

**AGENDA**  
**BENBROOK CITY COUNCIL**  
**THURSDAY, NOVEMBER 18, 2021**  
**911 WINSCOTT ROAD, BENBROOK, TEXAS**  
**PRE-COUNCIL WORKSESSION 7:00 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

PLEDGE OF ALLEGIANCE

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held November 4, 2021

Documents:

[CC MINUTES-11-04-21.PDF](#)

2. Approve Minutes Of The Special Meeting Held November 11, 2021

Documents:

[CC MINUTES-11-11-21 SPECIAL.PDF](#)

IV. OATH OF OFFICE TO NEWLY ELECTED MEMBERS OF CITY COUNCIL

V. SELECTION OF MAYOR PRO-TEM

VI. CITIZEN COMMENTS ON ANY AGENDA ITEM

VII. REPORTS FROM CITY MANAGER

A. GENERAL

- G-2540 Accept Finance Report For Period Ending October 31, 2021

Documents:

[G-2540 FINANCE REPORT OCT 21.PDF](#)

[G-2540 REVENUE CHART OCT 21.PDF](#)

[G-2540 EXPENDITURE CHART OCT 21.PDF](#)

[G-2540 SALES TAX COMPARISON - OCT 21.PDF](#)

- G-2541 Receive Applications For Boards And Commissions

Documents:

[G-2541 RECEIVE APPLICATIONS TO BOARDS.PDF](#)

G-2542 Approve Interlocal Agreement With Tarrant County For 2022 Overlay Program

Documents:

[G-2542 ILA TARRANT COUNTY OVERLAY 2022.PDF](#)  
[G-2542 AGREEMENT 2022 OVERLAY.PDF](#)

B. PURCHASE

P-286 Approve Purchase Of A New Tandem-Axle Dump Truck From Southwest International Trucks

Documents:

[P-286 PURCHASE DUMP TRUCK.PDF](#)

VIII. 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

IX. COUNCIL MEMBER AND STAFF COMMENTS

Pursuant to the Texas Government Code, Chapter 551, Open Meetings, Section 551.0415, announcements from City Councilmembers and City Staff are limited to expressions of thanks; congratulations; condolences; 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 posting of the agenda. No discussion or formal action may be taken on these items at this meeting.

X. ADJOURNMENT



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, NOVEMBER 4, 2021**

The regular meeting of the Benbrook City Council was held on November 4, 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  
Bennett Howell, Public Services Director

Others:

Bill Smith  
Keith Tiner  
Gary Addison  
Josh Harville  
Phyllis Harkins  
Terry Roach

**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 Bill Smith.  
The Pledge of Allegiance was recited.

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

Terry Roach address City Council on Item G-2539 – Hotel/Motel Occupancy Tax Distribution and Item C-245 – Contract for Vista Way Extension.

#### **IV. MINUTES**

##### **1. Approve minutes of the regular meeting held October 21, 2021**

Motion by Dr. Marshall, seconded by Mr. Phillips to approve the minutes of the regular meeting held October 21, 2021.

Vote on the Motion

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

Noes: None

Motion unanimously.

#### **V. PRESENTATION BY PLANNING AND ZONING COMMISSION**

##### **PZ-2021-02**

**ZTA-21-02 Adopt Ordinance amending Title 17 – Zoning of the Municipal Code by amending Chapters 17.08-Definitions and 17.20-Districts, District Boundaries and District Uses by creating a restricted use category for a “private gaming club” and limiting its location to the “H” Industrial Zoning District**

Jim Hinderaker gave the following report: Staff has received calls from parties interested in opening a private gaming club in Benbrook. City regulations permit private clubs/organizations (e.g. VFW, American Legion, or a country club, etc.) to operate in most retail zoning districts, but the regulations are silent to gaming.

Section 47.04 of the Texas Penal Code prohibits most forms of gaming with these exceptions:

1. Gambling occurred in a private place;
2. No person received any economic benefit other than personal winnings;  
and
3. Except for the advantage of skill or luck, the risks of losing and the chances of winning were the same for all participants.

Some Texas cities have interpreted the state’s exceptions to include private gaming clubs.

Staff holds that private gaming clubs do not meet all of the exception criteria and are not permitted anywhere in the City. Should a Texas court or the Texas State Legislature deem that private gaming clubs are legal in the State of Texas, staff recommends the city take a proactive approach and restrict gaming clubs to the “H” Industrial District.

The City Attorney’s Office has reviewed the draft ordinance and found the ordinance to be a reasonable proactive approach.

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

No one spoke to the item.

Mayor Dittrich closed the public hearing at 7:43 p.m.

Motion by Mr. Valverde, seconded by Ms. Franklin to adopt Ordinance No. 1475 amending Title 17-Zoning of the Benbrook Municipal Code by amending Chapters 17.08-Definitions and 17.20-Districts, District Boundaries and District Uses b creating a restricted use category for a “private gaming club” and limiting its location to the “H” Industrial zoning district with the provision the City Attorney's Office review the 6th WHEREAS statement to determine if it is acceptable as written or whether the language should be tightened and amended to include the entities that may determine the use to be legal.

Vote on the Motion:

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

Noes: None

Motion unanimously.

Ordinance No. 1475 being **“AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTERS 17.08 – DEFINITIONS AND 17.20 – DISTRICTS, DISTRICT BOUNDARIES AND DISTRICT USES; 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.**

**SECTION 7  
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 12  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and it is so ordained

**NOTE:** The City Attorney reviewed the Ordinance on November 5, 2021 following recommendation by City Council. Following review by the City Attorney the 6<sup>th</sup> WHEREAS now reads “WHEREAS, the City Council desires, should the keeping of a gambling place in a private club be deemed legal **by a Texas court or the Texas State Legislature**, to restrict private gaming clubs to the “H” Industrial District; and

## **VI. REPORTS FROM CITY MANAGER**

### **A. GENERAL**

#### **G-2536 Accept Finance Report for period ending September 30, 2021**

Rick Overgaard gave the following report: The September 30, 2021, monthly finance report represents the unaudited 2020-21 fiscal year end statement. Adjustments (including accruals) will be made by the auditors and staff when the Comprehensive Annual Financial Report (CAFR) is prepared. Also, transfers were made in September, but posted in March through September to reimburse the General Fund for monthly COVID related personnel costs from the American Rescue Plan (ARP) Grant fund. March through September monthly expenditure amounts have been revised to reflect these reimbursements.

General Fund revenues for the month of September were \$693,140. Major revenues collected for the month include Property taxes of \$6,170, Fines and Forfeitures of \$61,339, Charges for Services of \$66,214, Permits of \$131,544, and Franchise Taxes of \$46,519. Sales tax collected and recognized as revenue in September was \$279,139. Fiscal year to date sales tax is \$3,359,068, an increase of 1.52% over last year at this time. General Fund revenues collected through the end of September were \$21,961,155 and 103.3% of the budget.

General Fund expenditures for the month of September were \$1,626,572. Fiscal year to date expenditures were \$18,566,268 and 87.3% of the adopted budget.

Total General Fund revenues of \$21,961,155 were greater than General Fund expenditures of \$18,566,268 by \$3,394,887.

Debt Service revenues for the month of September totaled \$1,091 and were all from property tax. Fiscal year to date revenues total \$1,710,957. There were no expenditures in September. The next debt service payments will occur in February 2022. Total revenues of \$1,710,957 exceeded total expenditures of \$1,605,259 by \$105,698.

EDC revenues through September 30, 2021, were \$1,723,726. EDC expenditures through the end of September were \$981,170. Total revenues exceeded total expenditures by \$742,556.

Total revenues received through September 30, 2021 were \$3,180,547 from stormwater utility fees, mineral lease revenue, TIF payments, and interest earnings. Total expenditures for the Capital Projects Fund were \$2,588,852 through the end of September. There were no expenditures in September. Total revenues exceeded total expenditures by \$591,695. 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 September 30, 2021, the City had \$45,328,533 invested at varying interest rates; the EDC had \$5,544,398 available. The City's portion of the portfolio increased significantly in September due to \$22 million in bond proceeds received for the construction of the municipal complex. The bond proceeds are recorded in a separate construction fund.

Motion by Ms. Mackey, seconded by Dr. Marshall to accept the finance report for the period ending September 30, 2021.

Vote on the Motion:

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

Noes: None

Motion unanimously.

**G-2537      Approve Investment Report for the quarter ending September 30, 2021**

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 20, 2021, to review the report and ensure compliance with the City's investment policy. A copy of the Investment Report is attached and highlights are presented below.

- The total portfolio for the City and EDC on September 30, 2021 is \$50,872,931, with 89% or \$45,328,533 belonging to the City, and 11% or \$5,544,398 to the EDC. The City's portion includes the \$22,000,000 in bond proceeds received in September.
- 77% of the combined portfolio is in bank accounts, with 11% in local government investment pools, 11% in certificates of deposit, and 1% in agency notes.
- The weighted average maturity on the combined portfolio is 84 days with a .11% average yield to maturity.

The average yield to maturity still remains low because of continued low market interest rates, decreased yield in our local government investment pools, and previously owned higher yielding CD's that have matured.

Motion by Ms. Franklin, seconded by Mr. Valverde to accept the Investment Report for the quarter ending September 30, 2021.

Vote on the Motion:

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

Noes: None

Motion unanimously

**G-2538      Adopt Resolution accepting Administrative Regulation F-5 City of Benbrook Investment Policy**

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 2020, 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.

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.

Staff has prepared a Resolution stating that the Benbrook City Council has reviewed the City's Investment Policy.

Moton by Dr. Marshall, seconded by Mr. Valverde to adopt Resolution No. 2021-10 stating that the City Council has reviewed and accepts Administrative Regulation F-5, the City of Benbrook's Investment Policy.

Vote on the Motion:

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

Noes: None

Motion unanimously



Resolution No. 2021-10 being **“TEXAS STATING THAT THE CITY COUNCIL HAS REVIEWED THE CITY’S WRITTEN INVESTMENT POLICY.”**

**G-2539      Approve Hotel/Motel Occupancy Tax Distribution for FY 2021-2022**

Rick Overgaard gave the following report: City Staff received applications for the FY 2021-22 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	Chamber Support	Promotional Services	\$ 6,000
City of Benbrook	Heritage Fest	Festival for Benbrook	35,000
City of Benbrook	Visitor Center	Promotion of Benbrook	100,896
City of Benbrook	Christmas Light Exhibit	Holiday Light Display	20,000
<b>TOTAL REQUESTS</b>			<b>\$ 161,896</b>
Required Advertising Budget		Statutory Requirement	43,900
<b>TOTAL HMOT BUDGET</b>			<b>\$ 205,796</b>

Motion by Mr. Valverde, seconded by Mr. Ward to approve the requests as proposed for the Hotel/Motel Occupancy Tax Budget for the 2021-22 fiscal year.

Vote on the Motion:

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

Noes: None

Motion unanimously

**B. CONTRACT**

**C-345      Award Contract for the Vista Way Extension and Associated Paving Improvements**

Bennett Howell gave the following report: In 2019, City Council approved the Vista Way (Aledo Road) extension to Benbrook Boulevard north of I-20 utilizing Tax Increment Finance (TIF) District and Benbrook Economic Development Corporation (BEDC) funds. The project provides another north/south connection under I-20/I-820 and includes a two-way conversion of the existing I-20/I-820

Service Road along with the realignment/signalization of the Vista Way/Old Benbrook Road intersection at Benbrook Boulevard.

The roadway extension portion of the project includes construction of a two-lane concrete street, curb, gutter, storm drain system, and streetlights from the westbound I-20/I-820 Service Road to just past the east side of Benbrook Boulevard, as necessary to accommodate the roadway's new alignment. A new concrete center median will be constructed from the south end of the Benbrook Boulevard bridge overpass at I-20/I-820 to Cook Ranch Road, along with dedicated turn lanes in all four directions at the new intersection of Vista Way/Old Benbrook Road with Benbrook Boulevard.

The project includes construction of a sidewalk along the south side of the new roadway extension, west of Benbrook Boulevard only.

The project includes construction of underground conduits/wiring and foundations for a future signalized intersection at Vista Way/Old Benbrook Road and Benbrook Boulevard, but it does not include the purchase or installation of the traffic signal poles, signal arms and lights. These items were omitted from the project plan as the Texas Department of Transportation will not allow the city to install traffic signals until traffic warrants are met. Once met, the city will install the traffic signals with TIF District funds.

Bids were received and opened on October 1, 2021, with the following results:

<b>Company</b>	<b>Bid Amount (\$)</b>
Rebcon, Inc.	\$3,099,562.68
SEMA Construction	\$3,241,503.70
McMahon Construction	\$3,289,959.31
DDM Construction Corporation	\$3,428,145.99
Reliable Paving	\$3,643,756.00
Pavecon	\$4,224,034.89

Rebcon, Inc. submitted the low bid of \$3,099,562.68. Rebcon, Inc. was properly vetted and all references recommended them for the project.

The BEDC will fund all portions of the project (\$681,904) located east of Benbrook Boulevard. The TIF District will fund the balance of the project.

Following the posting of the City Council agenda, staff learned one of the property owners has died, which will delay the recording of the Vista Way plat that includes the rights-of-way dedication needed to construct the project.

A representative of the family states the family will most likely want to proceed with the project but getting the necessary signature on the plat will take time.

Motion by Dr. Marshall, seconded by Mr. Phillips to conditionally award the Vista Way extension and associated paving improvements contract to Rebcon, Inc. for \$3,099,562.68, subject to acquisition of the necessary rights-of-way.

**VII. INFORMAL CITIZEN COMMENTS**

**VIII. COUNCIL MEMBER AND STAFF COMMENTS**

None.

**IX. ADJOURNMENT**

Meeting adjourned at 8:06 p.m.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**



**MINUTES  
OF THE  
SPECIAL  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, NOVEMBER 11, 2021**

The special meeting of the Benbrook City Council was held on November 11, 2021 at 5:30 p.m. in the Council Chambers with the following Council members present:

Jerry Dittrich, Mayor  
Larry Marshall, Mayor Pro-Tem  
Renee Franklin  
Jason Ward

Also Present: Joanna King, City Secretary

Others: Keith Tiner  
Gary Addison

**I. CALL TO ORDER**

Meeting called to order at 5:30 p. m. by Mayor Dittrich.

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

None

**III. ADOPT RESLUTION CANVASSING RESULTS OF ELECTION HELD NOVEMBER 2, 2021 AND CANCEL NEED FOR RUN-OFF ELECTION**

Joanna King gave the following report: The municipal election for Members of the Council in Mayor, Place 1 and Places 3, 5, and 7 was held on November 2, 2021 in accordance with state statutes and ordinances of the City of Benbrook. There were 2818 ballots cast in the election. The total votes cast in the respective offices were:

Mayor Place 1

Renee Franklin	1201
Jason Ward	1383

Member of the Council, Place 3

Larry Marshall	1380
Katherine Gardner	836

Member of the Council, Place 5

Alfredo Valverde	997
Gary Addison	1220

Member of the Council, Place 7

Unopposed candidate	
Keith Tiner	1841

The precinct by precinct tabulation sheet is attached to these minutes.

By virtue of the votes cast, Jason Ward is to be hereby declared to be duly elected to the office of Mayor, Place 1;

Larry Marshall is to be hereby declared to be duly elected to the office of Councilmember, Place 3;

Gary Addison is to be hereby declared to be duly elected to the office of Councilmember, Place 5;

and Keith Tiner is to be hereby duly elected to the office of Councilmember, Place 7.

By virtue of the votes cast in each place, it is hereby declared that there is not a necessity to hold a run-off election.

Motion by Ms. Franklin, seconded by Dr. Marshall to adopt Resolution No, 2021-11 canvassing the returns and declaring the results of the election held November 2, 2021 and cancelling the need for a run-off election.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2021-11 being **“A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF AN ELECTION HELD ON THE SECOND**

**DAY OF NOVEMBER 2021 IN BENBROOK, TEXAS, FOR THE PURPOSE OF ELECTING MEMBER OF THE COUNCIL IN MAYOR, PLACE 1 AND PLACES 3, 5, AND 7 TO SERVE A TWO-YEAR TERM AND CANCELING THE NEED FOR A RUN-OFF ELECTION.**

**IV. ADJOURNMENT**

Meeting adjourned at 5:45 p.m.

**APPROVED:**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 11/18/21	REFERENCE NUMBER: G-2540	SUBJECT: Accept finance report for period ending October 31, 2021	PAGE: 1 of 2
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### GENERAL FUND

General Fund revenues for the month of October, the first month of the fiscal year, were \$949,860. Major revenues collected for the month include Property taxes of \$416,745, Franchise taxes of \$9,726, Permits of \$26,386, Fines and Forfeitures of \$38,766, Charges for Services of \$78,785, and Other Agency of \$31,750. Sales tax collected and recognized as revenue in October was \$335,246, which is 11.13% greater than last October. A separate summary of sales tax revenue collections is provided for comparative purposes. General Fund revenues collected through the end of October were 4.4% of the budget.

General Fund expenditures for the month of October were \$1,461,533 and 6.8% of the adopted budget.

Total General Fund revenues of \$949,860 were less than General Fund expenditures of \$1,461,533 by \$511,673.

### DEBT SERVICE

Debt Service revenues for the month of October totaled \$26,200 and were all from property tax. There were no expenditures in October. The next debt service payments will occur in February 2022.

### ECONOMIC DEVELOPMENT CORPORATION (EDC)

EDC revenues through October 31, 2021, were \$168,920. EDC expenditures through the end of October were \$31,942. Total revenues exceeded total expenditures by \$136,978.

### CAPITAL PROJECTS

Total revenues received through October 31, 2021 were \$64,026 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$36,401 through the end of October. October expenditures included the Vista Way Two-Way Conversion. Total revenues exceeded total expenditures by \$27,625. 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 MANAGER		CITY SECRETARY
		DATE:

DATE: 11/18/21	REFERENCE NUMBER: G-2540	SUBJECT: Accept finance report for period ending October 31, 2021	PAGE: 2 of 2
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**CASH & INVESTMENTS**

On October 31, 2021, the City had \$45,077,109 invested at varying interest rates; the EDC had \$5,584,784 available.

**RECOMMENDATION**

Staff recommends that City Council accept the finance report for the period ending October 31, 2021.



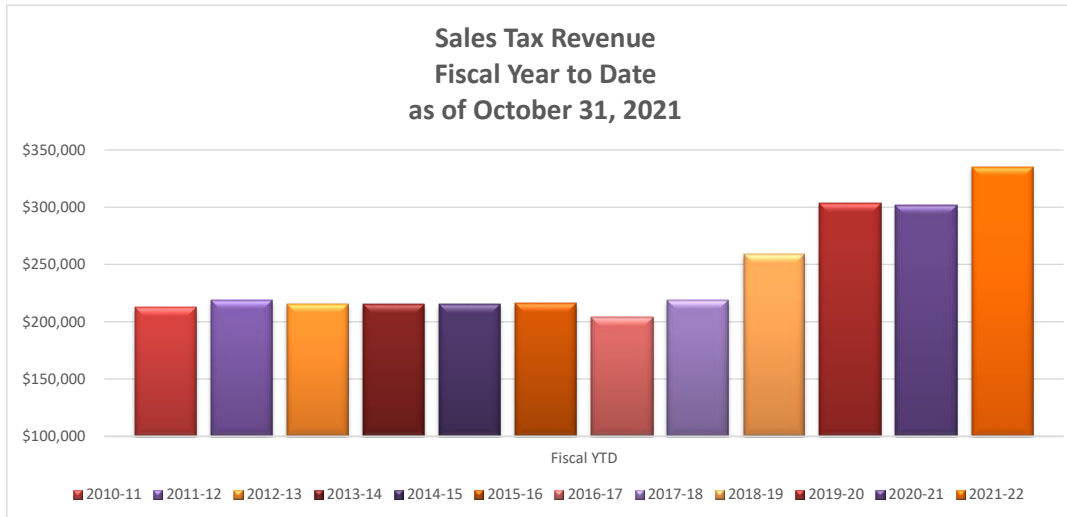




**City of Benbrook  
Sales Tax Analysis  
October 31, 2021**

Fiscal Year	Fiscal YTD	October	November	December	January	February	March	April	May	June	July	August	September	Annual Total
2010-11	\$ 212,494	\$ 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	218,564	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	215,752	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	215,869	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	215,101	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	216,144	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	204,261	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	218,480	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	259,437	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	303,508	303,508	251,579	243,434	318,986	241,710	315,310	304,877	268,174	264,380	304,404	242,843	249,696	3,308,900
2020-21	301,658	301,658	251,886	256,790	358,452	232,781	210,428	351,076	275,930	245,557	323,619	271,753	279,139	3,359,068
2021-22	335,246	335,246												335,246

Change 2010-11 to 2011-12	2.86%
Change 2011-12 to 2012-13	-1.29%
Change 2012-13 to 2013-14	0.05%
Change 2013-14 to 2014-15	-0.36%
Change 2014-15 to 2015-16	0.48%
Change 2015-16 to 2016-17	-5.50%
Change 2016-17 to 2017-18	6.96%
Change 2017-18 to 2018-19	18.75%
Change 2018-19 to 2019-20	16.99%
Change 2019-20 to 2020-21	-0.61%
Change 2020-21 to 2021-22	11.13%



Budget 2021-22	\$ 3,250,000
Projected 2021-22	3,250,000
Variance from Budget	\$ -



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 11/18/21	REFERENCE NUMBER: G-2541	SUBJECT: Receive applications for Board and Commission appointments	PAGE: 1 of 4
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Noted below is a summary of terms expiring on the various City Boards and Commissions. These terms expire on December 30, 2021.

### Planning and Zoning Commission

Place 1	David Ramsey
Place 3	VACANT
Place 5	Matthew Wallis
Place 7	Beth Bodine-Jones
Place 9	Damon Farrar

Applications for reappointment have been received from all current members.

### Zoning Board of Adjustment/Board of Appeals

Place 1	Wes Myers
Place 3	Donald Pilliod
Place 5	Lizbeth Sowell
Alternate A	Mark Roberts
Alternate C	Edward Jennings

Alternate D            Vacant – term expires 12-30-22

Applications have been received from Wes Myers and Lizbeth Sowell. Donald Pilliod is not reapplying. An application was not received from Mark Roberts or Edward Jennings. There is also a vacancy in Alternate D for a term expiring December 2022.

### Parks and Recreation Board

Place 1	Amy Casey
Place 3	Marianne Daily
Place 5	Gary Lindsay
Place 7	John Adelman

An application has been received from Gary Lindsay. Amy Casey is not applying for reappointment. An application was not received from Marianne Daily or John Adelman.

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

DATE: 11/18/21	REFERENCE NUMBER: G-2541	SUBJECT: Receive applications for Board and Commission appointments	PAGE: 2 of 4
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Benbrook Economic Development Corporation

- Place 1                    Keith Tiner
- Place 3                    Michelle Thomas
- Place 5                    Kent Williams
- Place 7                    Kristina West

An application has been received from Kent Williams and Kristina West. Michelle Thomas is not applying for reappointment. As an unopposed candidate for the Benbrook City Council General Election held November 2, 2021, Keith Tiner did not reapply.

Tax Increment Financing Board

- Place 1                    Dr. Larry Marshall
- Place 3                    Jim Hinderaker

Place 5 currently held by Roy Brooks is filled by the Tarrant County Commissioners Court. Place 7 is currently held by Jill "J.R." Labbe and is filled by the Tarrant County Hospital District.

The City advertised a formal notice to accept applications for Boards and Commission appointments in the Benbrook News as well as the Fort Worth Star-Telegram. The announcement was also placed on the City's Charter Communications Channel, City Home Page, City's Facebook Page, Twitter and the Newsletter. The deadline for receiving applications was November 8, 2021.

Applications received for appointment to a Board or Commission are noted below.

<u>Citizen</u>	<u>Board or Commission Preference</u>	<u>Current Office</u>
David Ramsey	Planning & Zoning	Planning & Zoning
Matthew Wallis	Planning & Zoning	Planning & Zoning
Beth Bodine-Jones	Planning & Zoning Zoning Board/Appeals	Planning & Zoning
Damon Farrar	Planning & Zoning	Planning & Zoning
Wes Myers	None Listed	Zoning Board/Appeals
Lizbeth Sowell	Zoning Board/Appeals Economic Development	Zoning Board/Appeals

DATE: 11/18/21	REFERENCE NUMBER: G-2541	SUBJECT: Receive applications for Board and Commission appointments	PAGE: 3 of 4
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<u>Citizen</u>	<u>Board or Commission Preference</u>	<u>Current Office</u>
Gary Lindsay	Park & Recreation Economic Development Planning & Zoning Zoning Board/Appeals Tax Increment Financing	Park & Recreation
Kent Williams	Economic Development	Economic Development
Kristina West	Economic Development Planning & Zoning Park & Recreation Zoning Board/Appeals	Economic Development
David Hudgins	Planning & Zoning Economic Development Zoning Board/Appeals	
Michael Howard	Planning & Zoning	
Joshua Harville	Planning & Zoning Zoning Board/Appeals Park & Recreation	
Alfredo Valverde	Planning & Zoning	
Joshua Hayes	Planning & Zoning Park & Recreation Economic Development Zoning Board/Appeals Tax Increment Financing	
Donna Smith	Planning & Zoning Zoning Board/Appeals Economic Development	
Chad Skinner	Park & Recreation Economic Development	
Tammy Fulcher	Park & Recreation Economic Development	
Omar Aquilar	Economic Development Park & Recreation	

DATE: 11/18/21	REFERENCE NUMBER: G-2541	SUBJECT: Receive applications for Board and Commission appointments	PAGE: 4 of 4
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**RECOMMENDATION**

Staff recommends that City Council:

1. Determine the process for applicant evaluations for Boards and Commissions; and
2. Schedule that process; or
3. Make appointments to the various Boards and Commissions for a term beginning December 31, 2021 and expiring December 30, 2023; and.
4. Make appointment to the unexpired term in Alternate D on the Zoning Board of Adjustments/Appeals Board for a term to expire December 30, 2022.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 11/18/2021	REFERENCE NUMBER: G-2542	SUBJECT: Approve Interlocal Agreement with Tarrant County for the 2022 Overlay Program	PAGE: 1 of 2
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For many years, the City of Benbrook has collaborated with Tarrant County to complete the City's annual asphalt street overlay program (Program). The City purchases the asphalt and Tarrant County provides the equipment and labor to complete the Program at no charge to the City. The City is also responsible for all street milling costs, which is separately contracted out.

Last year, the City did not enter into an Interlocal Agreement with Tarrant County due to the COVID-19 pandemic. As an alternative, the City contracted with TexasBit to complete the entire FY2020-21 Program.

Tarrant County is now looking to restart the Program with participating cities, but is asking cities to limit requests to allow the County to catch up on its backlog. Per this request, the City has limited its request to approximately 1.2 miles of streets. The terms of the agreement are the same as previous years. This portion of FY2020-21 Program is tentatively scheduled to begin Spring, 2022.

### Overlay Streets

Priority	Street Name	Cross Streets	Length (ft)	Width (ft)
1	Kane Street	North Kane to Dewey Scott Drive	793	30
2	Rush Street	Westerly Road to Boston Avenue	800	30
3	Bryant Street	Cozby Street N to Childers Avenue	1,496	30
4	Ferndale Drive	Williams Road to Cresthill Road	805	30
5	Llano Avenue	Williams Road to Plantation Drive	2,422	30

To complete the balance of the FY2021-22 Program, the City will enter into a separate contract with TexasBit, whose pricing is based on an existing Interlocal Agreement with Ellis County. A separate contract will be brought to City Council for action at a later date.

### Financing

The funding for the Interlocal Agreement portion of the FY2021-22 Program (\$160,000) will come from the General Fund and is budgeted for FY2021-22.

SUBMITTED BY:	DISPOSITION BY COUNCIL: Y APPROVED    Y OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:



DATE: 11/18/2021	REFERENCE NUMBER: G-2542	SUBJECT: Approve Interlocal Agreement with Tarrant County for the 2022 Overlay Program	PAGE: 2 of 2
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**RECOMMENDATION**

Staff recommends that City Council approve the Interlocal Agreement with Tarrant County for a portion of the City's FY 2021-22 Asphalt Overlay Program.

THE STATE OF TEXAS  
COUNTY OF TARRANT  
INTERLOCAL AGREEMENT  
FOR  
THE OVERLAY OF VARIOUS STREETS  
WITHIN THE CITY OF BENBROOK

This Agreement is between Tarrant County, Texas (“COUNTY”) acting by and through its duly authorized County Commissioner Court, and the City of Benbrook, Texas (“CITY”) acting through its duly authorized City Manager.

WHEREAS, the Interlocal Cooperation Act, (Texas Government Code Section 791.001 et seq.) provides legal authority for this Agreement; and

WHEREAS, the CITY is requesting the COUNTY’s assistance with the overlay of various streets within the City of Benbrook:

- Overlay of Kane Street from North Kane to Dewey Scott Drive being approximately 2,644 square yards, to apply two inches of type D asphalt
- Overlay of Rush Street from Westerly Road to Boston Avenue being approximately 2,667 square yards, to apply two inches of type D asphalt
- Overlay of Bryant Street from Cozby Street to Davidson Street being approximately 3,320 square yards, to apply two inches of type D asphalt
- Overlay of Bryant Street from Davidson Street to Childers Avenue being approximately 1,667 square yards, to apply two inches of type D asphalt
- Overlay Ferndale Drive from Williams Road to Willow Bend Road being approximately 1,380 square yards, to apply two inches of type D asphalt
- Overlay Ferndale Drive from Willow Bend Road to Cresthill Road being approximately 1,304 square yards, to apply two inches of type D asphalt
- Overlay Llano Avenue from Williams Road to Plantation being approximately 8,950 square yards, to apply two inches of type D asphalt

Collectively referred to as the “Project”; and

WHEREAS, during the performance of the governmental functions and the payment for the performance of those governmental functions the parties will make the performance and payment from current revenues legally available to that party; and

WHEREAS, The Commissioners Court of the COUNTY and the Council of the CITY each make the following findings:

- a. This Agreement serves the common interest of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and COUNTY have authorized their representative to sign this Agreement.

NOW, THEREFORE, the County and City agree as follows:

## **TERMS AND CONDITIONS**

### **1. COUNTY RESPONSIBILITY**

1.1 COUNTY will furnish the labor and equipment for the Project.

1.2 COUNTY agrees to, overlay the aforementioned streets being approximately a total of 21, 932 square yards

### **2. CITY RESPONSIBILITY**

With respect to each part of the Project:

- 2.1 The CITY will furnish and pay for all materials, including trucking costs, for the Project.
- 2.2 The CITY will furnish all rights-of-way and plan specifications. The CITY will also furnish all engineering drawings, if necessary, which will include required drainage grades and American with Disabilities Act approved entrances, if required. The CITY will pay for drainage culverts, if needed, for any part of the Project.
- 2.3 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the Project; and
- 2.4 CITY will provide temporary driving lane markings.
- 2.5 CITY will provide a porta toilet.
- 2.6 CITY will ensure that the Project is cleared of obstructions which could damage COUNTY equipment during construction; and
- 2.7 CITY will verify the location of all utility locations, mark those locations and then remove the utilities that will interfere with the progress of the Project.
- 2.8 CITY will furnish a site for dumping waste in close proximity to the job site for materials generated during this Project.

- 2.9 If a Storm Water Pollution Prevention Plan is required, the CITY will be responsible for the design, development, implementation and maintenance of the Plan for the duration of each part of the Project. The COUNTY will inform the CITY if the Plan needs maintenance during construction.
- 3.0 The CITY is responsible for the scheduling and milling cost required for the PROJECT.

**3. PROCEDURES DURING PROJECT**

- 3.1 The COUNTY retains the right to inspect and reject all materials the CITY provides for the Project.
- 3.2 If the CITY has a complaint regarding the construction of any part of the Project, the CITY must complain in writing to the COUNTY no later than thirty (30) days from the date of completion of that particular portion of the Project. Upon expiration of thirty (30) days after completion of a particular portion of the Project, the CITY will be responsible for all maintenance and repairs of that street. The reference to a “portion of the Project” as used in this Agreement refers to an individual street identified on the attached exhibit.

**4. NO WAIVER OF IMMUNITY**

This Agreement does not waive the COUNTY’s rights under a legal theory of sovereign immunity. This Agreement does not waive the CITY’s right under a legal theory of sovereign immunity.

**5. OPTIONAL SERVICES**

- 5.1 If necessary, the COUNTY will furnish flag persons.

**6. TIME PERIOD FOR COMPLETION**

The CITY will give the COUNTY notice to proceed at the appropriate time. However, the COUNTY is under no duty to commence construction at any particular time.

7. **THIRD PARTY**

The parties do not enter into this Agreement to protect any specific third party. The intent of this Agreement excludes the idea of a suit by a third party beneficiary. The parties to this Agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

8. **JOINT VENTURE & AGENCY**

The relationship between the parties to this Agreement does not create a partnership or joint venture between the parties. This Agreement does not appoint any party as agent for the other party.

9. **EFFECTIVE DATE**

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed.

10. **TERMINATION OF AGREEMENT**

The initial term of this Agreement is until October 1, 2022 and will automatically renew for a like term thereafter until (1) the Project is completed or (2) the Agreement is terminated by either party in writing. Either party may terminate this Agreement at any time—either before the expiration of the initial term or after the renewal of any term thereafter—by providing the other party with thirty (30) days written notice of termination. In the event of termination by either party, neither party shall have any further obligations to the other party under this Agreement, except the CITY remains liable for payment to the COUNTY for any outstanding invoice for materials that the COUNTY provides for the Project, if any.

SIGNED AND EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**COUNTY OF TARRANT  
STATE OF TEXAS**

**CITY OF BENBROOK**

\_\_\_\_\_  
County Judge

\_\_\_\_\_  
Jason Ward, Mayor

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

\_\_\_\_\_  
Commissioner, Precinct 1  
Roy Charles Brooks

**Attest:**

**Attest:**

\_\_\_\_\_

\_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM AND LEGALITY

*Justin K. Foster*  
\_\_\_\_\_  
CRIMINAL DISTRICT ATTORNEY'S OFFICE

\_\_\_\_\_

\*By law, the Criminal District Attorney's Office may only  
Approve contracts for its clients. We reviewed this document  
For our client's legal perspective. Other parties may not rely  
On this approval. Instead, those parties should seek contract  
Review from independent counsel.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 11/18/21	REFERENCE NUMBER: P-286	SUBJECT: Approve Purchase of a new tandem-axle dump truck from Southwest International Trucks	PAGE: 1 of 1
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The purchase of a new 2022 model year dump truck is included in the City Council approved 2021 Capital Improvement Plan (CIP). The truck will replace a 2003 model year single-axle dump truck.

Staff contacted vendors from Southwest International Trucks, Premier Truck Center and Rush Trucks to discuss their products, pricing and delivery times. All three vendors are local and the City is familiar with their products.

The vendors submitted the following estimates:

Southwest International Trucks	\$125,108 (Buy Board Contract w/ an anticipated one-year delivery)
Premier Truck Center	\$176,986 (two to three-year anticipated delivery)
Rush Truck Center	No bid

All quoted trucks include tandem rear axles, 12-yard bed capacity, Cummins diesel engines and Allison automatic transmissions for additional hauling capacity.

**FINANCING**

The planned purchase will be through the Capital Asset Replacement Fund, which has funding budgeted for the purchase. The dump truck will be purchased through the Buy Board purchasing cooperative.

**RECOMMENDATION**

Staff recommends that City Council approve the purchase of the Southwest International Trucks Dump Truck at a cost of \$125,108 to be funded from the Capital Asset Replacement Fund.

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