

**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, AUGUST 18, 2005**

The regular meeting of the Benbrook City Council was held on Thursday, August 18, 2005 at 7:30 p.m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Mayor Jerry Dittrich  
Keith Bailey  
John Vander Pan  
James Schull  
Larry Stowe  
Ron Sauma

Also Present:

Cary Conklin, City Manager  
Dave Gattis, Assistant City Manager  
Andy Wayman, Assistant City Manager  
Diana deSousa, Recording Secretary  
Sherri Newhouse, Budget Director  
David Ragsdale, Comptroller

Others Present:

Ed Gallagher, City Planner  
Dorcas Neuman, Benbrook News  
Rodney Dryden, Wellspring Insurance Agency  
Sam Balkum, Benbrook Chamber of Commerce  
Mr. and Mrs. Bill Sivers  
Joel Peele, Director, Benbrook YMCA  
Dr. Larry Sanders  
Bill Smith  
And approximately 6 other citizens

**I. CALL TO ORDER**

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

**II. INVOCATION  
PLEDGE OF ALLEGIANCE**

Invocation was given by Dr. Larry Sanders, Trinity Hills Baptist Church. Members of the audience recited the Pledge of Allegiance.

### III. CONSENT AGENDA

1. **Minutes of the regular meeting held August 4, 2005.**
2. **Ordinance Readopting Guidelines and Criteria for Tax Abatement Agreements**
3. **Resolution Authorizing Agreement with TxDOT for Safety Lighting**

After further explain of the Tax Abatement Agreement to members of the audience by Mr. Gattis, as requested by Mr. Sauma, motion by Mr. Vander Pan, seconded by Mr. Schull to approve the consent agenda as presented.

Vote on the motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1193 being **“AN ORDINANCE AMENDING AND READOPTING CHAPTER 3.20 (TAX ABATEMENT AGREEMENTS) OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, READOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AND DESIGNATION OF REINVESTMENT ZONES, DEFINING QUALIFYING FACILITIES, ESTABLISHING THE TERM AND LIMITS OF ABATEMENT, REQUIRING AN APPLICATION, DELEGATING ADMINISTRATIVE AND NEGOTIATION; AMENDING CHAPTER 1.12 (FEES FOR PUBLIC SERVICES); PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING FOR VARIANCES AND EXPIRATION; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.”**

#### **SECTION 4 PUBLICATION AND EFFECTIVE DATE**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the

production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

The City Secretary of the City of Benbrook is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance records of the City.

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

#### **IV. PROCLAMATION, AWARDS RECOGNITION**

##### **1. Proclamation-National Alcohol and Drug Addiction Recovery Month**

Mayor Dittrich presented a proclamation to a representative of the National Alcohol and Drug Addiction Council proclaiming the month of September 2005 as National Alcohol and Drug Addiction Recovery month.

##### **2. Employee Recognition-Bill Sivers-Mechanic-10 Years Service**

Mayor Dittrich recognized employee Bill Sivers for ten years of meritorious service to the City of Benbrook.

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

#### **VI. REPORTS OF THE CITY MANAGER**

##### **A. GENERAL**

##### **G-1577 Financial Report for Period Ending July 31, 2005**

Mr. Conklin gave the following report: Revenues for the month of July totaled \$439,583. The major source of revenue came from Property Taxes (\$122,494), Sales & Other Taxes (\$97,500) and Franchise Taxes (\$73,136). Other major sources of revenue included Permits and Filing Fees (\$39,143) and Citizen

Services (\$30,046). Through July, total collections were \$9,765,390 or 96.38% of the amount budgeted.

July expenditures totaled \$733,488. Through July, total expenditures were \$8,575,230 or 81.85% of the amount budgeted. At July 31, 2005 revenues exceeded expenditures by \$1,190,160.

EDC revenues were \$46,054 with most of this amount coming from Sales Tax. Expenditures were \$64,854. Revenues exceed expenditures by \$339,061 through the month of July.

Investments were \$8,873,771 at July 31, 2005.

Motion by Mr. Stowe, seconded by Mr. Bailey to approve the financial report for period ending July 31, 2005.

Vote on the motion:

Ayes: Mr. Bailey, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma Mr. Schull,

Noes: None

#### **G-1578      Quarterly Hotel/Motel Bed Tax Fund Report**

Mayor Dittrich asked the pleasure of the council regarding the Quarterly Hotel/Motel Bed Tax Fund Report.

Motion by Mr. Vander Pan, seconded by Mr. Sauma to approve the Quarterly Hotel/Motel Bed Tax Fund Report.

Vote on the motion:

Ayes: Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey

Noes: None

Motion carries unanimously.

**G-1579 Ratify Tax Increment Financing District (TIF) Developer Participation Agreement for Benbrook Towne Crossing**

Mr. Gattis gave the following report: In November 2004, the TIF Board approved a Framework of Agreement with RichPenn, Inc. for reimbursement of up to \$8.5 million of infrastructure costs for development of the Benbrook Towne Crossing Agreement. The Benbrook City Council subsequently ratified that Framework of Agreement. The TIF Board authorized the staff to negotiate a Developer Participation Agreement based on the Framework of Agreement.

The staff and the applicant met numerous times over the intervening months and developed the Developer Participation Agreement. The Developer Participation Agreement follows the previously approved Framework with the following exceptions:

1. The Developer is BBT Crossing, Ltd., which represents the Benbrook Economic Development Corporation, BBT Crossing GP Corporation, and Bo Peek Limited, together referred to as the “consenting partners.”
2. The phases have been left undefined, with the Developer and City agreeing to phases as projects are submitted for construction approval.

The TIF District will reimburse the Developer for up to \$8.5 million in infrastructure based on TIF revenues generated within the 200 acres included by the project. The TIF has prior right to collect for the Project’s share (71 percent) of the Walnut Creek sewer line, but otherwise the Developer is entitled to all TIF revenue generated by the 200 acres. Reimbursement will be from annual TIF revenues, or when 2:1 coverage is available. The TIF Board and City Council may elect to issue Certificates of Obligation to pay off phases (minimum of \$1 million, no more than five CO issues.)

The TIF Board considered the draft Developer Agreement at their August 9<sup>th</sup> meeting and voted 4-0-1 to recommend approval of the Agreement.

Motion by Mr. Sauma, seconded by Mr. Stowe to approve the ratification of the TIF District Developer Participation Agreement with Benbrook Towne Crossing and authorizing the City Manager to execute the agreement.

Vote on the motion:

Ayes: Mr. Vander Pan, Mr. Stowe, Mr. Sauma Mr. Schull, Mr. Bailey, Mayor Dittrich,

Noes: None

Motion carries unanimously.

**G-1580 Consider Participation in Consortium for Group Health Insurance**

Ms. Newhouse gave the following report: A group of municipalities and other local government entities in the North Texas area have expressed an interest in pooling resources for employee insurance costs. Specifically, the entities seek to secure their comprehensive medical benefits collectively under Chapter 791, Interlocal Cooperation Act, and/or Chapter 172, Texas Political Subdivisions Uniform Group Benefits Program of the Texas Local Government Code.

These local governments include: Town of Argyle, Town of Double Oak, City of Justin, Town of Northlake, City of Krum, City of Haslet, Town of Cross Roads, Town of Trophy Club, City of Decatur, City of Bridgeport, Town of Ponder, City of Everman, City of Lake Worth, Benbrook Water Authority, City of Springtown, and City of Boyd.

In 2005, these governmental entities formed the North Texas Government Benefit Alliance (NTGBA) to consider the feasibility of collectively purchasing comprehensive medical benefits. NTGBA will also consider securing additional employee benefit programs in the future. Participation in this exploratory process will not bind the local government participants to the benefit contract(s) that may be secured and implemented by the NTGBA.

The Wellspring Insurance Agency, Inc. (WIA) has agreed to provide overall leadership and to serve as advisor during the developmental process that will lead, if determined to be advisable, to a pooling of resources to secure medical benefits.

WIA is currently BWA's agent of record for group insurance benefits. Because of the City's relationship with BWA, the City of Benbrook was invited to join the NTGBA. To participate, the City must sign the Exploratory Process Engagement Memorandum with WIA. Each participant is also required to remit a \$1,000 lump sum retainer fee to WIA. Funds are available in Non-Departmental account number 01-15-015219.

Motion by Mr. Vander Pan, seconded by Mr. Bailey to approve participation in the Consortium for Group Health Insurance with Wellspring Insurance Agency and to remit a lump sum retainer fee of \$1,000 from account number 01-15-015219.

Vote on the motion:

Ayes: Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Vander Pan

Noes: None

Motion carries unanimously.

**G-1581 Ordinance Amending Chapter 10.24 of the Benbrook Municipal Code-Amending School Zone Times**

Andy Wayman gave the following report: To streamline transportation costs, the Fort Worth Independent School District recently announced significant changes to school day start and dismissal times for all FWISD schools.

Beginning August 15, school start and dismissal times are as follows:

	<u>Start</u>	<u>Dismissal</u>
Elementary School	8 am	2:15 pm and 3 pm
Middle School & 6 <sup>th</sup> Grade	9:20 am	4:25 pm
High School	8:35 am	3:35 pm

Generally, traffic engineers recommend that school zones times conform to the following time windows:

1. Begin approximately an hour before school starts in the morning.
2. End approximately 30 minutes after school starts in the morning.
3. Begin approximately an hour before school dismisses for the day.
4. End approximately an hour after school dismisses for the day.

Previously, uniform start and dismissal times made it possible for citywide school zone times of 7:30 to 9 am and 2:00 to 4:30 pm. Because of the FWISD changes, it is recommended that school zone time's change throughout the City to the following:

	<u>Morning</u>	<u>Afternoon</u>
Elementary School Zones	7 – 8:30 am	1:30 – 4 pm
Middle School & 6 <sup>th</sup> Grade Zones	8:30 – 10 am	3:30 – 5:30 pm
High School Zones	7:30 – 9 am	2:30 – 4:30 pm

As with any significant change, City staff will notify residents via the City newsletter, Channel 7 and the City website. In addition, the Benbrook Police

Department will exercise significant enforcement discretion while the public becomes familiar with the adjusted school zone times.

As a precautionary measure and to accommodate the beginning of school, staff temporarily amended the existing school zones signs to reflect the new schedule. Once City Council establishes permanent school zone times, City Staff will make permanent adjustments to the signs.

Motion by Mr. Bailey, seconded by Mr. Schull to approve Ordinance 1194, amending Chapter 10.24 of the Benbrook Municipal Code-Amending School Zone Times.

Vote on the motion:

Ayes: Mr. Schull, Mr. Bailey, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1194 being **“AN ORDINANCE AMENDING CHAPTER 10.24-SPEED LIMITS OF THE BENBROOK MUNICIPAL CODE, AS AMENDED, BY REVISING SECTION 10.24.010 RELATING TO SCHOOL ZONES; 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 ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.”**

#### **SECTION 4**

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 8**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

**VII. OTHER MATTERS OF BUSINESS**

**VIII. INFORMAL CITIZEN COMMENTS**

Introduction of Mr. Joel Peele, the new Director of the Benbrook Community Center/YMCA.

Mr. Vander Pan asked for clarification of the clearing of land and potential subdivisions being conducted by the City of Fort Worth adjacent to the Benbrook city limits near Walnut Creek.

**IX. ADJOURNMENT**

Meeting adjourned at 8:15 p.m.

**APPROVED;**

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**Jerry B. Dittrich, Mayor**

**ATTEST:**

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**Joanna King, City Secretary**