



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, NOVEMBER 7, 2019**

The regular meeting of the Benbrook City Council was held on November 7, 2019 at 7:30 p.m. in the Council Chambers with the following Council members present:

Larry Marshall, Mayor Pro-Tem
Renee Franklin
Dustin Phillips
Jim Wilson
Laura Mackey

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Jeffrey Rodriguez, Marketing and Communications
Rick Overgaard, Finance Director
Bennett Howell, Public Services Director
Michael Mullinax, Police Commander

Others Present:

Bill Smith
Jason Ward
Keith Bailey
Nathan Sultemeier
Daniel Bennett
and 1 other citizens

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Pro-Tem Larry Marshall.

II. INVOCATION/PLEDGE OF ALLEGIANCE

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

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Minutes of the regular meeting held October 17, 2019

Motion by Mr. Wilson seconded by Mr. Phillips to approve the minutes of the regular meeting held October 17, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2436 Approve finance report for period ending September 30, 2019

Rick Overgaard gave the following report: The September 30, 2019, monthly finance report represents the unaudited 2018-19 fiscal year end statement. Adjustments (including accruals) will be made by the auditors and staff when the Comprehensive Annual Financial Report (CAFR) is prepared.

General Fund revenues for the month of September were \$737,573. Property tax collections were \$29,822, Franchise Taxes were \$82,897, and Permits/Fees were \$35,818. Sales tax collected and recognized as revenue in September was \$253,500. Fiscal year to date sales tax is \$2,845,995, an increase of 18.37% over last year at this time. General Fund revenues collected through the end of September were \$19,100,848 or 94.4 percent of the budget.

General Fund expenditures for the month of September were \$1,282,199. Expenditures through September were \$19,821,374 or 93.4 percent of the adopted budget.

Fiscal year-to-date, total General Fund revenues of \$19,100,848 were less than General Fund expenditures of \$19,821,374 by \$720,526. The FY 2018-19 budget called for a planned draw down of General Fund reserves for various projects, with expenditures (including transfers) to exceed revenues by \$770,414. Thus, the City ended the year with a slightly stronger than expected General Fund Reserve position.

Debt Service revenues for the month of September totaled \$1,595 and were all from property tax. There were no expenditures in September. The next debt service payments will occur in February 2020. Fiscal year to date revenues of \$1,725,982, exceeded fiscal year to date expenditures of \$1,540,099, by \$185,883.

EDC revenues as of September 30, 2019, were \$2,313,090. EDC expenditures through the end of September were \$2,352,108, which includes the purchase of land. Total expenditures exceeded total revenues by \$39,018.

Total revenues received through September 30, 2019 were \$3,619,890 from stormwater utility fees, mineral lease revenue, TIF revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$4,739,405 through the end of September. September expenditures included the following projects: Chapin Road Cross Culvert, Van Deman Road Drainage, Vista Way, Walnut Creek Flood Study, and Clearfork Emergency Access Bridge. Total expenditures exceeded total revenues by \$1,119,515. 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.

A number of planned capital projects have occurred or are ongoing including the Vista Way extension (\$2.33 million), 800 MHz radio system (\$560,000), Animal Shelter (\$2.2 million), and multiple drainage projects. These projects, in combination with the end of the fiscal year, have incrementally decreased the total "all funds" balance to \$17,696,400. This planned decrease is consistent with the adopted capital improvement plan and ongoing cash flow requirements.

On September 30, 2019, the City had \$17,696,400 invested at varying interest rates; the EDC had \$4,645,820 available.

Motion by Ms. Mackey, seconded by Ms. Franklin to accept the finance report for the period ending September 30, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2437 Approve Investment Report for period ending September 30, 2019

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 October 21, 2019, 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 at September 30, 2019 is \$22,342,220, with 79% or \$17,696,400 belonging to the City, and 21% or \$4,645,820 to the EDC.
- 26% of the combined portfolio is in bank accounts, with 52% in local government investment pools, and 22% in certificates of deposit.
- The weighted average maturity on the combined portfolio is 59 days with a 1.70% average yield to maturity.

Motion by Ms. Mackey, seconded by Mr. Phillips to accept the Investment Report for the quarter ending September 30, 2019.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2437 Adopt Resolution accepting Investment Policy, Brokers/Dealers

Rick Overgaard gave the following report: Section 2256.005 (e) of the Public Funds Investment Act requires the governing body of an investing entity to adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy, investment strategies and broker/dealers; and record any changes. The City of Benbrook's Investment Policy was first adopted by the Benbrook City Council in 1988. The Investment Policy is included in the Finance Section of the City's Administrative Regulations, F-5. The Investment Policy was last reviewed by City Council in October 2018, as per State Law.

The Finance Department has reviewed the Investment Policy to ensure compliance with State Law and with the Public Funds Investment Act. Also, the policy was reviewed to ensure compliance with changes from the 86th Texas Legislative Session.

Pursuant to this review, the Finance Department has determined no changes are necessary to the policy and strategies. In addition, there were no changes to the approved list of broker/dealers.

Motion by Ms. Franklin, seconded by Mr. Wilson to adopt Resolution No. 2019-11 accepting the Investment Policy, Strategy, and Brokers/Dealers.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2019-11 being **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS STATING THAT THE CITY COUNCIL HAS REVIEWED THE CITY’S WRITTEN INVESTMENT POLICY.”**

G-2439 Approve Hotel/Motel Tax Distribution for FY 2019-2020

Rick Overgaard gave the following report: City Staff received applications for the FY 2019-20 Hotel/Motel Occupancy Tax budget distributions. Upon review of all requests, Staff has compiled the following list.

<u>Organization</u>	<u>Program</u>	<u>Description</u>	<u>Amount</u>
Benbrook Area Chamber of Commerce	Cook-Off	BBQ Contest	\$ 3,000
Benbrook Area Chamber of Commerce	Chamber Support	Promotional Services	6,000
City of Benbrook	Visitor Center	Promotion of Benbrook	108,800
City of Benbrook	Heritage Fest	Home-Town Festival	14,000
City of Benbrook	Winter Wonderland Christmas Light Exhibit		10,000
TOTAL REQUESTS			\$ 141,800
Required Advertising Budget		Statutory Requirement	34,000
TOTAL HMOT BUDGET			\$ 175,800

Motion by Mr. Wilson, seconded by Mr. Phillips approve the requests as proposed for the Hotel/Motel Occupancy Tax Budget for the 2019-20 fiscal year.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2440 Approve Benbrook Marina Concessionaire Agreement

Bennett Howell gave the following report: In December 2018 City Council approved a concession agreement with the Benbrook Lake Marina LLC (Marina), but due to staff changes at the Corps of Engineers (COE) Real Estate Division, the agreement was never finalized by the COE.

The proposed concession agreement is largely unchanged from the previous agreement save some preferred, but non-material, contract verbiage included by the new Real Estate Contracting Officer for the COE. The monthly lease fee to the City is 3% of the gross revenues and the term is for ten years with an option for a five-year extension. While the proposed term exceeds the City's lease agreement with the COE, set to expire on June 14, 2027, staff fully anticipates the COE will renew their agreement with the City for an extended period of time. However, should the COE not renew the City's lease, then the proposed concession agreement will also expire on June 14, 2027.

The revised concession agreement continues to require the operators to make a number of general repairs and improvements to the facility including:

- Power-wash all surfaces and repaint, as needed
- Repair and patch all deteriorating wood and metal areas
- Trim trees and clear additional shoreline
- Patch all asphalt surfaces
- Repair and/or replace picnic tables and covered area
- Increase security for boat owners
- Add grills to the picnic area

The Parks and Recreation Board reviewed the Marina's concession agreement during their October 9, 2019, meeting and unanimously recommended approval.

Motion by Mr. Phillips, seconded by Ms. Franklin to approve the concession agreement with Benbrook Lake Marina, LLC for the continued operation of the Benbrook Marina.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2441 Approve Interlocal Agreement with Tarrant County for 2020 Overlay Program

Bennett Howell gave the following report: For many years, Tarrant County Precinct Number 1 has assisted the City of Benbrook with its annual street overlay program. Without this assistance, the overlay program would be significantly more expensive.

For fiscal year 2019/2020, \$700,000 was budgeted for this program. Under the Interlocal Agreement, the County will furnish labor and equipment necessary to overlay various streets throughout the City with two inches of asphalt. The City pays for the materials, prepares the streets and provides traffic control. This year's program will overlay approximately 3.49 miles of streets. The program is tentatively scheduled to begin in the spring 2020.

This year's projects include:

- Chapin Road from Van Deman to 820 Service Road
- Mercedes St. from Hwy. 377 to dead end
- Briar Run from Briarcreek to Trammell
- Meadow Hill Dr. from Haywood to Locksley
- Rhineland Rd. from Westpark to dead end
- Timberline Ct. from Timberline to dead end
- Kincaid Dr. from Carman to Pecan Lane
- Mulberry Dr. from Timbercreek to S. Shady River Ct.
- Winward Rd. from Thornhill to dead end
- Timbercreek Rd. from Bridge to Timberline
- Oak Ct. from Tobie Layne to dead end
- Stevens Dr. from Rodgers to City Limits
- Childers Ave. from John Reagan to Darnell

Motion by Mr. Wilson, seconded by Ms. Franklin to approve the Interlocal Agreement with Tarrant County for the FY 2019/2020 Asphalt Overlay Program.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-2442 Adopt an Ordinance amending Section 10.40.010.A.7 of Chapter 10.40-Parking Restrictions, Title 10-Vehicles and Traffic of the Benbrook Municipal Code (1985) by removing the majority of the no parking restrictions along Del Rio Avenue

Bennett Howell gave the following report: On March 16, 2000, the Benbrook City Council approved Ordinance No. 1060 restricting parking beginning on the west side of Del Rio Avenue at the intersection of San Saba Avenue and Del Rio Avenue and continuing in a southwesterly direction a distance of 350 feet. The City Council action was based on citizen complaints about trucks and other large vehicles parking on Del Rio Avenue behind the then operating Taco Bell and Kentucky Fried Chicken. The Staff report at the time noted that even though the parking of trucks over 20 feet in length was already prohibited on City streets, posting no parking signs made the regulation easier to enforce.

Dr. Rettstatt, owner/operator of the Family Chiropractic Clinic located at 8507 Benbrook Boulevard (Hwy 377), submitted a written request to the City to vacate the above referenced no parking area.

Staff supports lifting the no parking restriction for the following reasons: 1) on-street truck and other large vehicle parking no longer appears to be an issue, 2) on-street passenger vehicle parking on Del Rio Avenue will relieve some of the parking problems associated with the existing office complex at 8507 Benbrook Boulevard, and 3) on-street passenger vehicle parking tends to slow motorists down. Staff suggests that the first 36-feet of the no parking area south of San Saba Avenue should remain no-parking in order to maintain necessary sight lines and visibility of on-coming traffic at the intersection of San Saba Avenue and Del Rio Avenue.

Motion by Ms. Franklin, seconded by Ms. Mackey to adopt Ordinance No. 1452 amending Title 10 - Vehicle and Traffic of the Benbrook Municipal Code revising paragraph 7 of Section 10.40.010 - No parking, anytime.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1452 being “**AN ORDINANCE AMENDING CHAPTER 10.40 – PARKING RESTRICTIONS, TITLE 10 - VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING SECTION 10.40.010.A(7) VACATING A PORTION OF THE NO PARKING RESTRICTIONS ON DEL RIO AVENUE PREVIOUSLY ESTABLISHED BY THE BENBROOK CITY COUNCIL VIA ORDINANCE NO. 1060; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; 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 9
EFFECTIVE
DATE**

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

B. PURCHASE

P-281 Approve Purchase of one (1) 2020 Ford F-250 with Deerskin package for use as Animal Control Vehicle

Michael Mullinax gave the following report: The 2019/2020 budget allocates \$55,835 for the purchase of one (1) animal control vehicle (2020 Ford F-250 with Deerskin package). The current ACO truck is 15 years old and has over 150,000 miles. Once replaced, the old ACO truck will be used as a backup.

Through a cooperative purchasing program, the City received a bid from Tarrant County Cooperative Joint Venture. Cooperative purchasing programs pool the buying power of multiple public entities as a means to obtain more favorable pricing, terms and conditions. The bid includes all purchasing fees.

<u>Make/Model</u>	<u>Cost/Unit</u>	<u>Total</u>	
Tarrant County Cooperative Joint Venture	Chevrolet Tahoe 9C1	\$54,471	\$54,471

The bid from Tarrant County Cooperative Joint Venture is \$1,364 below the approved budget.

Motion by Mr. Phillips, seconded by Ms. Franklin to approve the purchase of one (1) 2020 Ford F-250 with Deerskin package from Tarrant County Cooperative Joint Venture in the total amount of \$54,471.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

Daniel Bennett made endorsement of Gary Losada to the Tarrant Appraisal District Board of Directors.

VII. COUNCIL MEMBER AND STAFF COMMENTS

Renee Franklin commended citizens for their turn-out at the recent election. Ms. Franklin also reminded citizens of the Comprehensive Plan Open House to be held on Tuesday November 12, 2019.

XI. ADJOURNMENT

Meeting adjourned at 8:03 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary