



**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
<b>BEDC Projects 5700</b>	
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
<b>TOTAL PROJECTS</b>	<b>\$1,587,279</b>
<b>TOTAL FY 2021-2022 BEDC BUDGET</b>	<b>\$2,117,926</b>

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 2<sup>nd</sup> 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 2022/2022 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:**

  
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Jerry B. Dittrich, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Joanna King, City Secretary