on August 31, 2020, the City had \$19,015,508 invested at varying interest rates; the EDC had \$4,726,672 available.

Motion by Dr. Marshall, seconded by Mr. Phillips to accept the finance report for period ending August 31, 2020.

Vote on the Motion by Roll Call:

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

Noes: None

Motion carried unanimously

G-2483 Adopt Resolution approving the negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the 2020 Rate Review Mechanism filing

Rick Overgaard gave the following report: The City, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about March 31, 2020, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2019, entitled it to additional system-wide revenues of \$141.2 million. Application of the standards set forth in ACSC's RRM Tariff required Atmos to reduce its request to \$136.3 million, \$98.7 million of which would be applicable to ACSC members. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be \$111.5 million instead of the claimed \$136.3 million. The amount of the \$111.5 million deficiency applicable to ACSC members would be \$80.8 million.

After the Company reviewed ACSC's consultants' report, ACSC's Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$90 million from ACSC Cities, but with a two-month delay in the Effective Date until December 1, 2020. This should save ratepayers approximately \$9 million such that the case is functionally equivalent to ACSC's consultants' recommendation of \$80.8 million.

The Executive Committee recommends a settlement at \$90 million. The Effective Date for new rates is December 1, 2020. ACSC members should take action approving the Resolution before November 1, 2020.

Motion by Mr. Wilson, seconded by Ms. Franklin to adopt Resolution No. 2020-09 approving the negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the 2020 Rate Review Mechanism filing.

Vote on the Motion by Roll Call:

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

Noes: None

Motion carried unanimously

Resolution No. 2020-09 being "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2020 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREEMEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL."

G-2484 Adopt Ordinance approving budget figures for FY 2020/2021

Rick Overgaard gave the following report: H.B. 3195, approved in the 2007 legislative session, affects the 2020/2021 Budget adoption process. H.B. 3195 requires that any budget enacted after September 1, 2007 must meet the following requirement regarding property tax revenue: "Adoption of a budget that raises more property revenue than was generated the previous year requires two votes by the City Council: (a) one vote to adopt the budget and (b) a separate vote to ratify the property tax revenue increase reflected in the budget."

The 2020/2021 Budget will raise more total property taxes than last year's budget by \$399,575 and 2.78 percent, and of that amount \$255,083 is tax revenue to be raised from new property added to the roll this year.

Motion by Ms. Franklin, seconded by Dr. Marshall to adopt Ordinance No.1460 approving budget figures for FY 2020/2021.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1460 being **“AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, APPROVING BUDGET FIGURES FOR THE FISCAL YEAR 2020 THROUGH 2021; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, 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-2485 Ratify the property tax revenue increase reflected in 2020/2021 Budget

Motion by Mr. Phillips, seconded by Mr. Ward to ratify the property tax revenue increase reflected in 2020/2021 Budget.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

B. Purchase

P-284 Approve purchase of five (5) police vehicles

Michael Mullinax gave the following report: The 2020/2021 budget allocates \$184,250 for the purchase of five (5) police package patrol vehicles (2021 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	\$36,575.00	\$182,875.00
Texas Smart Buy	Chevrolet Tahoe 9C1	\$37,108.00	\$185,540.00
Tarrant County Cooperative Joint Venture	Chevrolet Tahoe 9C1	\$39,612.45	\$198,062.24

Texas Buy Board provided the lowest bid, which is \$1,375 below budget.

Motion by Ms. Franklin, seconded Ms. Mackey to approve purchase of five (5) police vehicles.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

Mayor Dittrich paused the meeting for any informal citizen comments via telephone conference. There were no calls.

VII. COUNCIL MEMBER AND STAFF COMMENTS

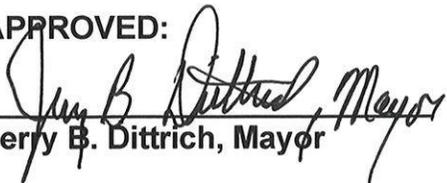
Renee Franklin reminded citizens of the upcoming Trash Bash on September 19, 2020.

Jim Hinderaker gave a status report on COVID-19.

VIII. ADJOURNMENT

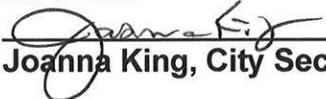
Meeting adjourned at 8:20 p.m.

APPROVED:



Jerry B. Dittrich, Mayor

ATTEST:



Joanna King, City Secretary