

AGENDA
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 16, 2021
911 WINSKOTT 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. INVOCATION

Invocation To Be Given By Pastor Lynn Bullock With The Church In Benbrook

PLEDGE OF ALLEGIANCE

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Approve Minutes Of The Regular Meeting Held September 2, 2021

Documents:

[CC MINUTES-09-02-21.PDF](#)

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2534 Adopt Ordinance Approving Budget Figures For FY 2021/2022

Documents:

[G-2534 ORDINANCE BUDGET FIGURES 2021-22.PDF](#)

G-2535 Ratify The Property Tax Revenue Increase Reflected In The FY 2021/2022 Budget

Documents:

[G-2535 RATIFY TAX REVENUE 2021-22.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

Pursuant to the Texas Government Code, Title 5 - Open Government; Ethics, Subtitle A - Open Government, Chapter 551 - Open Meetings, Subchapter C - Notice of Meetings, Section 551.0415, 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, SEPTEMBER 2, 2021**

The regular meeting of the Benbrook City Council was held on September 2, 2021 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jerry Dittrich, Mayor
Renee Franklin
Larry Marshall
Dustin Phillips
Alfredo Valverde
Laura Mackey
Jason Ward

Also Present:

Andy Wayman, City Manager
Jim Hinderaker, Assistant City Manager
Joanna King, City Secretary
Beth Fischer, Deputy City Secretary
Rick Overgaard, Finance Director
Michael Mullinax, Police Commander
Jessica James, EDC Director

Others:

Phyllis Harkins
Michael Barber
Gary Addison
Dana Addison
And 1 other citizen

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALEGIANCE

Invocation was given by Father Kenneth Bolin with St. Thomas Becket Catholic Church

The Pledge of Allegiance was recited.

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

None

IV. MINUTES

1. Approve minutes of the regular meeting held August 19, 2021

Motion by Dr. Marshall, seconded by Ms. Mackey to approve the minutes of the regular meeting held August 19, 2021.

Vote on the Motion

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

Noes: None

Motion carried unanimously.

V. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS

EDC-2021-03 Ratify Benbrook Economic Development Board of Directors Budget for FY 2021/2022

Jessica James gave the following report: The proposed Benbrook Economic Development Corporation (BEDC) FY 2021-2022 Budget totals \$2,117,926. 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 2021-2022 Budget, with corresponding accounts, is as follows:

Administrative Budget Accounts 5000 - 5300	
FY 2021-2022	\$530,647
BEDC Projects 5700	
5705 Storefront Improvement Program Grant (ongoing)	\$200,000
5706 NW Winscott Infrastructure (enviro, maintenance, incidentals)	\$50,000
5707 Westpark Corner (demo, maintenance, incidentals)	\$75,000
5722 Benbrook Blvd. (infrastructure, beautification)	\$332,279
5730 Vista Way Expansion (infrastructure)	\$930,000
TOTAL PROJECTS	\$1,587,279
TOTAL FY 2021-2022 BEDC BUDGET	\$2,117,926

On October 1, 2021, Staff projects a fund balance of approximately \$5,447,178. Projected FY 2021-2022 total revenue is approximately \$1,500,000. The projected FY 2021-2022 end-of-fiscal-year fund balance is \$4,829,252; notwithstanding unanticipated budget adjustments for new project expenditures and possible revenue from the sale of BEDC owned properties.

During their August 16, 2021, regular meeting, the BEDC Board conducted a public hearing and unanimously approved the budget. There were no citizen comments.

Motion by Ms. Franklin, seconded by Dr. Marshall to ratify the Benbrook Economic Development Board of Directors budget for FY 2021/2022.

Vote on the Motion

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

Noes: None

Motion carried unanimously.

VI. REPORTS FROM CITY MANAGER
A. GENERAL

G-2532 Conduct 2nd Public Hearing and adopt an Ordinance continuing curfew for minors

Michael Mullinax gave the following report: In July 1994, the City of Benbrook enacted a curfew ordinance to restrict the hours an individual under the age of seventeen can be in a public place. The restricted hours are from 11:00 pm on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 am of the following day and 12:01 am until 6:00 am on any Saturday or Sunday. State Law requires a review of municipal curfew ordinances every three years to determine if the ordinance should be abolished, continued, or modified. State Law further requires a review of the ordinance's effects on the community and on problems the ordinance was intended to remedy. The Local Government Code stipulates that the City Council shall conduct public hearings on the need to continue the ordinance.

Consideration of the curfew ordinance is two phased and includes (1) the public hearing held on August 19, 2021 and (2) the public hearing scheduled for September 2, 2021 followed by formal City Council consideration. The City Council last reviewed the ordinance in September 2018.

The Benbrook Police Department believes that the curfew ordinance has assisted the department in late night crime prevention.

Benbrook police officers have issued the following citations for curfew violations in the past three years:

2019	74
2020	69
2021	48

During the same period of time, minors have been arrested for committing the following number of crimes during the hours of curfew:

2019	16
2020	12
2021	3

Bedford, Burleson, Crowley, Euless, Everman, Forest Hill, Fort Worth, Hurst, Kennedale, North Richland Hills, Saginaw, Southlake, Watauga, and White Settlement have enacted curfew ordinances. The Tarrant County Cities are either in close proximity to or are similar in size to the City of Benbrook.

Grapevine, Keller, and Mansfield are also in close proximity or similar in size to the City of Benbrook. These cities have not enacted a curfew ordinance.

Mayor Dittrich opened the public hearing at 7:41 p.m.

No one spoke to the item.

Mayor Dittrich closed the public hearing at 7:42 p.m.

Motion by Dr. Marshall, seconded by Mr. Ward to adopt Ordinance No. 1472 continuing the curfew for minors.

Vote on the Motion

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

Noes: None

Motion carried unanimously.

Ordinance No. 1472 being **“AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS; SETTING FORTH DEFINITIONS, CREATING OFFENSES FOR MINORS, PARENTS, AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.”**

SECTION 5
Penalty Clause

1. A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.
2. When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection 2 (1) of this ordinance and shall refer the minor to the juvenile court.

SECTION 12
Effective Date

This ordinance shall take effect at midnight on September 02, 2021 after its passage and publication as required by law, and it is so ordained.

G-2533 Adopt Ordinance vacating and abandoning the City’s interest in an unimproved section of Aledo Road, a variable width right-of-way, located in the C. H. Borden Survey, A-243, City of Benbrook, Tarrant County, Texas

Jim Hinderaker gave the following report: In 2019, City Council approved the extension of Vista Way (Aledo Road) to Benbrook Boulevard north of I-20 utilizing Tax Increment Finance (TIF) District and Benbrook Economic Development Corporation (BEDC) funds. The project will provide another north/south connection under I-20/I-820 and includes the two-way conversion of the existing I-20 Service Road and the realignment/signalization of the Vista Way/Old Benbrook Road intersection at Benbrook Boulevard.

To acquire the necessary right-of-way on the west side of Benbrook Boulevard, city staff worked extensively with the two affected property owners (Jerry Spencer and Jerry Quicksall) to develop the new roadway alignment and modifications of property lines between the owners. To satisfy the owners and create more developable land, city staff agreed to support the abandonment and conveyance to the owners of a 0.488-acre section of the existing Aledo Road right-of-way and to relocate an existing sanitary sewer line that bifurcates a resulting parcel of land.

On August 19, 2021, City Council approved an Interlocal Agreement (ILA) with the Benbrook Water Authority that ratified the sewer line relocation portion of the project.

Motion by Ms. Mackey, seconded by Ms. Franklin to adopt Ordinance No. 1473 vacating and abandoning the City’s interest in an unimproved 0.488-acre section of Aledo Road right-of-way located in the C. H. Borden Survey A-243, City of Benbrook, Tarrant County, Texas.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1473 being **“AN ORDINANCE VACATING AND ABANDONING AN UNIMPROVED 0.488-ACRE SECTION OF ALEDO ROAD, A VARIABLE WIDTH STREET RIGHT-OF-WAY, LOCATED IN THE C. H. BORDEN SURVEY A-243, CITY OF BENBROOK, TARRANT COUNTY, TEXAS, MORE SPECIFICALLY DESCRIBED ON THE VISTA WAY ADDITION SUBDIVISION PLAT TO THE CITY OF BENBROOK, TEXAS; DECLARING THIS UNIMPROVED SECTION OF THE ALEDO ROAD STREET RIGHTS-OF-WAY ARE UNNECESSARY DUE TO THE REALIGNMENT OF THE INTERSECTION OF ALEDO ROAD/OLD BENBROOK ROAD WITH BENBROOK BOULEVARD (US HWY 377); AUTHORIZING THE MAYOR OF THE CITY OF BENBROOK TO RELEASE THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN SUCH RIGHTS-OF-WAY BY REFERENCE OF THIS ORDINANCE ON THE VISTA WAY ADDITION PLAT TO BE RECORDED WITH THE COUNTY CLERK, TARRANT COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.”**

VII. OTHER MATTERS OF BUSINESS

1. Second Public Hearing on Proposed Budget for FY 2022/2022

Rick Overgaard gave an overview of the proposed budget for FY 20221/2022 as follows:

- 2020/2021 tax rate \$0.62250
- Proposed 2021/2022 tax rate \$0.61750

Revenues and Transfers In

- General Fund \$21,354,964
- Debt Service Fund \$ 1,924,494
- Operating Funds \$23,279,458

Expenditures and Transfers Out

- General Fund \$21,353,978
- Debt Service Fund \$ 1,909,337
- Operating Funds \$23,263,315

Transfers Out – General Fund

- Capital Asset Replacement \$300,000

Transfers to Operating Funds

- Storm Water Utility Fund \$742,415
- TIF Fund \$297,586

Projected Ending Fund Balances

- General Fund \$11,438,025
- Debt Service Fund \$ 471,915
- Operating Funds \$11,909,940

Budget Highlights (Base Budget)

- Continuation of current services, programs and staffing levels
- No Decision Packages
- 3.5% COLA for Full-Time Employees
- Flat Sales Tax growth
- Purchase Dump Truck per Capital Improvements Program
- Increase Asphalt Overlay Program per Capital Improvements Program

Debt Service Fund

- Principal and interest payments for three General Obligation Bond issues, including new 2021 Series Bonds
- Transfers from Storm Water Utility Fund and TIF Fund for related debt - \$1,040,001
- Debt Service Property Tax Rate at \$0.0365

This is the second public hearing on the proposed Fiscal Year 2021-2022 budget. The last public hearing will be held on August 19, 2021. City Council will adopt the FY 2021-2022 budget and ratify property tax revenue increase at the September 16, 2021 meeting.

Mayor Dittrich opened the public hearing at 7:51 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:52 p.m.

VIII. INFORMAL CITIZEN COMMENTS

IX. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Renee Franklin reminded citizens of the 20 year 9/11 Anniversary Commemoration to be held Saturday, September 11, 2021 from 5:00 p.m. to 8:00 p.m. at 10201 Jerry Dunn Parkway.

X. ADJOURNMENT

Meeting adjourned at 7:54 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

**ORDINANCE NO. 1474
APPROPRIATION ORDINANCE**

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, APPROVING BUDGET FIGURES FOR THE FISCAL YEAR 2021 THROUGH 2022; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, 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.

WHEREAS, the City Manager of the City of Benbrook, Texas, (hereinafter referred to as the "City"), submitted a budget proposal to the City Council prior to the beginning of the fiscal year, and in said budget proposal set forth the estimated revenues and expenditures; and

WHEREAS, the City Manager of the City has filed with the City Secretary a budget outlining all proposed expenditures of the government of the City for the fiscal year beginning October 1, 2021 and ending September 30, 2022 (hereinafter referred to as the "Budget"); and

WHEREAS, the attached Budget, specifically sets forth each of the various projects which appropriations are delineated in the Budget, and the estimated amount of money carried in the Budget for each of such projects; and

WHEREAS, the Budget has been filed with the City Secretary for, at least, thirty (30) days before the date the City Council makes its tax levy for the fiscal year and such Budget has been available for inspection by any taxpayer; and

WHEREAS, the public notices of public hearings on the proposed annual Budget, stating the date, time, place and subject matter of such public hearing, were given as required by the laws of the State of Texas; and

WHEREAS, such public hearings were held by the City Council of the City on said Budget on August 19, 2021 and on September 2, 2021, at which time said Budget was fully considered, and interested taxpayers were heard by said City Council; and

WHEREAS, the City Council has studied the Budget and listened to the comments of the taxpayers at the public hearings held therefore and has determined that the Budget attached hereto is in the best interest of the City and that same should be approved and adopted.

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 attached Budget consisting of revenues and expenses of the City for conducting the affairs thereof for the ensuing fiscal year beginning October 1, 2021 and ending September 30, 2022, as modified by the City Council, be, and the same is, in all things, adopted and approved as the Annual Budget of the City for the fiscal year, beginning the 1st day of October, 2021 and ending the 30th day of September, 2022; and there is hereby appropriated the funds indicated herein for such projects, operations, activities, purchases and other expenditures proposed in the Budget.

SECTION III

Pursuant to the laws of the State of Texas and Article 6, Section 6.03 of the City Charter, there be, and is hereby incorporated for the operating expenditures, the following sums of money for the following purposes for the fiscal year beginning October 1, 2021 and ending September 30, 2022.

<u>FUNCTION</u>	<u>AMOUNT</u>
General Government	\$ 2,520,449
Staff Services	1,223,571
Public Safety	11,736,348
Public Services	4,703,608
Community Development	870,002
Debt Service	<u>1,909,337</u>
 TOTAL OPERATING EXPENDITURES	 \$ 22,963,315
 TRANSFERS OUT	 <u>300,000</u>
 TOTAL EXPENDITURES & TRANSFERS OUT	 <u>\$ 23,263,315</u>

Any necessary transfers between accounts and departments are hereby authorized, approved and appropriated.

SECTION IV

The City Manager shall file or cause to be filed a true and correct copy of this Ordinance, along with the approved Budget attached hereto, with the City Secretary and in the office of the County Clerk of Tarrant County, Texas, as required by State Law.

SECTION V

Pursuant to the laws of the State of Texas, and specifically Section 143.004, the City held an election to adopt Chapter 143 - Municipal Civil Service of the Local Government Code, wherein it was approved to provide civil service status and protection therefrom to all police officers employed by the City. In compliance with Section 143.021 of the Local Government Code which provides that a municipality's governing body shall establish, by ordinance, the classification of all civil service employees, including the number of positions in each classification, the City hereby establishes its classification of civil service employees for the fiscal year beginning October 1, 2021 and ending September 30, 2022, as stated below and as more fully described in the Cost Center Summary contained in the Annual Budget.

<u>CLASSIFICATION</u>	<u>NUMBER OF AUTHORIZED POSITIONS</u>
Commander	2.0
Police Lieutenant	2.0
Police Sergeant	5.0
Police Detective/Corporal	9.0
Police Patrol Officer	<u>23.0</u>
TOTAL CIVIL SERVICE POSITIONS	41.0

SECTION VI

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 VII

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 VIII

The necessity of adopting and approving a proposed Budget 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 16th day of September 2021, 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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 09/16/21	REFERENCE NUMBER: G-2535	SUBJECT: Ratify property tax revenue increase reflected in the FY 2021-2022 budget	PAGE: 1 of 1
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H.B. 3195, approved in the 2007 legislative session, affects the FY 2021-22 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 FY 2021-2022 Budget will raise more total property taxes than last year's budget by \$783,744 and 5.30 percent, and of that amount \$295,920 is tax revenue to be raised from new property added to the roll this year.

RECOMMENDATION

Staff recommends that the City Council ratify the property tax revenue increase reflected in the 2021-22 Budget.

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