

VIA TELEPHONE CONFERENCE

NOTICE IS HEREBY GIVEN in accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Benbrook will conduct its Regular Meeting scheduled for **7:30 p.m.** on **Thursday August 20, 2020**, in the City Council Chambers, 911 Winscott Road, Benbrook, Texas by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). While this meeting is open to the public, social distancing will be enforced.

For this meeting, the presiding officer will be physically present at the location described above. However, one or all other members of the City Council may participate in this meeting remotely through telephone conference providing for two-way audio communication for each member of the City Council.

This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <http://www.benbrook-tx.gov/AgendaCenter>.

The public toll-free dial-in number to participate in the telephonic meeting is: **1-866-894-9011** or local number **817-443-6248**.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. This meeting will be recorded, and the recording will be available to the public in accordance with the Open Meetings Act upon written request.

AGENDA
BENBROOK CITY COUNCIL
THURSDAY, AUGUST 20, 2020
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:15 P.M.
Review and discuss agenda items for regular meeting.
REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION

- I. CALL TO ORDER
- II. CITIZEN COMMENTS ON ANY AGENDA ITEM
- III. MINUTES
 - 1. Approve Minutes Of The Regular Meeting Held August 6, 2020

Documents:

[CC MINUTES-08-06-20.PDF](#)

- IV. REPORTS FROM CITY MANAGER

- A. GENERAL

- G-2477 Accept Finance Report For Period Ending July 31, 2020

Documents:

[G-2477 FINANCE REPORT JULY 20.PDF](#)
[G-2477 EXPENDITURE CHART JULY 20.PDF](#)
[G-2477 REVENUE CHART JULY 20.PDF](#)
[G-2477 SALES TAX COMPARISON JULY 20.PDF](#)

G-2478 Accept Drainage Easement Across Oncor Transmission Line Property

Documents:

[G-2478 ACCEPT DRAINAGE EASEMENT.PDF](#)
[G-2478 ONCOR EASEMENT AND RIGHT OF WAY .PDF](#)

V. OTHER MATTERS OF BUSINESS

1. Public Hearing On Property Tax Rate For 2020
2. First Public Hearing On Proposed Budget For FY 2020/2021

G-2479 Adopt Ordinance Fixing And Levying Ad Valorem Tax For 2020

Documents:

[G-2479 ADOPT TAX RATE.PDF](#)
[G-2479 ORDINANCE AD VALOREM TAX 2020.PDF](#)

VI. INFORMAL CITIZEN COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in informal citizen comments. City Council may only make a statement of specific information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting. The exception to informal comments is that once an election date has been set by City Council comments relative to elections will not be broadcast on the City's cable channel. However, a copy of the tape containing citizens' comments will be available at city hall for review or purchase by interested citizens

VII. COUNCIL MEMBER AND STAFF COMMENTS

Announcements from City Councilmembers and City Staff may be made for items to include: expression of thanks; congratulations; condolence; recognition of public officials, employees or citizens; information regarding holiday schedules; reminders of community events or announcements involving an imminent threat to the public health and safety of the municipality that has arisen after the posing of the agenda. No discussion or formal action may be taken on these items at this meeting.

VIII. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, AUGUST 6, 2020**

The regular meeting of the Benbrook City Council was held on August 6, 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
Joanna King, City Secretary
Rick Overgaard, Finance Director
Wes Cooper, Systems Administrator

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 July 16, 2020

Motion by Dr. Marshall, seconded by Ms. Mackey to approve the minutes of the regular meeting held July 16, 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.

At this time Mayor Dittrich announced the passing of Former Councilmember Ron Sauma. Mr. Sauma served on the City Council in Place 7 for 18 years and always kept the interest of the citizens of Benbrook as his main priority. Mayor Dittrich expressed condolences to Mr. Sauma's family and friends during this time of grief. Ron Sauma will be greatly missed by all that knew him.

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2020-07 Accept resignation from Robert Wood, Place 4, ZBA/Appeals Commission and determine method to fill vacancy

Motion by Mr. Wilson, seconded by Mr. Phillips to accept the resignation from Robert Wood, Place 4, Zoning Board of Adjustments/Appeals Commission and to postpone a replacement to the position until the next regular process for Board and Commission appointments.

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.

V. PRESENTATION BY PLANING AND ZONING COMMISSION

PZ-2020-03 Adopt Ordinance abandoning the existing Whitestone Golf Course Golf Cart Path Easement located on property within Whitestone Heights Phase 2 and accept the dedication of the new cart path tracts

Jim Hinderaker gave the following report: On July 9, 2020, the Planning and Zoning Commission approved the 58-residential lot Whitestone Heights Phase 2 subdivision plat and plans. The approved subdivision configuration necessitates the rerouting and abandonment of a portion of the existing Whitestone Golf Course cart path easement and the dedication/acceptance of land (four narrow, cart path sized outlots totaling 0.49 acres) by the city, via the recordation of warranty deeds along with the plat, needed for the proposed new golf cart path.

City staff, in cooperation with the Elite Golf management team, the current operator of the Whitestone Golf Course, has reviewed and is supportive of the new golf cart path alignment and construction plan. Per this plan, the developer, SJ Dominion Development, LP, will first provide and maintain a temporary 10-foot wide all-weather surface golf cart path that ensures uninterrupted play during construction of the new golf cart path and subdivision. The developer will then construct a permanent 10-foot wide concrete golf cart path, bordered on each side by a hydro-

mulched buffer ranging in width from 2.5 feet to five feet, within the newly dedicated outlots.

Following acceptance by the city, the new golf cart path and buffer will be maintained by Elite Golf or future lease operator.

Motion by Dr. Marshall, seconded by Mr. Wilson to adopt Ordinance No. 1457 abandoning the existing cart path easement, located within the Whitestone Heights Phase 2 Addition, and accept the dedication of the new golf cart path tracts.

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.

Ordinance Number 1457 being **“AN ORDINANCE VACATING AND ABONDONING THE CITY OF BENBROOK’S INTEREST IN A PORTION OF A TWENTY-FIVE FOOT WIDE CART PATH EASEMENT LOCATED IN THE T. & N. O. RAILROAD COMPANY SURVEY, ABSTRACT NUMBER 1565; DECLARING THAT THE PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.”**

VI. REPORTS FROM CITY MANAGER

A. GENERAL

G-2474 Accept Finance Report for period ending June 30, 2020

Rick Overgaard gave the following report: General Fund revenues for the month of June were \$744,243. Major revenues collected for the month include Property taxes of \$224,261, Franchise taxes of \$39,093, Fines and Forfeitures of \$23,430, Charges for Services of \$19,781, Permits of \$160,556 and Interest of \$6,228. Sales tax collected and recognized as revenue in June was \$264,380. Fiscal year to date sales tax is 20.25% greater than last year at this time. General Fund revenues collected through the end of June were \$18,755,517 and 89.0% of the budget.

General Fund expenditures for the month of June were \$1,332,081. Fiscal year to date expenditures were \$15,200,432 and 72.3% of the adopted budget.

Total General Fund revenues of \$18,755,517 were greater than General Fund expenditures of \$15,200,432 by \$3,555,085.

Debt Service revenues for the month of June totaled \$7,876 and were all from property tax. Fiscal year to date revenues total \$1,546,030. There were no expenditures in June. Total revenues of \$1,546,030 exceeded total expenditures of \$1,497,770 by \$48,260.

EDC revenues through June 30, 2020, were \$1,338,667. EDC expenditures through the end of June were \$1,302,900. Total revenues exceeded total expenditures by \$35,767.

Total revenues received through June 30, 2020 were \$3,427,440 from stormwater utility fees, mineral lease revenue, TIF payment, and interest earnings. Total expenditures for the Capital Projects Fund were \$3,388,701 through the end of June. June expenditures included the following projects: Two-Way Conversion and Clearfork Emergency Access Bridge. Total revenues exceeded total expenditures by \$38,739. 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, 2020, the City had \$20,968,485 invested at varying interest rates; the EDC had \$5,070,249 available.

Motion by Ms. Franklin, seconded by Ms. Mackey to accept the finance report for the period ending June 30, 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-2475 Approve Investment Report for the quarter ending June 30, 2020

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 15, 2020, to review the report and ensure compliance with the City's investment policy. .

- The total portfolio for the City and EDC at June 30, 2020 is \$26,038,734, with 81% or \$20,968,485 belonging to the City, and 19% or \$5,070,249 to the EDC.
- 31% of the combined portfolio is in bank accounts, with 47% in local government investment pools, and 22% in certificates of deposit.
- The weighted average maturity on the combined portfolio is 65 days with a 0.44% average yield to maturity.

The average yield to maturity decreased this quarter because of continued low market interest rates, which has now decreased the yield in our local government investment pools.

Motion by Ms. Franklin, seconded by Mr. Ward to accept the Investment Report for the quarter ending June 30, 2020.

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.

G-2476 Accept 2020 Certified Appraisal Roll, set Anticipated Collection Rate, appoint an officer to calculate the No-New-Revenue Tax Rate, Voter-Approval Tax Rate, and enter tax data in www.tarranttaxinfo.com portal

Rick Overgaard gave the following report: Staff has received the 2020 Certified Appraisal Roll from the Tarrant Appraisal District (TAD). The report "Information on the 2020 Appraisal Roll" contains the State-mandated information on appraised value, adjustments, exemptions, and the taxable value of property.

To comply with "Truth-in-Taxation" (TNT) requirements of Texas law, the City Council must accept the Certified Appraisal Roll as presented by TAD, set the anticipated collection rate for FY 2020-21, and appoint an officer to (1) calculate/publish the No-New-Revenue and Voter-Approval Tax Rates, and (2) enter the City's tax data in the www.tarranttaxinfo.com portal.

The "Information on the 2020 Certified Appraisal Roll" indicates that the City of Benbrook will realize an overall increase in the maintenance and operations (M&O) property tax revenues of 2.8 percent or approximately \$388,899.

The no-new-revenue tax rate is used to evaluate the relationship between taxes for the prior year and for the current year, based on a tax rate that would produce the same amount of taxes if applied to the same properties taxed in both years.

This year the City's No-New-Revenue Tax Rate is \$0.601195.

The voter-approval tax rate is a calculated maximum tax rate allowed by law without voter approval. The voter-approval tax rate allows cities to capture up to 3.5% in valuation growth from existing property for maintenance and operations.

This year, the Voter-Approval Tax Rate is \$0.623936. The City Budget is preliminarily proposing a tax rate of \$0.6225, compared to the current property tax rate of \$0.62777. This is a little over a 1/2 cent decrease from the current rate.

For this year, the Benbrook City Council will be required to take a roll call vote to increase property tax revenue. As a reminder, Texas law requires municipalities to conduct a vote “to raise taxes” even if the City Council lowers the tax rate or if revenue on existing property increases by any amount.

Texas law focuses only on property taxes and does not take into consideration any other revenue sources. In addition, State law does not recognize the intricacies of the property tax roll. For this year, 2020 Appraisal Roll Information Valuation Summary includes \$107,534,365 for properties under protest. Section 25.01 (c) of the State Property Tax Code directs the Chief Appraiser to prepare a list of all properties under protest with the Appraisal Review Board and pending disposition at the time of value roll certification. The estimated minimum taxable value for these properties is \$73,139,760.

Staff recommends that the City Council set the initial property tax rate at the voter-approval tax rate of \$0.623936. The final adopted property tax rate may be lower, but not higher, than the preliminary property tax rate approved on August 6, 2020. The proposed budget is predicated on a proposed tax rate of \$0.6225, which is slightly lower than the voter-approval tax rate. The public vote, as well as the additional advertisements and notices, does not mean that the City of Benbrook will increase the property tax rate. As mandated by the City Charter, the final property tax rate will be approved by the City Council during the budget process and adopted by an ordinance.

Motion by Mr. Phillips, seconded by Mr. Wilson to:

1. Accept the 2020 Certified Appraisal Roll as presented;
2. Set 100.00 percent as the anticipated property tax collection rate for FY 2020-21;
3. Appoint the Finance Director to calculate and to publish the No-New-Revenue Tax Rate and the Voter-Approval Tax Rate, and enter the tax data in the www.tarranttaxinfo.com portal;
4. Set the maximum property tax rate for FY 2020-21 at the voter-approval rate of \$0.623936 (may be lowered when final budget is adopted); and,
5. Take a roll call vote to increase property tax revenue.

Vote on the Motion by Roll Call:

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

Noes: None

Motion carried unanimously.

VII. INFORMAL CITIZEN COMMENTS

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

VIII. COUNCIL MEMBER AND STAFF COMMENTS

Councilmembers Marshall and Wilson expressed condolences to family and friends of Ron Sauma and spoke of his service to the citizens and fellow Councilmembers.

Jim Hinderaker gave report on COVID-19.

IX. ADJOURNMENT

Meeting adjourned at 8:08 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 08/20/20	REFERENCE NUMBER: G-2477	SUBJECT: Accept finance report for period ending July 31, 2020	PAGE: 1 of 2
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GENERAL FUND

General Fund revenues for the month of July were \$750,966. Major revenues collected for the month include Property taxes of \$122,488, Franchise taxes of \$23,229, Fines and Forfeitures of \$61,876, Charges for Services of \$70,897, Permits of \$78,318, Interest of \$5,723, and Other Agency of \$80,424. Sales tax collected and recognized as revenue in July was \$304,404. Fiscal year to date sales tax is 20.39% 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 July were \$19,513,002 and 92.6% of the budget.

General Fund expenditures for the month of July were \$1,562,564. Fiscal year to date expenditures were \$16,762,997 and 79.7% of the adopted budget.

Total General Fund revenues of \$19,513,002 were greater than General Fund expenditures of \$16,762,997 by \$2,750,005.

DEBT SERVICE

Debt Service revenues for the month of July totaled \$4,302 and were all from property tax. Fiscal year to date revenues total \$1,550,332. Expenditures for July were \$52,135 and were for debt service payments due August 1st. The next debt service payments will occur in February 2021. Total revenues of \$1,550,332 exceeded total expenditures of \$1,549,905 by \$427.

ECONOMIC DEVELOPMENT CORPORATION (EDC)

EDC revenues through July 31, 2020, were \$1,491,984. EDC expenditures through the end of July were \$1,392,380. Total revenues exceeded total expenditures by \$99,604.

CAPITAL PROJECTS

Total revenues received through July 31, 2020 were \$3,863,128 from stormwater utility fees, mineral lease revenue, TIF payment, and interest earnings. Total expenditures for the Capital Projects Fund were \$4,211,063 through the end of July. July expenditures included the following projects: Highway 377 and Clearfork Emergency Access Bridge. Total expenditures exceeded total revenues by \$347,935. 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.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

DATE: 08/20/20	REFERENCE NUMBER: G-2477	SUBJECT: Accept finance report for period ending July 31, 2020	PAGE: 2 of 2
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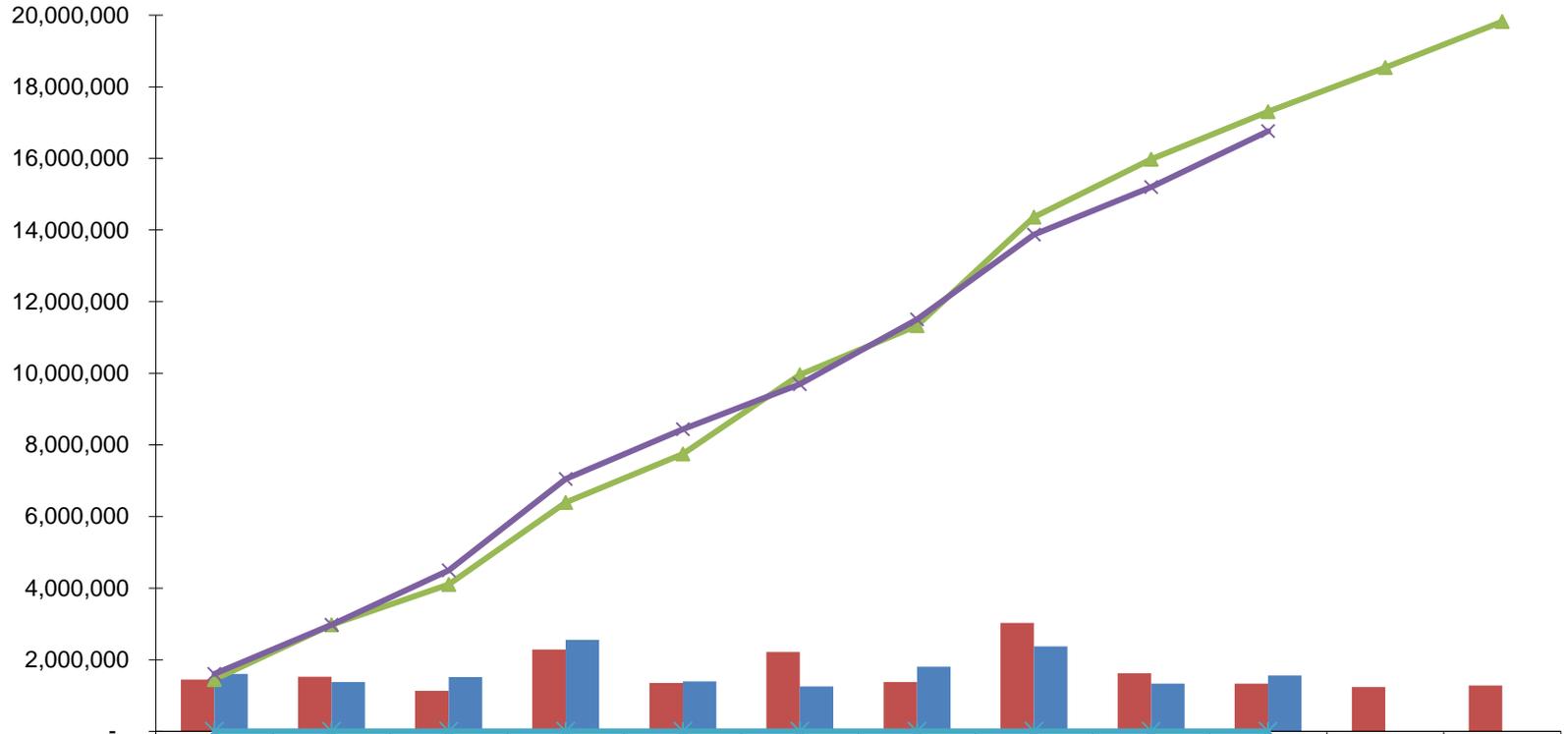
CASH & INVESTMENTS

On July 31, 2020, the City had \$19,654,326 invested at varying interest rates; the EDC had \$4,663,104 available.

RECOMMENDATION

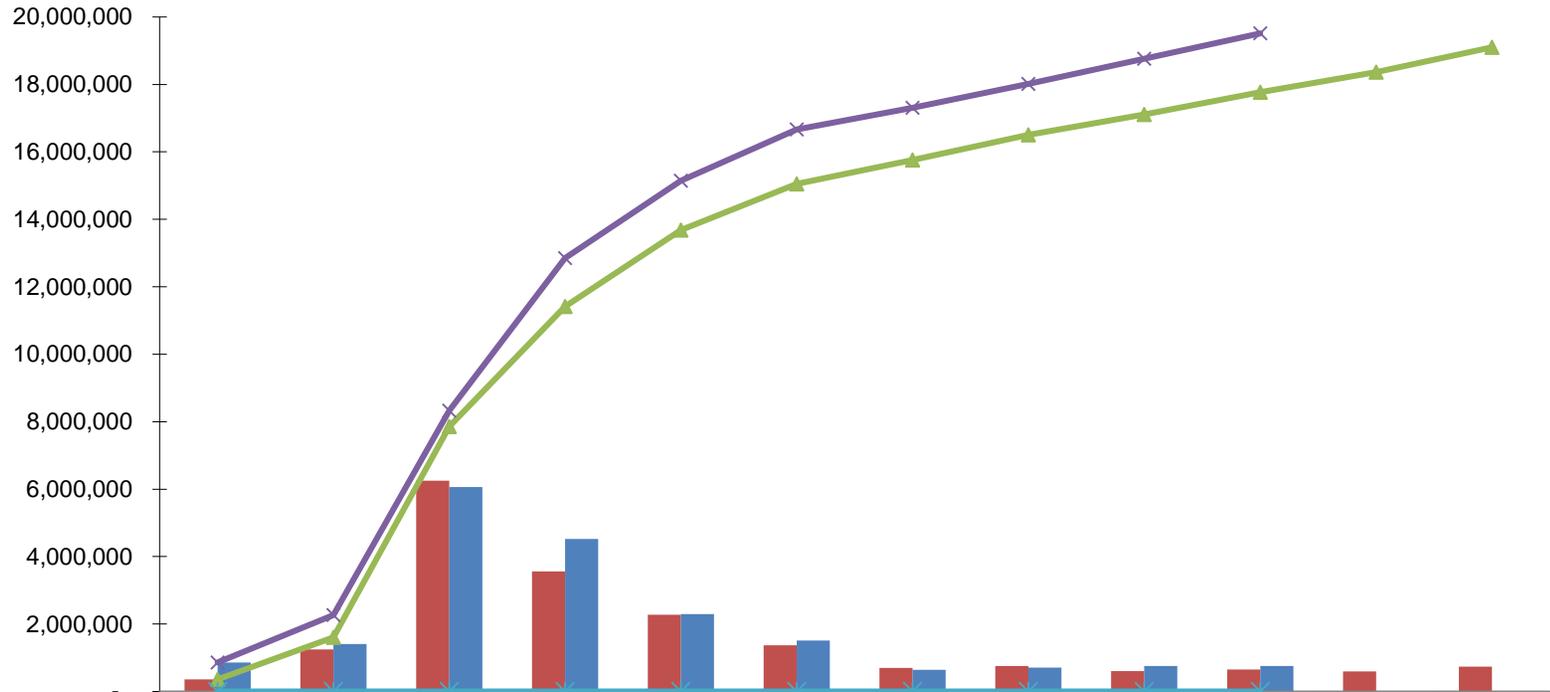
Staff recommends that City Council accept the finance report for the period ending July 31, 2020.

General Fund Expenditure Trend Comparison



	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT
2018-19	1,448,756	1,527,703	1,127,262	2,287,202	1,351,028	2,213,906	1,376,133	3,027,182	1,617,604	1,327,789	1,234,612	1,282,199
2019-20	1,602,872	1,376,041	1,514,431	2,550,967	1,394,559	1,256,384	1,804,006	2,369,091	1,332,081	1,562,564		
YTD 18-19	1,448,756	2,976,458	4,103,720	6,390,922	7,741,950	9,955,856	11,331,989	14,359,171	15,976,775	17,304,564	18,539,176	19,821,375
YTD 19-20	1,602,872	2,978,913	4,493,344	7,044,311	8,438,871	9,695,254	11,499,260	13,868,351	15,200,432	16,762,997		
% Change 2018-19 to 2019-20	10.64%	0.08%	9.49%	10.22%	9.00%	-2.62%	1.48%	-3.42%	-4.86%	-3.13%		

General Fund Revenue Trend Comparison

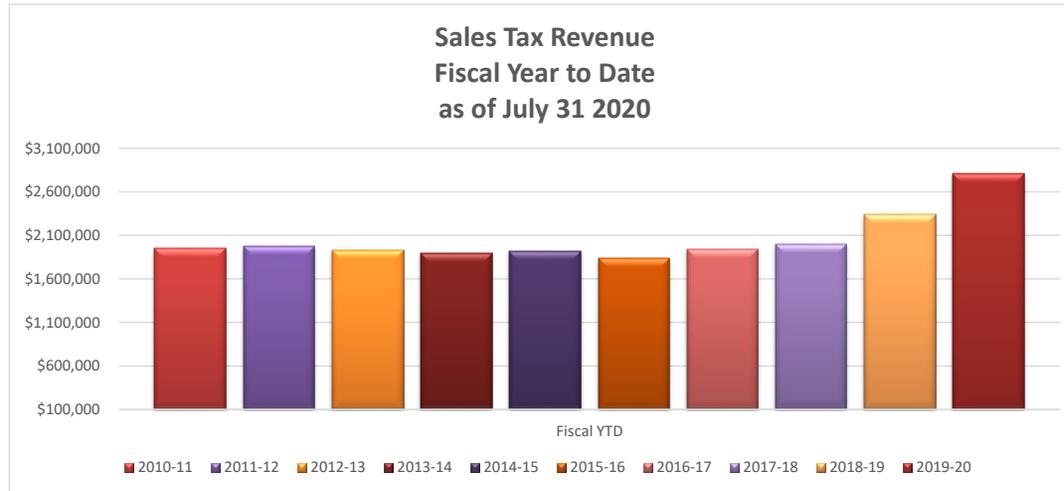


	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
2018-19	358,790	1,242,504	6,252,635	3,557,063	2,271,202	1,372,967	702,644	750,772	603,282	653,566	597,849	737,573
2019-20	860,318	1,404,237	6,061,236	4,524,934	2,297,400	1,513,330	646,091	703,728	750,762	750,966		
YTD 2018-19	358,790	1,601,295	7,853,930	11,410,993	13,682,195	15,055,162	15,757,806	16,508,578	17,111,860	17,765,426	18,363,275	19,100,848
YTD 2019-20	860,318	2,264,555	8,325,791	12,850,725	15,148,125	16,661,455	17,307,545	18,011,274	18,762,036	19,513,002		
% Increase 18-19 to 19-20	139.78%	41.42%	6.01%	12.62%	10.71%	10.67%	9.83%	9.10%	9.64%	9.84%		

**City of Benbrook
Sales Tax Analysis
July 31, 2020**

Fiscal Year	Fiscal YTD	October	November	December	January	February	March	April	May	June	July	August	September	Annual Total
2010-11	\$ 1,946,430	\$ 212,494	\$ 161,967	\$ 160,492	\$ 199,141	\$ 190,084	\$ 143,760	\$ 245,116	\$ 223,000	\$ 181,216	\$ 229,160	\$ 196,711	\$ 175,140	\$ 2,318,281
2011-12	1,980,064	218,564	161,430	186,638	251,517	168,551	171,053	236,986	178,165	188,604	218,557	178,708	161,070	2,319,841
2012-13	1,928,397	215,752	184,452	181,368	222,555	170,084	174,164	201,241	164,765	202,525	211,491	178,411	170,324	2,277,131
2013-14	1,899,422	215,869	177,403	161,342	234,503	154,780	155,432	229,367	176,980	175,792	217,955	199,305	187,172	2,285,899
2014-15	1,923,519	215,101	207,526	173,580	236,852	149,782	162,730	219,751	181,230	163,667	213,300	189,185	164,742	2,277,446
2015-16	1,844,244	216,144	177,560	175,150	202,909	149,580	153,523	222,661	158,987	177,732	210,000	154,708	182,656	2,181,609
2016-17	1,945,695	204,261	175,885	172,554	240,121	171,805	163,151	226,550	184,775	200,138	206,455	175,522	176,026	2,297,243
2017-18	1,999,582	218,480	168,272	178,150	230,346	169,346	147,291	240,071	197,667	204,243	245,717	244,494	160,148	2,404,224
2018-19	2,339,288	259,437	224,991	216,094	264,926	205,387	193,520	261,099	227,863	235,611	250,363	253,206	253,500	2,845,995
2019-20	2,816,361	303,508	251,579	243,434	318,986	241,710	315,310	304,877	268,174	264,380	304,404			2,816,361

Change 2010-11 to 2011-12	1.73%
Change 2011-12 to 2012-13	-2.61%
Change 2012-13 to 2013-14	-1.50%
Change 2013-14 to 2014-15	1.27%
Change 2014-15 to 2015-16	-4.30%
Change 2015-16 to 2016-17	5.50%
Change 2016-17 to 2017-18	2.77%
Change 2017-18 to 2018-19	16.99%
Change 2018-19 to 2019-20	20.39%



Budget 2019-20	\$ 2,700,000
Projected 2019-20	3,250,000
Variance from Budget	\$ 550,000



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 08/20/20	REFERENCE NUMBER: G-2478	SUBJECT: Accept Drainage Easement across Oncor Transmission Line Property	PAGE: 1 of 1
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As part of the approved Whitestone Crest Phase 2 Addition development plan, the developer, SJ Rolling Hills Development LP, secured a 100-foot wide drainage easement across Oncor’s transmission line property known as the Benbrook 345 KV Tap Line (North) and Benbrook 345 KV Tap Line (South) as shown in Figure 1.

The drainage easement is necessary to legally convey public storm water generated by non-pervious improvements associated with the Whitestone Crest Phase 1 and 2 developments across Oncor’s transmission line property to a 60-inch inlet located at the northwest corner of the Whitestone Ranch Phase 4 Addition.

The developer is responsible for the initial grading, revegetation and headwall improvements associated with the project.

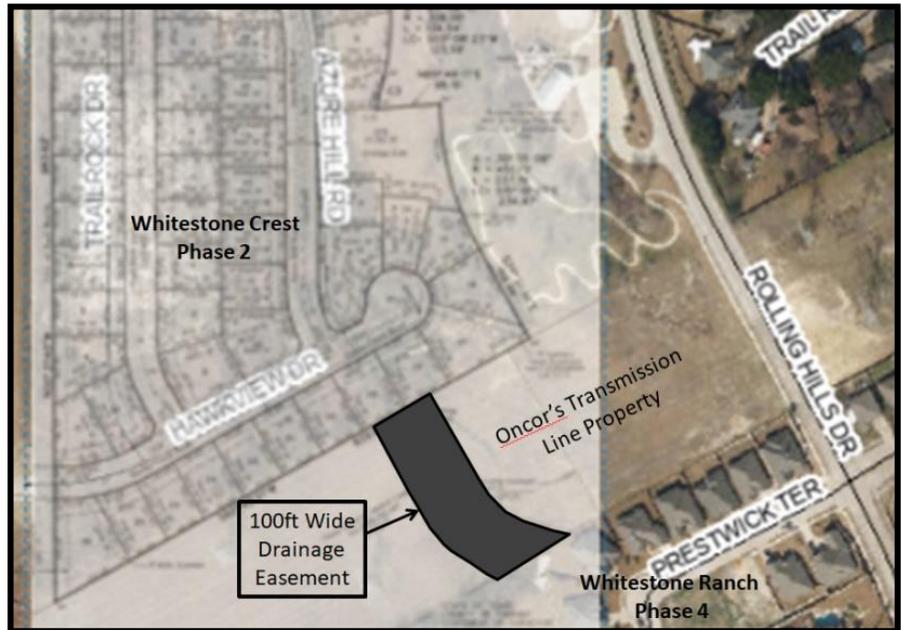


Figure 1

RECOMMENDATION

Staff recommends the City Council approve the drainage easement, as described in the attached drainage easement agreement.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
CITY MANAGER		CITY SECRETARY
		DATE:

EASEMENT AND RIGHT OF WAY

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF TARRANT §

That **ONCOR ELECTRIC DELIVERY COMPANY LLC**, a Delaware limited liability company, hereinafter referred to as Grantor, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration to it in hand paid by the **City of Benbrook**, a Texas Municipal Corporation, hereinafter referred to as Grantee, has granted, sold and conveyed and by these presents does hereby grant, sell and convey unto said Grantee a nonexclusive one-hundred foot (**100'**) wide drainage easement and right of way hereinafter referred to as Grantee's Facility, in, over, under, across and along the property described and shown on the attached **Exhibit "A"**

SEE ATTACHED EXHIBITS

There is also granted to Grantee, its successors or assigns, a nonexclusive easement to use only so much of Grantor's adjoining land, during temporary periods, as may be necessary for the construction, maintenance, and repair of said Grantee's Facility. Such use shall not interfere with Grantor's use of such property in the operation of its business and Grantee shall properly maintain such property during construction and at the conclusion of such construction remove all construction debris and other materials from such property and restore such property to the same condition it was in prior to the commencement of Grantee's construction thereon or in proximity thereto. Additional general construction limitations on easement are described and listed, but not limited to, in **Exhibit "B"**, attached hereto and by reference made a part hereof. Use of draglines or other boom-type equipment in connection with any work to be performed on Grantor's property by the Grantee, its employees, agents, representatives or contractors must comply with Chapter 752, Texas Health and Safety Code, the National Electrical Safety Code and any other clearance requirements. Notwithstanding anything to the contrary herein, in no event shall any equipment be within fifteen (15) feet of the Oncor 138,000 volt or less power lines or within twenty (20) feet of the Oncor 345,000 volt power lines situated on the aforesaid property. Grantee must notify Fort Worth Transmission, (**817-496-2746**) at least 48 hours prior to the use of any boom-type equipment on Grantor's property except in an emergency. Grantor reserves the right to refuse Grantee permission to use boom-type equipment.

Grantee shall locate its Facility within the easement so as not to interfere with any of Grantor's facilities. Grantee shall not place its facility within 25 feet of any pole or tower leg. Grantee shall reimburse Grantor for any and all costs and expenses incurred by Grantor for any relocation or alteration of its facilities located on or near the easement that Grantor, in its sole discretion, determines are subject to interference from the said Grantee's Facility or from the exercise by Grantee of any of its rights hereunder.

This easement is granted upon the conditions that Grantee's Facility to be constructed shall be maintained and operated by Grantee at no expense to Grantor and Grantor shall not be responsible for any costs of construction, reconstruction, operation, maintenance or removal of Grantee's Facility.

To the extent permitted by law, Grantee agrees to defend, indemnify and hold Grantor, its officers, agents and employees, harmless against any and all claims, lawsuits, judgements, costs, and expenses for personal injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons that may arise out of, or be occasioned, by any negligent act or omission of Grantee, its officers, agents, associates, employees or subconsultants; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence of Grantor, its officers, agents, or employees or separate contractors, and in the event of joint and concurrent negligence of both Grantor and Grantee, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity or other defenses available to the parties under Texas Law. The provisions of this paragraph are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

Grantee shall, at its own cost and expense comply with all applicable laws, including but not limited to existing zoning ordinances, governmental rules and regulations enacted or promulgated by any governmental authority and shall promptly execute and fulfill all orders and requirements imposed by such governmental authorities for the correction, prevention and abatement of nuisances in or upon or connected with said premises because of Grantee's use thereof.

This easement, subject to all liens of record, shall continue only so long as Grantee shall use this right of way for the purpose herein described and the same shall immediately lapse and terminate upon cessation of such use.

TO HAVE AND TO HOLD the above described easement and rights unto the Grantee, its successors and assigns, for the purposes aforesaid and upon the conditions herein stated until the same shall be abandoned for use by the Grantee for the purpose herein stated, then and thereupon this conveyance shall be null and void and the use of said land and premises shall absolutely revert to Grantor herein, its successors and assigns, and no act or omission on the part of them shall be construed as a waiver of the enforcement of such condition.

AND Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the above described easement and rights unto the Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise.

EXECUTED as of this _____ day of _____, 2020.

GRANTOR:

ONCOR ELECTRIC DELIVERY COMPANY LLC

By: _____

Jill L. Alvarez P.E.
Attorney-in-Fact

GRANTEE:

CITY OF BENBROOK

By: _____

Name: _____

Title: _____

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared _____, as the _____ of the **City of Benbrook**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and he/she is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A. D. 2020.

Notary Public in and for the State of Texas

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared Jill L. Alvarez, as the Attorney-In-Fact of **Oncor Electric Delivery Company LLC**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and he is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, A. D. 2020.

Notary Public in and for the State of Texas

EXHIBIT "A"
DESCRIPTION OF A
DRAINAGE EASEMENT

BEING a tract of land situated in the E. Taylor Survey, Abstract Number 1560, City of Benbrook, Tarrant County, Texas and being a portion of that tract of land described by deed to Texas Electric Service Company, recorded in Volume 5428, Page 543, County Records, Tarrant County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found at the southeast corner of the remainder of that tract of land described by deed to SJ Rolling Hills Development, L.P., recorded in Instrument Number D203176403, being the southwest corner of Lot 1, Block 1, Rolling Hills Park Addition, an addition to the City of Benbrook, Texas, recorded in Instrument Number D211233055, said County Records, and being in the north line of said Texas Electric Service tract;

THENCE S 60°48'21"W, 177.45 feet, with said north line, to the **POINT OF BEGINNING**

THENCE S 29°11'39"E, 146.11 feet, departing said north line, to the beginning of a curve to the left;

THENCE with said curve to the left, an arc distance of 117.92 feet, through a central angle of 45°02'33", having a radius of 150.00 feet, the long chord which bears S 51°30'23"E, 114.91 feet;

THENCE S 74°01'39"E, 67.10 feet, to the south line of said Texas Electric Service tract and the north line of Lot 6, Block 3, Whitestone Ranch Phase 4, an addition to the City of Benbrook, Texas, recorded in Instrument Number D214229457, said County Records;

THENCE S 60°48'21"W, 138.38 feet, to the beginning of a non-tangent curve to the right, in said south line and the north line of Lot 2, Block A, Whitestone Golf Course Addition, an addition to said City of Benbrook, recorded in Cabinet A, Slide 5082, said County Records;

THENCE with said non-tangent curve to the right, an arc distance of 165.78 feet, through a central angle of 37°59'40", having a radius of 250.00 feet, the long chord which bears N 48°01'46"W, 162.76 feet;

THENCE N 29°11'39"W, 145.95 feet, to the aforementioned north line of said Texas Electric Service tract and the south line of the aforementioned SJ Rolling Hills Development remainder tract, from which a 1/2 inch iron rod found at the southwest corner of said remainder tract bears S 60°48'21"W, 562.15 feet;

THENCE N 60°48'21"E, 100.00 feet to the **Point of Beginning** and containing 32,075 square feet or 0.736 acres of land more or less.

"Integral Parts of this Document"

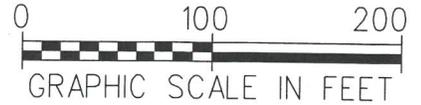
1. Description
2. Exhibit

Peloton Job No. HCH18004
Ft. Worth

G:\JOB\HCH18004_Whitestone Crest\Master Dev_Survey\Easements\HCH18004_EA5.docx

Basis of Bearing is the Texas Coordinate System
North Central Zone 4202, NAD 83

IRF = Iron Rod Found



"Integral Parts of this Document"
1. Description
2. Exhibit

SJ Rolling Hills
Development, L.P. (Remainder)
Inst.* D203176403
C.R.T.C.T.

Lot 1, Block 1
Rolling Hills Park Addition
Inst.* D211233055
C.R.T.C.T.

Point of Beginning

Point of Commencing

Texas Electric Service Company
Vol. 5428, Pg. 543
C.R.T.C.T.

0.736
Acres

E. TAYLOR SURVEY
ABSTRACT No. 1560

Prestwick Terrace
(50' ROW)

Whitestone Ranch Ph. 4
Inst.* D214229457
C.R.T.C.T.

Lot 2, Block A
Whitestone Golf Course Addition
Cab. A, Sld. 5082
C.R.T.C.T.

C1	45° 02' 33"	150.00'	117.92'	S51° 30' 23" E	114.91'
C2	37° 59' 40"	250.00'	165.78'	N48° 01' 46" W	162.76'



Todd A. Bridges
8-4-2020

Exhibit "A"

EXHIBIT OF A

Drainage Easement

SITUATED IN THE E. TAYLOR SURVEY, ABSTRACT NUMBER 1560,
CITY OF BENBROOK, TARRANT COUNTY, TEXAS.



9800 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76177 PH.# 817-562-3350

JOB #	HWA18004	DRAWN BY:	TBR	CHECKED BY:	TAB	DATE:	03-19-2020	PAGE #	2 of 2
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CONSTRUCTION LIMITATIONS ON
Oncor ELECTRIC DELIVERY COMPANY RIGHT OF WAY
EXHIBIT "B"

1. You are notified, and should advise your employees, representatives, agents, and contractors, who enter the property that they will be working in the vicinity of high voltage electrical facilities and should take proper precautions, included but not limited to the following stipulations and in compliance, at all times, with Chapter 752, V.T.C.A., Health & Safety Code.
2. Blasting is not to be permitted on Oncor right-of-way or under Oncor lines.
3. Construction on electric transmission line easements acquired by Oncor after January 1, 2003 shall comply with the requirements of Public Utility Commission Substantive Rules §25.101, as amended from time to time.
4. No crossing less than 45 degrees to the centerline of the right-of-way.
5. Grading will be done in order to leave the right-of-way as near as possible to present condition. Spoil dirt will be removed from the right-of-way and no trash is to be left on right-of-way. Slopes shall be graded so that trucks can go down the right-of-way when required and such that the slopes can be mechanically maintained.
6. Equipment and materials will not be stored on the right-of-way during construction without written approval of the Supervisor of Regional Transmission.
7. Street or road crossings are to be based on drawings submitted. Any change in alignment or elevation will be resubmitted for approval.
8. No signs, lights or guard lights will be permitted on the right-of-way.
9. Power line safety equipment operations: hazard assessment and precautions inside the work zone area must be performed and in compliance with OSHA Standard §1926.1408 at all times. Equipment shall not be placed within fifteen (15) feet of the Oncor 138,000 volt or less power lines or within twenty (20) feet of the Oncor 345,000 volt power lines.

10. Any pre-approved fencing will not exceed eight (8) feet in height, and if metal in nature, will be grounded, at ten (10) feet intervals, with an appropriate driven ground. Gates should be at least sixteen (16) feet in width to allow Oncor access to the right-of-way.
11. No dumpsters will be allowed on Oncor right-of-way or fee owned property.
12. Draglines will not be used under the line or on Oncor right-of-way.
13. The existing grade shall not be disturbed, excavated or filled within 25 feet of the nearest edge of any Oncor transmission structure (tower, pole, guy wire, etc...).
14. Right-of-way will be protected from washing and erosion by Oncor approved method before any permits are granted. No discharging of water will be allowed within any portion of the right of way. Drainage facilitation will not be allowed to discharge into/onto Oncor right-of-way.
15. No obstruction shall be installed on the right-of-way that would interfere with access to Oncor structures or prevent mechanical maintenance.
16. Before any work is done under Oncor lines or by Oncor structures notify the Region Transmission Department, **817-496-2746**.
17. No hazardous materials will be stored on the right of way.
18. For purposes of this document, "Hazardous Materials" means and includes those substances, including, without limitation, asbestos-containing material containing more than one percent (1%) asbestos by weight, or the group of organic compounds known as polychlorinated biphenyls, flammable explosives, radioactive materials, chemicals known to cause cancer or reproductive toxicity and includes any items included in the definition of hazardous or toxic waste, materials or substances under any Hazardous Material Law. "Hazardous Material Laws" collectively means and includes any present and future local, state and federal law relating to the environment and environmental conditions including, without limitation, the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. §6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act of 1980, ("CERCLA"), 42 U.S.C. §§9601-9657, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), the Hazardous Material Transportation Act, 49 U.S.C. §6901 et seq., the Federal

Water Pollution Control Act, 33 U.S.C. §1251, et seq., the Clean Air Act, 42 U.S.C. §741 et seq., the Clean Water Act, 33 U.S.C. §7401 et seq., the Toxic Substances Control Act, 15 U.S.C. §§2601-2629, the Safe Drinking Water Act, 42 U.S.C. §§300f-330j, and all the regulations, orders, and decrees now or hereafter promulgated thereunder.

19. Brush and cut timber is not to be piled or stacked on Oncor right-of-way nor is it allowed to be burned upon or in close proximity to the conductors or towers.
20. No structures or obstructions, such as buildings, garages, barns, sheds, swimming pools, playground equipment, guard houses, etc., will be permitted on the right-of-way.
21. Landscaping on Oncor right-of-way is permitted when Oncor approves landscaping plans in writing. No lighting or sprinkler systems are allowed on the right-of-way.
22. No park or park designation will be permitted on the right-of-way.
23. Gas Pipeline Protective Barrier; Grantee, at Grantee's sole expense, shall provide one of the following protective barriers; **1)** a concrete protective barrier between the surface and the pipe that is a minimum of one (1) foot thick by one (1) foot wide, if pipe is wider than one (1) foot, then width of pipe, with the top of the concrete barrier to be at least one (1) foot below the surface or final grade, **2)** construct the gas pipeline inside of a proper protective steel casing, **3)** where electric facilities are located above ground, install the pipeline a minimum of ten (10) feet below the ground surface, or **4)** where electric facilities are located below ground, install the pipeline at a depth that provides for a minimum of a ten (10) foot clearance between the pipeline and the underground electric facilities.
24. No fire hydrants or manholes will be permitted within the right-of-way.
25. Any drainage feature that allows water to pond, causes erosion, directs stormwater toward the right-of-way or limits access to or around Oncor's facilities is prohibited. Drainage facilitation will not be allowed to discharge into/onto Oncor right-of-way.
26. No boring pits or other type of pits will be permitted within the right-of-way.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 08/20/20	REFERENCE NUMBER: G-2479	SUBJECT: Adopt Ad Valorem Tax Rate for Fiscal Year 2020-21	PAGE: 1 of 1
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The proposed ad valorem tax rate is 62.25¢ per \$100 valuation, with 60.15¢ for M&O and 2.10¢ for I&S. This is a reduction of 0.527¢ from the 2019/2020 tax rate of 62.777¢

Prior to tax year 2020, the property tax rate was adopted concurrently with the budget during the last City Council meeting in September. This allowed for two public hearings on the tax rate and budget. S.B. 2 now requires tax rate adoption after one public hearing and a month prior to the formal adoption of the budget. Presumably, this provides time to call an election should a municipality choose to adopt a rate that exceeds the Voter-Approval tax rate cap of 3.5% for existing property.

RECOMMENDATION

Staff recommends that City Council adopt the ad valorem tax rate of \$0.6225 per \$100 valuation for fiscal year 2020-21.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

ORDINANCE NO. 1258

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, 2020 AND ENDING SEPTEMBER 30, 2021, AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT THE RATE OF \$0.6225 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, 2020, 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.

WHEREAS, the City Council of the City of Benbrook, Texas (hereinafter referred to as the "City") hereby finds that the tax for the fiscal year beginning October 1, 2020, and ending September 30, 2021, hereinafter levied for current expenses of the City and the general improvements of the City and its property must be levied to provide the revenue requirements of the budget for the ensuing year; and

WHEREAS, the City Council will approve by a separate ordinance to be adopted on the 17th day of September 2020, the budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021; and

WHEREAS, all statutory and constitutional requirements concerning the levying and assessing of ad valorem taxes have been complied with.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, THAT:

SECTION I

All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

SECTION II

The ad valorem tax appraisal roll and no-new-revenue tax rate information as presented by the assessor to the City Council for the tax year 2020, be and is hereby, in all things, approved and adopted.

SECTION III

There is hereby levied and ordered to be assessed and collected for the fiscal year beginning October 1, 2020, and ending September 30, 2021, and for each fiscal year thereafter until it be otherwise provided by and ordained on all taxable property, real, personal and mixed, situated within the corporate limits of the City, and not exempt from taxation by the Constitution of the State and valid State laws, an ad valorem tax rate of \$0.6225 for the general operations of the City on each One Hundred Dollars (\$100.00) assessed value of taxable property, and shall be apportioned and distributed as follows:

- (a) For the purpose of defraying the current expenses of the municipal government of the City (a General Fund), a tax of \$0.6015 of each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City.
- (b) For the purpose of creating a Debt Service Fund to pay the interest and principal on all outstanding debts of the City, not otherwise provided for, a tax of \$0.0210 on each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City.

SECTION IV

All monies collected and hereby apportioned are set apart for the specific purposes indicated herein and the funds shall be accounted for in such a manner as to readily show balances at any time.

SECTION V

All ad valorem taxes shall become due and payable on October 1, 2020, and all ad valorem taxes for the year shall become delinquent after January 31, 2021. There shall be no discount for payment of taxes prior to said January 31, 2021. A delinquent tax shall incur all penalty and interest authorized by Chapter 33 of the State Property Tax Code.

SECTION VI

Taxes are payable at the Office of the Tarrant County Tax Assessor/Collector by submitting payment to Wendy Burgess, County Tax-Assessor-Collector. The County shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

SECTION VII

The tax rolls, as presented to the City Council, together with any supplement thereto, be, and the same are hereby approved.

SECTION VIII

There is hereby affixed on each and every item of property a lien for the said purpose of securing the certain payment of the taxes assessed against said item or property and said lien shall continue to exist against any item of property upon which a tax is assessed hereunder and to such tax, together with all interest and all penalty, shall be paid.

SECTION IX

There is hereby levied and ordered collected an annual occupation tax of twenty-five (25) percent on the State occupational tax on each and every occupation subject to an occupational tax under the laws of the State of Texas.

SECTION X

Any and all ordinances and resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict therewith.

SECTION XI

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XII

The necessity of affixing and levying municipal ad valorem taxes of the City for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Benbrook, Tarrant County, Texas, on this 20th day of August 2020, at a meeting open to the public after notice thereof being given as required by law.

APPROVED:

Jerry B. Dittrich Mayor

ATTEST:

Joanna King, City Secretary