



**AGENDA  
BENBROOK CITY COUNCIL  
THURSDAY, SEPTEMBER 20, 2007  
911 WINSOTT ROAD, BENBROOK, TEXAS  
PRE-COUNCIL WORKSESSION 7:00 P.M.  
CENTRAL CONFERENCE ROOM**

1. Review and discuss agenda items for regular meeting.
2. Receive other information from staff and Boards and Commissions.

**REGULAR MEETING 7:30 P.M.  
COUNCIL CHAMBERS  
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

**I. CALL TO ORDER**

**II. INVOCATION – Lonnie Huett with Restoration Family Church  
PLEDGE OF ALLEGIANCE**

**III. MINUTES**

1. Minutes of the regular meeting held August 16, 2007
2. Minutes of the regular meeting held September 6, 2007

**IV. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION**

EDC-2007-03 Ratify Benbrook Economic Development Corporation Budget for FY2007-2008

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

PZ-2007-08 Adopt Ordinance rezoning the south 79.09 feet, being 0.208 acres of Lot 25, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (103 Del Rio Avenue)

**VI. REPORTS OF CITY MANAGER**

**A. GENERAL**

- G-1728 Financial report for month ending August 31, 2007
- G-1729 Consider adoption of an ordinance authorizing the issuance and sale of City of Benbrook, Texas, Combination Tax and Revenue Certificate of Obligation, Series 2007; levying an annual ad valorem tax and providing for the security for and payment of said certificate; providing an effective date; and enacting other provisions relating to the subject.
- G-1730 Public Hearing on Proposed Budget for Fiscal Year 2007-2008
- G-1731 Public Hearing on 2007 Property Tax Rate
- G-1732 Hotel/Motel Tax Allocations for FY2007-2008
- G-1733 Appointment to Boards and Commissions
- G-1734 Consider options for acquisition of drainage easement for 32<sup>nd</sup> Year Community Development Block Grant Project

**B. CONTRACT**

C-230 Award Employee Health Insurance

**VII. OTHER MATTERS OF BUSINESS**

**VIII. INFORMAL CITIZEN COMMENTS** – State Law prohibits any deliberation of or decisions regarding items presented in information citizen comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting.

**IX. ADJOURNMENT**



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, AUGUST 16, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, August 16, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich  
Keith Bailey  
Ron Sauma  
Rickie Allison  
Dan Tully  
James Schull  
Larry Stowe

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Dave Gattis, Deputy City Manager  
Wade Adkins, City Attorney  
Sherri Newhouse, Budget Director  
James Mills, Police Chief

Others Present:

Dorcas Neuman, Benbrook News  
Donna Savage, Assistant City Secretary  
Ed Gallagher, City Planner  
Walter Shumac, Director of Public Services  
Cathy Morris, Administrative Analyst  
Ron Rainey  
Patty Bissey  
Bill Smith  
Linda Belota  
Mr. and Mrs. Milton Davis  
Barry Hudson  
Sam Balkum  
Ed Wilsburg  
Tom Eudaly  
Alex Herrera  
Al Griner  
John Vander Pan  
Carrol Crombie  
Brad Bowen  
and approximately 10 other citizens

**I. CALL TO ORDER**

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

**II. INVOCATION  
PLEDGE OF ALLEGIANCE**

Invocation given by Mayor Pro Tem Rickie Allison.  
The Pledge of Allegiance was recited.

**III. MINUTES**

**1. Minutes of the regular meeting held August 2, 2007**

Motion by Mr. Stowe seconded by Mr. Schull to approve the minutes of the regular meeting held August 2, 2007.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**IV. CITIZEN PRESENTATION**

**1. Milton Davis – Issues regarding lot on Boston Avenue north of Rush Street**

Mr. Milton Davis expressed appreciation to City Council and Police Department for the concern shown for problems arising in vacant lot on Boston Avenue.

James Mills outlined steps being taken to illuminate the problem with students from Western Hills High School visiting the lot during lunch periods and working with the property owner in having the area cleaned and cleared.

**2. Benbrook Chamber of Commerce – Request funds for 3<sup>rd</sup> annual Citywide Sale and Treasure Hunt**

Mr. Sam Balkum, Tourism Director with Benbrook Chamber of Commerce requested funding for the 3<sup>rd</sup> annual Citywide Sale and Treasure Hunt. Mr. Balkum stated that because the Benbrook Heritage Fest has been scheduled for October 6, 2007, the Citywide Sale and Treasure Hunt date was moved to September 7 and 8, 2007. He advised that this event would normally be included in the Visitor's Center annual proposal for funding. However, due to the change in dates, funding is needed for advertising and promotion of the event. Mr. Balkum requested \$2,000 from the Hotel/Motel Tax Fund.

Motion by Mr. Allison, seconded by Mr. Bailey to award the Visitor Center \$2,000.00 from the Hotel/Motel Tax Fund for the 3<sup>rd</sup> annual Citywide Sale and Treasure Hunt.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**MAYOR DITTRICH ANNOUNCED THAT DUE TO THE POSSIBLE LENGTH OF THE PLANNING AND ZONING ITEMS, PZ-2007-06 AND PZ-2007-07 WOULD BE PLACED AT THE END OF THE AGENDA**

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

### **A. GENERAL**

**G-1716 Adopt Ordinance vacating a 10-foot utility easement along the west line of Lot 1, Block 2 Northwest Winscott Addition and vacating a portion of a temporary cul-de-sac easement in the J.S. Wilburn Survey Abstract No. 1680 and on Lot 1, Block 2, Northwest Winscott Addition (590 Winscott Road)**

Mr. Gattis gave the following report: Mike Patel is the owner of Lot 1, Block 2, Northwest Winscott Addition located at the northwest corner of Winscott Road and Winbrook Drive. A two-story 52 room Best Western motel currently occupies approximately 70 percent of Lot 1. Mr. Patel has plans to add a four-story, 55 room motel to the site. Mr. Patel has acquired an additional 70-foot wide unplatted area adjacent to the west side of the existing property, platted as Lot 1, to add to the vacant portion of the lot to accomplish the proposed facilities expansion.

A replat has been submitted to combine the 70-foot unplatted area and Lot 1 into Lot 1R. The replat applications includes the proposed vacation of a 10-foot wide utility easement along the west line of existing Lot 1, and a portion of a temporary cul-de-sac easement on Lot 1 and the 70-foot wide unplatted tract to accommodate the proposed new motel structure. All utility supplies have reviewed the replat, including the proposed new easement vacation, and reported that they have no objection to the vacation of the utility easement. The City Engineer has reviewed the existing temporary turn-around facility at the west end of Winbrook Drive and the motel grading plans and reports that the proposed motel plan, including the grading plan, have no impact on the continued use and maintenance of the turn-around facility. The vacation action by the City will allow the proposed motel to be built.

Motion by Mr. Sauma, seconded by Mr. Tully to approve the ordinances vacating the 10-foot utility easement and temporary cul-de-sac easement and authorize the Mayor to execute a quitclaim deed.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1243 being **“AN ORDINANCE VACATING AND ABANDONING A TEN-FOOT WIDE UTILITY EASEMENT LOCATED ON A PORTION OF LOT 1, BLOCK 2, NORTHWEST WINSCOTT ADDITION; DECLARING THAT THE PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.”**

Ordinance No. 1433 being **“AN ORDINANCE VACATING AND ABANDONING A PORTION OF A TEMPORARY CUL-DE-SAC EASEMENT LOCATED IN THE J.S. WILBURN SURVEY ABSTRACT NUMBER 1680 AND ON A PORTION OF LOT 1, BLOCK 2, NORTHWEST WINSCOTT ADDITION; DECLARING THAT THE PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY AND PROVIDING AN EFFECTIVE DATE.”**

**G-1717      Financial Report for month ending July 31, 2007**

Mr. Wayman gave the following report: General Fund revenues for July totaled \$518,456. Year-to-date collections were \$11,498 or 92.45% of the amount budgeted. General Fund expenditures for July totaled \$1,077,771. Year-to-date expenditures were \$9,588,342 or 79.72% of the original budget. At July 31, 2007, revenues exceeded expenditures by \$1,531,156.

The Benbrook Economic Development revenues for July were \$73,572 with most of this amount coming from Sales Tax. Expenditures were \$70,133. Through the end of July, expenditures exceed revenues by \$583,777.

At July 31, 2007 the City's investments were \$11,524,881.

Motion by Mr. Tully, seconded by Mr. Schull to approve the monthly financial report for the month of July, 2007 as presented.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1718      Approve Resolution Authorizing Offer to sell City-owned real property at 913 Timberline Drive**

Mr. Gattis gave the following report: The City purchased the property at 913 Timberline Drive in January 2006. The house located on the property was a National Flood Insurance Program repetitive loss, meaning that it had sustained two or more flood insurance claims of \$1,000 or more. The property also had a retaining wall that encroached illegally into the Dry Branch creek bed. In addition, the City's drainage plan identified the need to enlarge the inlet at the front of the property to adequately drain water from the street. Finally, this was one of only two houses that would not be removed from the 100-year floodplain by the Timber Creek Channel project.

The City demolished the house, made drainage improvements and raised the building pad above the new 100-year floodplain during 2006. The Letter of Map Revision based on Fill (LOMR-F) officially removing the building site from the 100-year floodplain was received from FEMA in June 2007.

Staff recommends that the City sell the property for redevelopment as a single-family residence. Staff has not identified any other suitable uses that would be better for the property and resale gets the property back on the tax rolls. To sell the property, the City recommends using a sealed bid process, establishing a minimum bid of \$20,000 and that the City retain the mineral rights.

Motion by Mr. Schull, seconded by Mr. Stowe to accept staff recommendations as presented by adopting Resolution No. 2007-11 authorizing the sale of 913 Timberline Drive with a minimum bid of \$20,000 and to retain mineral rights.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1719 Interlocal Agreement with Fort Worth ISD for partial reimbursement for Police Officers assigned to Western Hills High School**

Chief James Mills gave the following report: The Benbrook Police Department currently provides a full-time School Resource Officer for the Fort Worth Independent School District. This officer serves as a liaison between the police department and the staff at Western Hills High School, Benbrook Elementary and Westpark Elementary. All reports and incidents that occur on school property are administered primarily by the School Resources Officer. During holiday and summer intermissions, the officer performs regular patrol duties. The Fort Worth ISD subsidizes fifty percent (50%) of the salary, benefits, overtime, and training for the officer.

Since the initial assignment of a full-time School Resource Officer, the student population at Western Hills High School has increased significantly. Due to the size of the student body and the school, including numerous out-buildings, it has become increasingly difficult for one School Resource Officer to effectively oversee school safety and security issues.

The Fort Worth ISD has agreed to subsidize a second full-time School Resource Officer. The officer would also be funded at the fifty percent (50%) rate.

Motion by Mr. Allison, seconded by Mr. Sauma to approve the Interlocal agreement between the City of Benbrook and the Fort Worth Independent School District for two-full time School Resource Officers.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**B. CONTRACT**

**C-229 Award contract for employee dental insurance**

Ms. Newhouse gave the following report: Since November 2003, Metropolitan Life Insurance (MetLife) has provided dental insurance to City employees and their dependents. The current rates are \$22.26 per month per employee. Dependent premiums are available on a three-tier system and are currently \$50.60 for family coverage, \$25.46 for spouse only coverage, and \$26.16 for children coverage.

The Coty has an indemnity plan with MetLife that allows employees and dependents to be treated by the dentist of their choice. The plan features a \$50

annual deductible for an individual with a maximum \$150 deductible per family. Preventative and diagnostic services are reimbursed at 100% with the deductible waived. Basic services are reimbursed at 80% after the deductible is met; the employee pays the \$50 deductible plus 20% of the balance for these services and treatments. Major dental services are reimbursed at 50% after the deductible is satisfied; the employee pays \$150 plus 50% of the balance. Orthodontia is not a covered benefit. The annual maximum benefit paid is \$1,000.

Even though MetLife's dental plan is an indemnity plan, the plan features a Preferred Dentist Program. A participating dentist or specialist agrees to accept MetLife's reimbursement schedule as payment in full for services rendered. Employees and dependents that select these dentists may realize significant savings, especially for basic and major services and treatment. Currently three Benbrook dentists participate in MetLife's Preferred Dentist Program.

In July 2007, MetLife notified the City that monthly dental insurance premiums would not increase for employees or dependents. These rates reflect no change in benefits from the current plan.

The 2007-2008 Budget includes \$33,472 for dental insurance premiums for one hundred-nine employees and \$5,127 for the subsidy for family premiums; this allocation was based on a 15% increase in rates. The total allocation for dental insurance for 2007-2008 is \$38,599.

The City's annual cost for premiums for one-hundred-nine employees is approximately \$29,116. The annual cost of the dependent subsidy, for family coverage only, is estimated at \$4,458. The City's total annual cost for dental insurance is estimated to be \$33,574. The City will realize savings of \$4,356 in annual employee premium costs from the 2007-2008 Budget and \$669 in subsidy costs for a total projected savings of \$5,025.

Motion by Mr. Schull, seconded by Mr. Allison to accept staff recommendation as presented to renew the dental insurance contract with MetLife effective November 1, 2007 with no change in benefits, service, deductibles and co-payments; continue subsidy for family coverage at \$13.76 per month and the City pay 100% of employee premiums.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

## **VII. OTHER MATTERS OF BUSINESS**

## **VIII. INFORMAL CITIZEN COMMENTS**

## V. PRESENTATION BY PLANNING AND ZONING COMMISSION

### **PZ-2007-06 Adopt Land Use Plan amendments of the Comprehensive Plan for Planning Area “D”, deleting Mixed Use Village and increasing Commercial and High density Multi Family land uses (west side of U.S. Highway 377/Benbrook Boulevard, north and south of Mercedes Street, and south of I20/Loop 820)**

Mr. Gattis gave the following report: The Benbrook Economic Development Corporation and Bo Peek Limited, as landowners and applicants, propose to amend the Land Use Plan element of the Comprehensive Planning Area “D”. The Land Use Plan amendments are being requested in conjunction with a 137-acre rezoning application for their property.

The applicants’ property is located at the north end of Planning Area “D”, generally north of Sproles Drive and west of Benbrook Boulevard. The Benbrook Field development includes Low Density Single Family residential, High Density Multi-family residential, and commercial land use designations.

The current Land Use Plan includes a 32.6-acre area, mostly north of the recent extension of Mercedes Street, as Mixed Use Village. The applicant proposed to delete the Mixed Use Village designated area, to be replaced with an increase of the High Density Multi-family and Commercial land use areas. No change is proposed in the area designated as Low Density Single Family.

The Mixed Use Village designation anticipated both multi-family and commercial activities in the same site. While the proposed amendments delete the Mixed Use designation, it does not represent an appreciable change in the uses that can occur in Planning Area “D”. The primary effect of the change is the separation and reconfiguration of uses that could occur with the existing designations. The proposed amendments do not appear to create an appreciable impact on traffic, drainage, utilities and municipal services.

#### Proposed Changes:

<u>Land Use</u>	<u>Current</u>	<u>Proposed</u>	<u>Net Change</u>
Low Density Single Family	372.3	372.3	0
High Density Multi Family	27.1	33.06	+5.96
Mixed Use Village	32.6	0	-32.6
Commercial	80.2	106.84	+26.64
Community Facilities	48.8	48.8	0
Undeveloped Floodplain	57.0	57.0	0
Right-of-Way	133.9	133.9	0
<b>TOTAL PLANNING AREA D</b>	<b>751.9</b>	<b>751.9</b>	<b>---</b>

In an attempt to balance the number of single-family and multi-family residential units, the City’s Comprehensive Plan has adopted a Principle that no more than 20 percent of the total residential land within the City should be allocated to

multifamily uses. With the proposed Land Use Plan change, single-family land would account for 78.59 percent of the residentially-designated land in the City and multi-family residential land would be 21.41 percent. The changes could be expected to increase the ultimate population of the City by 238 individuals lining in 119 additional dwelling units. Although the proposed change increases the multi-family land percentage even higher than 20 percent target, the staff does not believe the change in land area is significant and the change does not account for the multi-family units that could have been located in the Mixed Use Village area.

Mr. Barry Hudson, Senior Planner with Dunnaway and Associates representing the applicant advised that they concur with staff recommendations.

Motion by Mr. Allison, seconded by Mr. Bailey to adopt the proposed amendments to the Land Use element of the Comprehensive Plan proposed by the Benbrook Economic Development Corporation and BoPeek Limited in Planning Area "D".

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe

Noes: Mr. Sauma

Motion carries 6-1.

**PZ-2007-07 Consider rezoning of 137.172 acres of land in the C.A. Kuykendall Survey Abstract Number 890, the J.M. Evans Survey Abstract Number 466, the H. Covington Survey Abstract Number 257, and the J. Stephens Survey Abstract Number 1494, (northwest of U.S. Highway 377/Benbrook Boulevard, southwest of I20/Loop 820, north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments)**

**Parcel 1 –**

**29.9052 acres of land in the C.A. Kuykendall Survey Abstract Number 890, from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (south of Brookside At Benbrook Field Phase I, west of Vista Way, and north of Westpark Section Two, Summit on the Ridge Apartments and Summit Ridge Apartments)**

**Parcel 2 –**

**8.6596 acres of land in the C.A. Kuykendall Survey Abstract Number 890, and the J.M. Evans Survey Abstract Number 466 from "D" Multiple Family District and "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (east side of Vista Way approximately 750 feet north of Sproles Drive intersection and 9006 Benbrook Boulevard)**

**Parcel 3 –**

**46.9428 acres of land in the C.A. Kuykendall Survey Abstract Number 890, and the H. Covington Survey Abstract Number 257 from "BR" One Family Reduced District to "BR-PD" One Family Reduced Planned Development District (northwest of Walnut Creek, southeast of Union Pacific Railroad)**

**Parcel 4 –**

**19.2085 acres of land in the H. Covington Survey Abstract Number 257, from "D" Multiple Family District and "E" Commercial District to "D-PD" Multiple Family Planned Development District (northeast of Mercedes Street between Walnut Creek and future Vista Way)**

**Parcel 5 –**

**1.7937 acres of land in the H. Covington Survey Abstract Number 257, from "E" Commercial District to "D/HC-PD" Multiple Family/Highway Corridor Planned Development District (southwest of I20/Loop 820 , between future Vista Way and Union Pacific Railroad)**

**Parcel 6 –**

**4.3197 acres of land in the H. Covington Survey Abstract Number 257, from "D" Multiple Family District to "D/HC-PD" Multiple Family/Highway Corridor Planned Development District (northeast of the intersection of Mercedes Street and future Vista Way)**

**Parcel 7 –**

**29.4246 acres of land in the H. Covington Survey Abstract Number 257 and the J. Stephens Survey Abstract Number 1494 from "D" Multiple Family District, "E" Commercial District, and "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (northwest of U.S. Highway 377/Benbrook Boulevard, north of Mercedes Street, southeast of future Vista Way, and southwest of I20/Loop 820)**

**Parcel 8 –**

**1.6631 acres of land in the H. Covington Survey Abstract Number 257 and the J.M. Evans Survey Abstract Number 466 from "HC" Highway Corridor District to "HC-PD" Highway Corridor Planned Development District (southwest of the intersection of U.S. Highway 377/Benbrook Boulevard and Mercedes Street)**

Mr. Gattis gave the following report: The rezoning application is for Planned Development classifications on 137.9 acres in the Benbrook Field development area west of Benbrook Boulevard and south of Loop 820. The application by the landowners, Benbrook Economic Development Corporation and BoPeek, Ltd. is presented in eight non-contiguous parcels and include:

Parcel 1 (29.9 ac):	BR to BR-PD
Parcel 2 (8.65 ac):	D and HC to HC-PD1
Parcel 3 (46.9 ac):	BR to BR-PD
Parcel 4 (19.2 ac):	D and E to D-PD
Parcel 5 (1.79 ac):	E to D/HC-PD1

Parcel 6 (4.3 ac):	D to D/HC-PD1
Parcel 7 (29.4 ac):	D, E, and HC to: 7A, 7C, 7D and 7E to HC-PD-1 7B to HC-PD2
Parcel 8 (1.66 ac):	HC to HC-PD

Underlying zoning districts establish basic development standards. PD zones allow flexibility in development standards to address unique development constraints or in exchange for higher development standards or provisions of additional amenities. It is intended that the PD zoning must be of some public benefit and not just a reduction in development standards.

#### Summary of PD provisions:

- BR-PD proposes reduced side yards to 5-feet on side and fence restriction in exchange for larger minimum house size (1,650 SF), masonry requirement (65% on front and second front), and wrought iron fences along parks and open space. The Planning and Zoning Commission recommended approval as presented at their June meeting.
- D-PD will restrict certain uses (animal lots, stables, RV camp grounds), restrict types of fences allowed and required, and requires City Council approval of any site plan. The Planning and Zoning Commission recommends approval with revision of maximum density calculation and requirement for F1 buffer yard adjacent to the park.
- HC-PD1 restricts certain uses (animal lots, stables, or riding arena) and adds other uses (convention center, museum); reduces building setbacks (25 feet for side, 15 feet for second front, zero lot line for interior, drive-through canopies and roofs can encroach into setbacks.) The Planning and Zoning Commission recommends approval as presented.
- HC-PD2 (Home Depot Site) increases maximum height to 40 feet within 65 feet of MF; allows outdoor displays and parking lot sales areas, allows outdoor storage of empty pallets and lumber at rear of building with 6-foot screening wall and allows up to 10 shipping containers stacked two high at the rear of the building. The Planning and Zoning Commission approval of HC-PD2 with screening of loading docks and architectural treatment of rear wall. In a letter dated June 21, 2007, Home Depot refuses to provide a 6-foot screening wall around pallet and lumber storage at the rear or to provide any treatment or screening of rear wall. The screening wall use included in the original application.
- D/HC-PD is intended to allow developer to pick and choose uses in D or HC districts, with differing development standards. The Planning and Zoning recommends rezoning to HC-PD1 and eliminate the D option.

#### Landscaping Requirements

- Landscaping requirements are enhanced (increased number of canopy trees with reduction in under-story trees and elimination of fences in buffer yards, increase in parking lot landscaping, and minor revision of allowable

species. The Planning and zoning Commission recommends approval as submitted with a requirement that new trees be at least 2 ½ inch caliper.

### Tree Preservation & Mitigation

- Eliminates complete tree survey in favor of sampling, increases threshold of mitigated tree size to 10 inches dbh and eliminates requirement to mitigate 12 “lesser” tree species (Bois d’arc, cottonwood, juniper, hackberry, mesquite, etc.), eliminates requirement to mitigate trees in street rights-of-way, easements, or building pads. Planning and Zoning Commission recommends approval.

### Sign Regulations

- Proposes Unified Sign Plan, reduces the total number of free-standing signs in exchange for larger signs and “off-premise” signs, provided they are part of the PD area.

#### Proposed Signs:

##### Entry Museum Tower at Benbrook Boulevard and Mercedes

- Front Yard Setback
  - Minimum of 20 feet from Benbrook Blvd. right-of-way after platting
- Side Yard Setback
  - Minimum of 20 feet from Mercedes Street right-of-way
- 35 feet high
- 120 square foot area at base

Planning and Zoning recommends approval with a 25-foot setback

##### Interstate Multi-tenant Pole Sign

- Height not to exceed 50-feet
- Setback minimum of 20-feet
- Area per tenant panel no more than 120 square feet, total 480 square feet
- Tenant must be within 500 feet of I20

Planning and Zoning Commission recommends approval with 25 foot setback. Applicant is now requesting a 60-foot height to provide visibility to Interstate 20. Applicant now requesting deletion of requirement that tenant be 500 feet of I20.

##### Multi-tenant Architectural Column Sign

- 35 feet high
- Area maximum of 300 square feet
- 10-foot setback

Planning and Zoning Commission recommends approval with maximum area per tenant of 60 square feet.

#### Single Tenant Monument Sign

- 8 feet high
- 50 square feet area

Planning and Zoning Commission approved as submitted

#### Off-premise Builder Kiosk

- Height not to exceed 12 feet
- 50 square foot area
- No setback from right-of-way

Planning and Zoning Commission approved 8 feet high and must be removed within 30 days of completion of single-family house construction within the development.

#### Temporary “For Sale” and “For Lease” Signs

- Height not to exceed 8 feet
- Area maximum of 64 square feet

Planning and Zoning Commission recommends 6 foot high and 48 square feet.

After holding a public hearing, the Planning and Zoning Commission recommends approval of PZ-2007-07 per staff comments, except:

- Parcels 5 and 6 be rezoned to HC-PD1
- The rear of Home Depot facing Vista Way must be screened or provide architectural treatment
- Minimum caliper size of new trees must be 2 ½ inches
- Interstate Multi-Tenant Pylon Sign must be 50 feet high and 480 square feet in area
- Multi-tenant architectural column sign must be 300 square feet, but no tenant have more than 60 square feet
- Builders Kiosk signs may be 8 feet high.

Mayor Dittrich opened the public hearing at 8:27 p.m.

Mr. Barry Hudson, Senior Planner with Dunnaway and Associates spoke on behalf of the landowners.

1. Staff recommends approval of the rezoning of Parcels 1 & 3 to BR-PD with the use and development standards presented. This is an increased minimum

house size with minimum masonry content added in exchange for reduced side yards. This is recommended by both staff and Planning and Zoning Commission for approval.

2. Staff recommends approval of the rezoning of Parcel 4 to D-PD with the standards presented with gross density being calculated on platted lot area excluding designated floodway. Applicants concur with recommendations.
3. Staff recommended approval of the rezoning of Parcels 2, 7A, 7C, 7D, 7E and 8 to HC-PD1. The P&Z recommended approval with amendments as noted in staff report.
4. Staff recommends approval of the rezoning of Parcel 7B to HC-PD2.
5. Staff recommends approval of the rezoning of Parcels 5 & 6 to D-PD. Planning and Zoning Commission recommended approval of Parcels 5 & 6 to HC-PD. The applicant would like to continue to pursue the original application. Applicant feels these areas are key locations that could go either direction depending on the type of uses that are located there. One parcel is on the corner of Mercedes and the extension of Vista Way. There is severe topography problems with the location. It is anticipated that there will be a continuation of the commercial development that is extending down Mercedes. However, there is an opportunity that there could be some Assisted Living or Nursing Home that might be more appropriate for the D-PD. The request is for either/or.

The other location is along the frontage road of Interstate 20 and this is a much deeper commercial property on the current zoning and the amended Land Use Plan amended earlier tonight. Feel it still has some potential for commercial because of the Interstate frontage. However, the property does drop down significantly; feel there is an opportunity for multi-family is appropriate as well. The developer would like the flexibility to do either the multi-family or the commercial on this tract.

6. This item is related directly to the Home Depot Site. Staff recommends approval of the architectural standards except:
  - Loading docks must be screened from public view by a minimum 6 foot masonry wall
  - Any wall (including rear walls) that are visible from a public street or residential area must meet all architectural requirements including building articulation
  - Minimum 6 foot masonry wall screening on Parcel 7B of Home Depot loading docks added by developer providing screening from Vista Way

The applicant request no building articulation or enhanced building materials in rear because it is felt that there will be sufficient landscaping. This would fall under the Buffer Yard E along Vista Way which we have increased the number of canopy trees in this area and will provide shrubs and other screening along Vista Way behind the Home Depot. Applicant feels it will not be that visible.

7. Staff recommends approval of the landscaping and tree preservation requirements as proposed. Planning and Zoning recommended a minimum of 2.5" caliper and the developer accepts.

8. Staff recommends approval of the Unified Sign Plan with several modifications.  
Up to 71 signs allowed with 6,800 sq. ft. There are 19 signs proposed with up to 2,380 sq. ft. 27% of number 35% of sign area

Sign Type 1 – Entry Museum Tower

Staff comment 25' setback

Applicant requesting 20' setbacks per P&Z recommendation.

Benbrook Field Museum Tower site amenity to emphasize Benbrook history and heritage

Sign Type 2 – Multi-tenant Pole Sign

Staff comment 40' max. height

PD Applicant requesting 50' height

Staff and P&Z comment 25' setback

Applicant requesting 20' setback

Staffs comment 60 sf per tenant

Applicant requesting 120 sf per tenant

P&Z asked for sign target study

Sign study shows need for 60' height

Sign Type 3 – Multi-tenant Architectural Column Sign

Staffs comment 240 sq. ft. maximum area

P&Z recommended 60 sq. ft. per tenant maximum

Applicant requesting 300 sq. ft. maximum area

Sign Type 4 – Single Tenant Architectural Monument Sign

No staff comments

Reduction of sign area from 100 sq. ft. to 50 sq. ft.

Sign Type 5 – Development Marker Column

No staff comments

Architectural enhancement and development amenity

Sign Type 6 – Off Premise Builder Kiosk Sign

Staffs comment 6' maximum height and 5' setback

P&Z recommended removal within 30 days post construction

P&Z recommended 5' setback

Applicant requesting 5' maximum height per P&Z recommendation

Applicant requesting 0' setback from property line and 2' setback from sidewalk

Sign Type 7 – Temporary “For Sale” and “For Lease” Sign

Staff and P&Z comments not to exceed 6' in height and 48 sq. ft. maximum

Applicant requesting 8' in height and 64 sq. ft. maximum

Summary:

- Requesting the D/HC-PD Zoning for the two tracts to allow more flexibility for a commercial developer or for those to be incorporated into the adjacent multi-family
- No building articulation in the rear of Home Depot due to the buffer yards and retainer wall that will buffer the view.
- Requesting 20' setback for Entry Museum Tower. Feel it needs to be up closer to the Benbrook Blvd. enhancements.
- The Interstate Multi-tenant sign request was originally 50' in height, but because of the Home Depots Sign Study, the request is now for 60' in height with a 20' setback, 120 sf per tenant, and no distance restriction as far as the tenants on the sign.
- Requesting no tenant size restriction on the 300 sq. ft. Multi-tenant Architectural column sign.
- Requesting no setback for Builder Kiosk signs.
- Requesting 64 sq. ft. temporary "For Sale" or "For Lease" signs
- Home Depot is requesting no pallet or lumber storage screening in the rear.

Ron Rainey stated this is an opportunity for Benbrook to get on the map. He stated we have been bypassed with Hulen, Bryant Irvin, the CityView area and Johnson County. This is a real shot at commercial development. He requested City Council to look at the request with an understanding that it is a PD zoning and will be created however the City wishes in its design. Home Depot is not the only commercial tenant that will be drawn to this development, but their impact financially on this City will allow this City Council to continue the pattern of past Councils have set in trying to look out for neighbors and reductions in residential ad valorm taxes.

Ms. Linda Belota spoke in favor of the masonry wall in the rear of storage area at Home Depot.

Mr. Al Griner spoke in favor of the overall development. He stated he would like to see the zoning defined on the two tracts and not the "either/or". Regarding the multi-family units would like to see some nice Town Homes with easy entry and not a high-rise facility. Would like to see Vista Way as not a "future" street but an actual street. Advised this development has been a long-time coming and citizens want to see some dirt turning.

Mr. Jim Risky owner of Risky's Bar-B-Que spoke in concern of what the signage will do to his existing sign. He advised that he did not want his sign dwarfed or be covered by a sign that may be closer to the street.

Mr. Hudson spoke in rebuttal to citizen comments:

- Regarding the possible D/HC area, landowners believe there is the possibility of land uses on those two parcels that could be considered Multi-family versus the uses that could be for Highway Corridor Commercial.

- Regarding the type of multi-family cannot say with certainty the type but the development would go before City Council. Because of the trees and topography there will be some limitations on the building footprints.
- Vista Way is going to happen. The preliminary plat has already been approved by the Planning and Zoning Commission and construction plans are well on their way. There are some issues with floodplain areas down at the intersection of Vista Way and Mercedes.
- Regarding the signage, only one sign is proposed adjacent to Risky's. It is a multi-tenant sign and it is the architectural style. It will look very nice and could be up to 300 square feet in this area because we have several tenants that will be behind Risky's that will need visibility on Highway 377.

Mr. Rainey stated the wall in question is a screening wall to hide pallets at the rear of Home Depot and is not a security fence to protect equipment or deter a break-in. It is a screening wall so vehicles on street do not see pallets or outdoor storage.

With no other speakers, Mayor Dittrich closed the public hearing at 9:16 p.m.

Discussion followed between City Council, Mr. Hudson, and landowners. Discussion included signage in regard to Risky's, screening wall, easements that will be needed for the widening of Benbrook Blvd., height or sign needed on Interstate 20, and screening wall behind Home Depot.

Mr. Gattis gave the following summary and options:

1. Rezone Parcels 1 and 3 to B-PD
2. Rezone Parcel 4 to D-PD with the Planning and Zoning Commission revision on calculation of density, buffer yard and fence along the park.
3. Rezone Parcels 2, 7A, 7C, 7D, 7E and 8 to HC-PD1
4. Rezone Parcel 7B to HC-PD2.
5. Rezone Parcels 5 and 6 to HC-PD. The applicant wants a deviation from the Planning and Zoning recommendation to D/HC-PD.
6. Approve the architectural standards regarding the screening of loading docks and storage areas and the treatment of rear wall facing Vista Way.
7. Landscaping and tree mitigation requirements with minimum of 2 ½ inch caliper trees for new stock.
8. Approve Unified Sign Plan
  - Planning and Zoning recommends 50-foot high Interstate Sign and 480 square foot area
  - Multi-Tenant Column Sign is 300 square feet and single tenant allowed 60 square feet
  - Off-premise Builders Kiosk at 8 feet, 5-foot setback, and removal within 30 days of completion
  - Temporary For Sale/Lease sign not to exceed 6-feet in height and 48 square feet in area

Motion by Mr. Schull, seconded by Mr. Bailey to approve items 1, 3, 4 and 7 as recommended.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Motion by Mr. Allison, seconded by Mr. Bailey to approve item 2 as recommended by Planning and Zoning Commission.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich

Noes: Mr. Tully, Mr. Stowe, Mr. Sauma

Motion carries 4-3

Motion by Mr. Tully, seconded by Mr. Stowe to accept Planning and Zoning Commission recommendation to rezone both Parcel 5 and 6 to HC-PD. (Item 5)

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Motion by Mr. Schull, seconded by Mr. Sauma to approve the architectural standards recommended by the Planning and Zoning Commission with amendments presented by the applicant:

1. No specific screening wall around the pallet and lumber storage area
2. Sufficient screening provided by retaining wall and vegetation
3. Applicant to present paint treatments for rear wall to staff in order to give some variety as opposed to a simple wall

(Item 6)

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Motion by Mr. Sauma, seconded by Mr. Schull to approve the applicants request for 60-foot Interstate sign. (Item 8)

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Following question from Mr. Hudson, Mayor Dittrich stated it was understood that the motion included the exclusion of the 500-foot proximity.

Motion by Mr. Tully, seconded by Mr. Sauma to:

1. Accept the staff and Planning and Zoning Commission recommendation for the Multi-Tenant Architectural Column Sign with the deletion of the requirement of 60 square foot per tenant
  2. Accept the off-premise Builders Kiosk, temporary For Sale/Lease signs and Entry Museum Tower as recommended by the Planning and Zoning Commission
- (Item 8)

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

## **VIII. INFORMAL CITIZEN COMMENTS**

## **IX. ADJOURNMENT**

Meeting adjourned at 10:55 p.m.

**APPROVED:**

\_\_\_\_\_  
**Jerry B. Dittrich, Mayor**

**ATTEST:**

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



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, SEPTEMBER 6, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, September 6, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich  
Keith Bailey  
Ron Sauma  
Rickie Allison  
Dan Tully  
Larry Stowe

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Dave Gattis, Deputy City Manager  
David Ragsdale, Comptroller  
Walter Shumac, Public Service Director  
Cathy Morris, Administrative Analyst  
Sherri Newhouse, Budget Director

Others Present:

Dorcas Neuman, Benbrook News  
Robert Rowley  
Valarie Stowe  
Honorable Chuck Silcox, Fort Worth City Council  
Bill Smith  
Scott Roberson  
Rachel Wiggins  
Michael Maloney  
Diane Palmer  
Ron Rainey  
Charlie Anderson  
Peter Kau  
Tessie Kau  
Lonnie Huett  
Elaine Lacker  
Jennifer Cox  
Jack Strasser  
Chris Aires  
Jay Morrill  
Approximately 25 other citizens

**I. CALL TO ORDER**

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

**II. INVOCATION  
PLEDGE OF ALLEGIANCE**

Invocation given by Mayor Pro Tem Rickie Allison.  
The Pledge of Allegiance was recited.

**III. CITIZEN PRESENTATION**

**1. Presentation by Joint Land Use Study (JLUS)**

Rachel Wiggins with North Central Texas Council of Governments made presentation on the Joint Land Use Study Draft Recommendations.

**2. Scott Roberson – Market Center Bingo – Request permanent exemption to Smoking Ordinance**

Mr. Scott Roberson owner of Market Center Bingo requested a permanent exemption to the smoking ordinance. Mr. Roberson stated that with the new smoking ordinance adopted by the City of Fort Worth which allows smoking in bingo halls, he will lose patrons to other facilities. He advised that his facility currently provides a non-smoking area. He stated the loss of the smoking players the facility will be unable to maintain sufficient prize payouts in order to remain in business.

No action taken on this item.

**IV. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION**

**EDC-2007-03 Ratify Benbrook Economic Development Corporation Budget for FY2007-2008**

Mr. Ron Rainey gave the following presentation:

Projected Revenues/Fund Balance	
Project Fund Balance	800,000
Half Cent Sales Tax	850,000
Interest Income	36,000
Sign Rental Fees	1,350
Land Sales	5,691,377
Industrial Park Lease Payments	195,356
Accounts Receivable (Benbrook Field)	<u>2,200,000</u>
Total Projected Revenues	8,974,083

Projected Expenses	
Personnel Expenses	223,433
Supplies & Materials	3,950
Contractual Expenses	292,731
Repairs & Maintenance	4,418
Capital Outlay	6,104,500
Professional Services/Debt Service	<u>2,215,000</u>
Total Projected Expenses	8, 84,032

Following discussion regarding the incentive pay, motion by Mr. Allison, seconded by Mr. Sauma to send the budget back to the Benbrook Economic Development Corporation Board of Directors for reconsideration.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mr. Stowe, Mr. Sauma

Noes: Mayor Dittrich, Mr. Tully

Motion carries 4-2

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

**VI. REPORTS OF CITY MANAGER**

**A. GENERAL**

**G-1720 Adopt Ordinance establishing a Stormwater Utility System (Ordinance No. 1240) Public Hearing**

Diane Palmer with Palmer Price, Inc. gave the following presentation: The Stormwater Utility is an Enterprise Fund used for storm water activities. The fund provides ongoing operation and maintenance in solving flooding and water quality problems. The fund operates much like the water, sewer and refuse utilities.

Local Government Code, Chapter 402, Subchapter C authorizes the Stormwater Utility. Once the utility is established it must remain in place for five years; revenues can only be spent on stormwater activities; the fee must be based on a stormwater related parameter; and, the fee structure is to be fair and reasonable among customer classes.

An advantage in a Stormwater Utility is the funding of cost of service (operations and maintenance, flood control, water quality and erosion control). The funds can be used to pay existing stormwater expenses and future stormwater expenses.

Community notification of the proposed stormwater utility and fee has been placed in the June Benbrook Community Newsletter as well as published ordinances in three editions of the Benbrook News. If the ordinance establishing the Stormwater Utility

is passed, the first utility billing will be after October 1, 2007. A questions and answer brochure will be included with the first utility billing.

The types of stormwater activities include

- Improve drainage in flood prone areas
- Improve the existing storm drain system
- Construct new drainage systems
- Fund mandated TPDES programs
- Participate in FEMA's Community Rating System

The total cost to fund all existing and new stormwater activities computes to a \$35.29 monthly residential stormwater fee. The proposed ordinance is for a \$6.50 flat monthly fee for residential equal to \$0.00204/sf. Non-residential fees are also based on the \$0.00204/sf of impervious area.

The proposed ordinance allows for certain exemptions. Those specific exemptions are:

- State of Texas (exempt by law)
- Institutes of Higher Learning (exempt by law)
- City of Benbrook (exempt by practice)
- Benbrook Water Authority
- Tarrant County
- Corps of Engineers

Mayor Dittrich opened the public hearing at 8:54 p.m. with the following speakers:

Ron Rainey, Executive Director for Benbrook Economic Development Corporation questioned the rate to Walmart. Mr. Gattis advised the rate would be \$0.2 per square foot per month.

Peter Kau, 8304 Asta Court stated the Team Ranch Development was required to put in a retention pond in order to facilitate storm water. Homeowners of LaBandera are required to maintain the pond and will now be required to pay the monthly fee for the Stormwater Utility System. Mr. Kau requested the City take over the maintenance of the retention pond.

Elaine Lacker, 1324 Brazos questioned the need for the utility system and the fee calculation.

Jennifer Cox, 1164 Blue Rider Ct. stated she was unofficially representing the Trinity Gardens HOA. Ms. Cox also requested the City to take over the maintain the retention pond from the Homeowners Association.

Lonnie Huett, 10170 Trail Ridge Drive stated the City mandates the size of the parking lot at his church and his lot would be smaller if not mandated. He stated to mandate the size of a impervious area and then charge a non-profit organization for having such area is basically in error. He questioned if there is a projected amount

of revenue to be generated from the fees. Mr. Huett questioned if the proceeds will pay current bond fees. Asked if schools were exempt from the fee and questioned where the resources would come from for the schools to pay the fee. He stated taxes already paid are a large part of the monthly budget and this looks like an incentive for the City to do a job that they are already paid to do.

Tessie Kau, 8304 Asta Court encouraged the City to allow the Stormwater Utility to take over the maintenance of the retention pond in LaBandera as well as making improvements to help facilitate the drainage problems they are experiencing.

Jack Strasser, 1021 Shady River Court asked that schools in Benbrook be exempted. He stated that Section 7 stated that Stormwater Utility fees are to be deposited and used exclusively for stormwater services. And that the Section also states revenues collected shall be segregated and completed identifiable from other city accounts. He raised the concern that the next paragraph allows funds and revenues be transferred to the City's general fund as allowed by law. He stated it does not seem right and should not be allowed.

Chris Aires, 1121 Shady River Court stated he owns a house and lot of property around exempted property. He stated it was unclear how the utility would handle people that are taking care of their own drainage and drainage from other people and were not contributing to stormwater runoff.

Jay Morrill, 7204 Royal Oak question what is the penalty or recourse for non-payment if passed.

Mayor Dittrich closed the public hearing at 9:12 p.m.

David Gattis spoke to some of the questions and concerns posed from the public hearing:

1. The City is proposing a Stormwater Utility fee as payment for a service rendered for drainage such as fees for water, sewer or refuse. The current system means that citizens are paying for that service in accordance with the value of their property and has no relationship to how much storm water is being contributed to the system. The City believes that establishing a fee is a better system because it more accurately reflects the amount of storm water the City has to deal with as it leaves the property.
2. Individual determination of impervious area only applies to commercial, industrial, apartment complexes or any thing larger than a quadplex. The flat fee on a single family, duplex, and quadplex is based is calculated on an average of impervious area for individual houses.
3. The fee being proposed is based on the amount of funds staff feels necessary to pay for the existing debt (including the Plantation East Creek Project) plus a portion of the fee for very small projects. Operation and maintenance related to storm water is not included in the fee. Those expenses will remain in the General Fund.

4. The Fort Worth ISD is not exempt from the Stormwater Utility. Fort Worth ISD will pay the fee through school taxes. The City feels it is fair that the schools pay for the storm water generated as they would for water, sewer and refuse. The City of Fort Worth does not exempt school located in their City.
5. The City is not proposing any transfers to the general fund. Those transfers are allowed by state law to pay for the cost of service by the City to the utility.
6. Regarding non-payment of the fee, liens can be placed on the property or citations can be issued.

Following discussion, motion by Mr. Allison, seconded by Mr. Bailey to adopt Ordinance No. 1240 establishing a Stormwater Utility.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Sauma

Noes: Mr. Stowe

Motion carries 5-1

Ordinance No. 1240 being “**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS. ESTABLISHING A MUNICIPAL STORMWATER (DRAINAGE) UTILITY SYSTEM; SETTING FORTH DEFINITIONS; ESTABLISHING STORMWATER CHARGES AND MONTHLY STORMWATER UTILITY SYSTEM FEES; ESTABLISHING THE BILLING AND PAYMENT OF STORMWATER (DRAINAGE) FEES; PROVIDING PENALTIES AND REMEDIES FOR FAILURE TO PAY FEES; PROVIDING EXEMPTIONS FROM AND ADJUSTMENT OF FEES; ESTABLISHING PROGRAM RESPONSIBILITIES AND A STORMWATER UTILITY SYSTEM FUND; PROVIDING PROCEDURES FOR APPEALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**”

Mayor Dittrich recessed the meeting at 9:34 p.m.

Mayor Dittrich called the meeting back to order at 9:41 p.m.

**G-1721      Adopt Ordinance assessing a monthly utility fee to fund the Stormwater Utility System (Ordinance No. 1241) Public Hearing**

Mayor Dittrich opened the public hearing on the assessment of a monthly utility fee at 9:42 p.m. No one spoke to the item.

Mayor Dittrich closed the public hearing at 9:42 p.m.

Motion by Mr. Bailey, seconded by Mr. Sauma to adopt Ordinance No. 1241 assessing a monthly fee to fund the Stormwater Utility System at a cost of \$6.50 per month.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Sauma

Noes: Mr. Stowe

Motion carries 5-1

Ordinance No. 1241 being **“AN ORDINANCE OF THE CITY OF BENBROOK, ESTABLISHING MONTHLY STORMWATER UTILITY FEES FOR THE PURPOSE OF FUNDING THE STORMWATER UTILITY AS AUTHORIZED BY LAW; AND PROVIDING AN EFFECTIVE DATE.”**

**G-1722 Interlocal Agreement with Benbrook Water Authority for Refuse and Storm Water Fee Billing and Payment Collection Services**

Dave Gattis gave the following report: Through an Interlocal Agreement (ILA), the City of Benbrook engages the Benbrook Water Authority to bill and collect residential refuse accounts. Because the BWA already bills these customers for water and sewer service, an economies of scale is created that benefits the City, the Authority and ultimately the citizens of Benbrook.

The proposed ILA, in addition to the refuse billing and payment collection, includes BWA collection of stormwater fees. The proposed ILA establishes a reimbursement to the BWA of 46.95 cents per bill, a 1.3% cost-of-living increase over last year. The same cost-of-living increase is utilized in calculating the rate the BWA reimburses the City via the ILA agreement for street repairs.

The term of the proposed ILA is one year, beginning October 1, 2007 and ending September 30, 2008.

Motion by Mr. Allison, seconded by Mr. Sauma to adopt the Interlocal Agreement with Benbrook Water Authority for refuse and stormwater fee billing and payment collection services.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1723 Interlocal Agreement with Benbrook Water Authority for Street Repair Services**

Walter Shumac gave the following report: When the Benbrook Water Authority experiences a water or sewer line failure under a street, the BWA excavates the street and makes line repairs. After line repairs are completed, the BWA is responsible for restoring the damaged street. These street repairs are commonly referred to as “street cuts”. Starting in FY 2000/2001, the City of Benbrook has repaired street cuts for the BWA through an Interlocal Agreement (ILA).

Prior to this collaboration, the BWA contracted with a private firm for this service. Unfortunately, the contractor did not make repairs until a number of street cuts had accumulated. As a result, street cuts were often not completed in a timely manner, occasionally remaining open for several months. Consequently, the City and BWA received numerous complaints from citizens regarding these pending repairs. In addition, the uncompleted street cuts compromised the adjacent street area and allowed water to infiltrate the street sub-base. The ongoing ILA, which expires September 30, has resolved these negative issues.

The proposed ILA again engages the City of Benbrook to complete street cuts for the BWA. The term of the proposed ILA is one year. The proposed agreement is identical to last year’s agreement except that the repair price is increased by 1.3% to \$8.28/square foot. The 1.3% adjustment reflects the CPI increase. Similarly, this same 1.3% CPI rate adjustment is utilized for the annual ILA for garbage billing/collection services provided by the BWA.

BWA street cuts constitute approximately 15% of the total street cuts accomplished by the City in a given year. Because of the efficiencies of scale associated with the street cut process, the repairs are easily absorbed without significantly impacting operations.

Motion by Mr. Stowe, seconded by Mr. Tully to approve the Interlocal Agreement for the City of Benbrook to complete street cuts for the Benbrook Water Authority.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1724 Interlocal Agreement with City of Fort Worth for Household Hazardous Waster Program**

Cathy Morris gave the following report: The current fiscal year marks the 8<sup>th</sup> consecutive year of participation in the Fort Worth Environmental Collection Center Household Hazardous Waste collection program. Through the program, the City hosts twice-yearly household hazardous waste collection events. The events utilize the Collection Center’s mobile waste collection unit, the “Crud Cruiser”. Benbrook

and Fort Worth employees staff the events, where citizens bring unused toxic household chemicals for proper disposal. Accepted items include paint, pool chemicals, fertilizers, pharmaceuticals, batteries, motor oil and filters, cleaning solvents, and other household chemicals. In addition to the collection day events, citizens also deliver items directly to the Fort Worth Environmental Collection Center year-round via a voucher system coordinated through City staff.

The City has annually entered into an Interlocal agreement with the City of Fort Worth to participate in this program. The current agreement expires on September 30, 2007. To continue participation in this program, the City must approve and return the annual Interlocal agreement to the City of Fort Worth by September 18, 2007. The proposed agreement is unchanged from last year, except the rate is \$47 per household, representing a one dollar (\$1) per household increase from the current agreement. The new contract term is from October 1, 2007 through September 30, 2008.

Motion by Mr. Bailey, seconded by Mr. Stowe to enter into the Interlocal Agreement with the City of Fort Worth for the Household Hazardous Waste Program.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1725 Ordinance taxing tangible personal property in transit (Ordinance No. 1245) Public Hearing**

David Ragsdale gave the following report: The State Legislature passed HB 621 (Super Freeport) at the end of the last session. The bill implemented legislation based on a constitutional amendment passed several years ago. The bill is very similar to the existing Freeport Exemption, but has a potentially larger impact. The new law passed without much scrutiny because it affected only one county in Texas. However, an amendment was added that made the exemption applicable statewide.

The bill exempts goods, principally inventory, that is stored in a location that is not owned by the owner of the goods and is transferred from that location to another within 175 days. The goods may be in the location for the purpose of assembling, storing, manufacturing, processing, or fabricating by the person who acquired or imported the property. Certain specific types of goods are excluded from exemption, such as oil, natural gas, petroleum products, aircraft, dealer's motor vehicle inventory, dealer's vessel and outboard motor inventory, dealer's heavy equipment inventory or retail manufactured housing inventory. Petroleum products are defined to be only the immediate derivatives of oil or natural gas, so some goods that might be considered petroleum products may actually be exempted from taxation by the new law.

At present, the new law will have a limited impact because most goods are kept in facilities that are owned by the owners of the goods themselves. However, in order to take advantage of this new law, many property owners may seek to transfer ownership of either the goods or the facilities in which the goods are stored, manufactured, processed to legal entities with different ownership. There “paper transfers” of ownership could make the property exempt.

Based on the current TAD value for Freeport Property within the City and the projected tax rate, the City could lose between \$200,000 and \$350,000 per year.

The governing body of each taxing unit may act to tax these goods by passing an Ordinance to “Opt Out” of this new exemption.

Mayor Dittrich opened the public hearing at 9:58 p.m.

No one in the audience spoke to the item.

Mayor Dittrich closed the public hearing at 9:59 p.m.

Motion by Mr. Stowe, seconded by Mr. Sauma to adopt Ordinance No. 1245 to “Opt Out” of the new Super Freeport Exemption.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1245 being **“AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS TO TAX TANGIBLE PERSONAL PROPERTY IN TRANSIT WHICH WOULD OTHERWISE BE EXEMPT PURSUANT TO TEXAS TAX CODE, SECTION 11.253.”**

#### **G-1726 Resolution denying Atmos Gas GRIP rate increase**

David Ragsdale gave the following report: On May 31, 2007, Atmos Energy Mid Tex filed its latest request for an interim rate adjustment based on calendar year 2006 under the Gas Reliability Infrastructure Program (GRIP) with the Texas Railroad Commission, the City of Benbrook, and other cities served by Atmos. The proposed increase to current customer, or meter charges is \$0.59 for residential customers, \$1.47 for commercial customers and \$28.90 for industrial customers. City Council suspended that increase at the July 19, 2007 meeting to allow time for a study of the proposal.

RJ Covington Consulting (RJC) has reviewed the GRIP filing and has confirmed that Atmos has removed some costs that were disallowed by the Texas Railroad Commission (RRC) in their most recent rate proceeding. However, RJC has identified several other items which should have been removed but were not.

These expenses include office furniture, communications equipment, security services, computer equipment, and the transfer of assets from one division to another for a total of \$3,400,000.

The proposed resolution:

1. Denies the Atmos Energy Mid-Tex GRIP rate increase effective immediately.
2. States the City's support of legislation to reform GRIP statutes; and
3. Asks the City's legislative delegation support the efforts to reform GRIP in the next session.

Motion by Mr. Stowe, seconded by Mr. Bailey to adopt Resolution 2007-12 denying the GRIP rate increase as proposed by Atmos Energy Mid-Tex.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Resolution 2007-12 being **'A RESOLUTION OF THE CITY OF BENBROOK, TEXAS, DENYING THE REQUEST OF ATMOS ENERGY CORP., MID-TEX DIVISION, FOR AN ANNUAL GAS RELIABILITY INFRASTRUCTURE PROGRAM (grip) RATE INCREASE IN THE MUNICIPALITY, AS PART OF THE COMPANY'S STATEWIDE GAS UTILITY DISTRIBUTION SYSTEM; SUPPORTING STATUTORY REFORM OF THE TEXAS GRIP STATUTE, FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC; AND PROVIDING FOR NOTICE OF THIS RESOLUTION TO ATMOS ENERGY CORP., MID-TEX DIVISION AND THE CITY'S LEGISLATIVE DELEGATION.'**

#### **G-1727 Consider purchase of Renewable Energy Credits**

David Ragsdale gave the following report: Several CAPP members have expressed an interest in purchasing all or part of their electrical load from renewable sources. Since the flow of electricity across the power grid can not be controlled, it is impossible for a specific user to draw power from a specific producer. So, despite our best effort to be environmentally friendly, we may be drawing electricity from the dirtiest company in the industry.

In order to encourage the development of renewable energy sources, the PUC established the Renewable Energy Credit (RED) program. A power producer received on REC from each megawatt-hour of renewable electricity it produces. The power producer can then sell the REC, thus rewarding the company for producing renewable energy. Unfortunately, the State has no requirement that this money be reinvested in the production or enhancement of renewable energy.

The CAPP consultant (RJ Covington) and attorney (Lloyd Gosselink) recently completed a study of the REC system. The study indicates the current price of a REC is about \$5. The study also indicates the REC cost to the City of Benbrook would be \$150 for each percent of load (5% investment in renewable energy would cost the City \$750).

The “good will” generated from buying renewable energy would be the best incentive for purchasing some amount of REC’s. In the best case scenario, the producer would use the money to produce more renewable energy.

There is no guarantee that the money spent on REC’s will go toward the future funding or enhancement of renewable resources. Second, the State already requires that each Retail Electric Provider maintain REC’s based on their pro rata share of the electric market. Since the City purchases power from a REP, we are in fact supporting renewable energy through those purchases.

Staff recommends that City Council not invest in Renewable Energy Credits.

Motion by Mr. Allison, seconded by Mr. Sauma to not invest in Renewable Energy Credits.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**VII. OTHER MATTERS OF BUSINESS**

**1. Public Hearing on 2007 Property Tax Rate**

Sherri Newhouse gave the following report:

Proposed 2007 Ad Valorem Tax Rates (per \$100 valuation)

General Fund	\$0.59907
Debt Service Fund	\$0.09843
Operating Fund	\$0.69750

Proposed Ad Valorem Tax Rates (per \$100 valuation) Comparison of 2006 to 2007

	2006	2007	Decrease
General Fund	\$0.615345	\$0.59907	\$0.016276
Debt Service	\$0.107154	\$0.09843	\$0.008724
Operating Funds	\$0.722500	\$0.69750	\$0.025000

## Proposed Current Property Tax Revenue Comparison to 2006-07 to 2007-08

	2006-07	2007-08	Variance
General Fund	\$7,150,000	\$7,579,359	\$ 429,359
Debt Service	\$1,247,250	\$1,245,368	\$ ( 1,882)
Operating Fund	\$8,397,250	\$8,824,757	\$ 427,477

The 2007-08 proposed budget will raise more total property taxes than last year's budget by \$427,477 and 5.09%, and of that amount \$173,083 is tax revenue to be raised from new property added to the roll this year.

The 2007-08 proposed budget is predicated upon a \$0.025 reduction in the property tax. The proposed 2007 property tax rate is \$0.6975 per \$100 valuation. This is the third consecutive year that Benbrook has reduced property taxes. The property 2007 property tax rate is the City of Benbrook's lowest tax rate since 1991.

Mayor Dittrich opened the public hearing at 10:12 p.m.

No one from the audience spoke to the item.

Mayor Dittrich closed the public hearing at 10:12 p.m.

## **2. Public Hearing on Proposed Budget for Fiscal Year 2007-2008**

Sherri Newhouse gave the following report: The 2007-08 Proposed Budget Summary Document is comprised of eight sections: (1) Summary, (2) Fund Balance Status, (3) Revenues, (4) Expenditures, (5) Activity Summaries, (6) Decision Packages, (7) Debt Service, and (8) Supplementary Information.

The 2007-08 City of Benbrook Budget is based on total General Fund and Debt Service Fund revenues of \$13,921,627 and total General Fund and Debt Service Fund expenditures of \$13,697,565. The proposed budget also includes the transfer of \$250,000 from the General Fund to the Core Values Fund. The use of General Fund reserves in the amount of \$125,000 are scheduled to finance a traffic signal. These two items result in a variance of \$150,938 between operating fund revenues and expenditures.

The property tax rate reflected in the 2007-08 proposed budget decreased by two and one-half cents from the 2006-07 rate of \$0.7225 per \$100 valuation; the rate proposed by the City Manager and approved by the City Council for 2007-08 is \$0.6975 per \$100 valuation. Each one cent reduction in the property tax rate is equal to approximately \$126,519.

The 2007-08 proposed budget includes the addition of four new Police Officer positions in the Police Department. One additional Patrol Officer will be assigned to Western Hills High School; currently one Patrol Officer is assigned to WHHS. The budget reflects an increase in revenue from Fort Worth ISD for reimbursement for a portion of salary costs for the new position. The other three Patrol Officer positions

will allow the Police Department to expand patrol activities by adding another Patrol District.

The proposed budget includes a 3.00 percent cost-of-living adjustment (COLA) in salary for all full-time employees; this salary increase is estimated to cost \$228,515 for salaries and associated fringe benefits for full-time employees. Funds are also included for scheduled merit increases for eligible employees. The proposed budget includes funds to finance an up to 15.00 percent increase in employee health, dental, and life insurance; this increase is applied to the amount budgeted for 2006.07.

The proposed budget does not include the reclassification of any position nor does it reflect any special salary adjustments. Departments did request consideration for salary increases for the Senior Citizen Director and for the part-time employee in Fleet Maintenance; reclassifications were requested for the Police Department's Administrative Manager and for the Inspectors in Community Development. These requests are deferred for at least one year until a formal salary study may be completed that reviews and analyzes compensation and classification for all positions.

Funds are included in the proposed budget to replace and/or provide the following equipment and vehicles: document imaging software for the Fire Department (administered by the City Secretary); four (4) replacement Police vehicles and one (1) additional Patrol vehicle (this additional vehicle will be funded from the Police Narcotics Fund); two (2) cages for Patrol vehicles; replacement vehicle for Assistant Fire Chief; LifePak 12 cardiac monitor for Fire Department; light poles for Ball Field #2; all-in-one utility rake for Parks Department; generator for West Park elevated tank; and replacement of computers for Deputy City Secretary, Chief Finance Officer, Customer Service Clerk and cash register in Finance Department, Information Technology Coordinator, Communications/Records personnel in Police Department, Patrol Officers, Code Compliance Officer, Public Works Superintendent, and Building Inspector.

The budget includes funds to continue the Wireless Project into the 2007-08 fiscal year. Funds are also included to implement intoxilyzer testing in the Police Department. Funds are allocated to the Fire Department to begin replacement plan for SCBA, to initiate a compressed air form system, and to install a LifePak 12 cardiac monitor in an additional ambulance. The Public Works Department will begin phase one of upgrading street signs and phase one of converting signal lights to LED; these programs will be completed over a five-year period in order to comply with federal mandates. Funds in the amount of \$125,000 for a traffic signal at the intersection of Winscott Road and Old Benbrook Road, will be transferred from the General Fund to the Capital Improvements Fund so that this project may be completed in 2007-08. The Parks Department's 2007-08 allocation includes funds to replace the light poles at Ball Field #2, to overlay the parking lot at the Athletic Complex, and to construct a Benbrook Boulevard Entrance Monument. Funds in the amount of \$250,000 are also scheduled for transfer to the Core Values Fund to finance the Benbrook Boulevard project.

The Police Narcotics Fund, a special revenue account, will provide resources to procure an additional patrol vehicle as well as the necessary specialized equipment, to purchase twelve hand guns, to obtain a digital camera for crime scene investigations, to replace computers for dispatch services, to finance software updates and maintenance fees for the Police Department.

Mayor Dittrich opened the public hearing at 10:21 p.m.

No one in the audience spoke to the item.

Mayor Dittrich closed the public hearing at 10:21 p.m.

**VIII. INFORMAL CITIZEN COMMENTS**

**IX. ADJOURNMENT**

Meeting adjourned at 10:23 P.M.

**APPROVED:**

\_\_\_\_\_  
**Jerry B. Dittrich, Mayor**

**ATTEST:**

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 09/20/07	REFERENCE NUMBER: PZ-2007-08	SUBJECT: Adopt Ordinance rezoning the south 79.09 feet, being 0.208 acres of Lot 25, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (103 Del Rio)	PAGE: 1 of 3
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**Z – 07 – 04  
STAFF REPORT  
TO PLANNING AND ZONING COMMISSION  
AUGUST 9, 2007**

**SUBJECT PROPERTY:** South 79.09 feet of Lot 25, Block 6, Benbrook Estates

**LOCATION:** Planning Area "C", 103 Del Rio Avenue

**OWNER:** J.D. Campbell  
Fort Worth

**APPLICANT:** Jerome Hilderbrand  
Benbrook

**AREA:** 0.208-acre, approximately 9,060 square feet

**CURRENT ZONING:** "B" One Family District

**LAND USE PLAN REFERENCE:** Medium Density Multiple Family Residential

**PROPOSED ZONING:** "CR" Multiple Family Restricted District (Duplex)

**PLANNING REVIEW:**

The City Planning staff has reviewed the rezoning application and offers the following:

1. The Land Use Plan indicates Medium Density Multiple Family Residential for the subject property. The proposed "CR" Multiple Family Restricted District is in conformance with the Land Use Plan.
2. The portion of Lot 25 is currently occupied with an approximately 520 square-foot house that was built in 1953. Removal of the existing house will be required with new duplex construction.
3. The subject property is a 79.09-foot wide portion of Lot 25, originally platted in 1946 as a 90-foot wide lot. In 1997, the previous owner of Lots 25 and 1 conveyed the north ten feet of Lot 25 as part of a conveyance of the adjacent Lot 1, to the north, resulting in an illegal division of Lot 25. The remaining 79.09-foot wide portion of Lot 25 exceeds lot width and lot area requirements of the proposed "CR" District.

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

DATE: 09/20/07	REFERENCE NUMBER: PZ-2007-08	SUBJECT: Adopt Ordinance rezoning the south 79.09 feet, being 0.208 acres of Lot 25, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (103 Del Rio)	PAGE: 2 of 3
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4. Benbrook Estates is the oldest neighborhood in the City and was platted in 1946, prior to the City's incorporation. Single-family and multi-family housing units have been built in the area throughout the life of the subdivision. However, since the late 1980's, new construction has been predominately multi-family with approximately 26 new multi-family dwelling units compared to approximately ten new single-family units.
5. The adjacent properties north, east, and south of the subject portion of Lot 25 are zoned "B" One Family District. The property on the west side of the Del Rio Avenue frontage of the subject portion of Lot 25 is zoned "HC" Highway Corridor District.
6. Section 211.004 of the Texas Local Government Code requires that "Zoning Regulations must be adopted in accordance with a comprehensive plan..." The proposed rezoning conforms with the Land Use Element of the Comprehensive Plan, which shows the subject property as Medium Density Multiple Family Residential. The Medium Density Multiple Family Residential use is compatible with existing and anticipated uses in the area.

**RECOMMENDATION:**

It is recommended that the Planning and Zoning Commission recommend that the City Council approve the Z – 07 – 04, rezoning of the north 79.09 feet of Lot 25, Block 6, Benbrook Estates (103 Del Rio Avenue) from "B" One Family District to "CR" Multiple Family Restricted District.

\* \* \* \* \*

**UNAPPROVED MINUTES  
PLANNING AND ZONING COMMISSION  
AUGUST 9, 2007**

**Z – 07 – 04      Consider rezoning of the south 79.09 feet, being 0.208 acres, of Lot 25, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (103 Del Rio Avenue)**

The Chair introduced the item and asked for a presentation by the applicant.

Jerome Hilderbrand, 115 Warden Street, said he is a partner with the owner, J.D. Campbell. He said they would like to build a duplex on the tract. They are hoping to build something that does not require a lot of yard maintenance by having some stone and native plants.

The Chair asked for any comments or questions from the Commission.

Joe Hughes asked if Mr. Hilderbrand was comfortable with the removal of the existing house on the property. Mr. Hilderbrand said yes, they have an interested party that will be moving the house to Azle.

Dian Price asked if the duplex will have garages. Mr. Hilderbrand said they hope to be able to provide two-car garages but because of the size of the lot, one-car may be all that will fit on the site.

Following continued discussion between the Commission and the applicant, the Chair asked for a report from Staff.

DATE: 09/20/07	REFERENCE NUMBER: PZ-2007-08	SUBJECT: Adopt Ordinance rezoning the south 79.09 feet, being 0.208 acres of Lot 25, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District (103 Del Rio)	PAGE: 3 of 3
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Ed Gallagher said J.D. Campbell is the owner of the south 79.09 feet of Lot 25 of Block 6 in the Benbrook Estates subdivision and is represented by Jerome Hilderbrand in the Z-07-04 application to rezone the property from "B" One Family District to "CR" Multiple Family Restricted District that would permit duplex residential construction on the property at 103 Del Rio Avenue.

The Z-07-04 property is the south 79.09 feet of the 90-foot wide Lot 25 as it was platted in 1946. In 1997, the previous owner of both Lot 25 and the adjacent Lot 1, to the north, included the north ten feet of Lot 25 with a conveyance of Lot 1. That conveyance resulted in the illegal subdivision of Lot 25. The remaining 79.09-foot wide portion of Lot 25 does exceed the lot width and lot area requirements of the requested "CR" District.

Mr. Gallagher said Benbrook Estates subdivision is the oldest in Benbrook, having been platted in 1946, a year prior to the incorporation of the City. For the past 50 years, the neighborhood has had a mix of one- and two-family dwellings. Recent construction has also been mixed but predominately two-family dwellings.

Mr. Gallagher said the proposed rezoning is compatible with the Land Use Plan which calls for Medium Density Multiple Family Residential use, thus meeting requirements of Section 211.004 of the Texas Local Government Code.

Staff recommends that after conducting a public hearing, the Planning and Zoning Commission recommend that the City Council approve the Z-07-04 rezoning of the south 79.09 feet of Lot 25, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District.

The Chair asked for any comments or questions from the Commission.

Mr. Early asked if the property would require replatting before a building permit would be issued. Mr. Gallagher said if they can adhere to the Zoning Ordinance with the setbacks from the lot line or property line, whichever is closer to the building site, then it does not require a replat.

Following discussion on landscaping requirements, the Chair opened the public hearing at 7:47 p.m. and asked if anyone wished to speak for or against the item. There being none, the Chair closed the public hearing at 7:48 p.m. and asked for any comments, questions, or a motion from the Commission.

Motion by Mr. Shah that the Commission recommends the City Council approve the rezoning of the south 79.09 feet of Lot 25, Block 6, Benbrook Estates from "B" One Family District to "CR" Multiple Family Restricted District. Second by Mr. Valverde. The Chair called the question.

Vote on the Motion:

Ayes: Mr. Valverde, Mr. Early, Ms. Price, Mr. Morrill, Mr. Hughes, Mr. Dawson, Dr. Marshall, and Mr. Shah

Noes: None

Motion carried 8 – 0



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 09/20/07	REFERENCE NUMBER: G-1728	SUBJECT: Financial report for month ending August 31, 2007	PAGE: 1 of 1
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Attached for City Council's information and consideration is the monthly financial report for August, 2007.

### **GENERAL FUND REVENUES**

Revenues for the month of August totaled \$394,790. The major sources of revenue were Sales and Other Taxes (\$173,203) and Franchise Taxes (\$90,953). Through August, total collections were \$11,514,288 or 95.73% of the amount budgeted.

The City will likely not meet budgeted revenue projections, as building permits for Wal-Mart and Home Depot were not issued this year. These permits represent approximately \$150,000 in potential revenue. Staff still anticipates ending the fiscal year in the black, due to expenditure savings.

### **GENERAL FUND EXPENDITURES**

Expenditures for the month of August totaled \$857,911. Through August, total expenditures were \$10,446,253 or 86.86% of the original budget. At August 31, 2007 revenues exceeded expenditures by \$1,068,036.

### **EDC REPORT**

August revenues were \$87,847, with most of this amount coming from Sales Tax. Expenditures were \$57,362. Through the end of August, expenditures exceed revenues by \$553,292.

### **INVESTMENTS**

Investments were \$11,076,444 at August 31, 2007.

### **RECOMMENDATION**

It is recommended that City Council accept the monthly financial report for the month of August, 2007.

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 09/20/07	REFERENCE NUMBER: G-1729	SUBJECT: Ordinance authorizing the issuance and sale of City of Benbrook, Texas, Combination Tax and Revenue Certificate of Obligation, Series 2007; levying an annual ad valorem tax and providing for the security for and payment of said certificate; providing an effective date; and enacting other provisions relating to the subject	PAGE: 1 of 1
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The Plantation East Creek drainage project is the last project in the 2004 bond program that has not begun construction. The last drainage easement was acquired in April of this year. On June 7<sup>th</sup>, the City Council authorized the staff to proceed with the issuance of approximately \$1.035 million in certificates of obligation to fund the Plantation East Creek drainage project and on August 2<sup>nd</sup> authorized the publication of the Notice of Intent. The Notice was published in the newspaper on August 9<sup>th</sup> and August 16<sup>th</sup> and bids were opened by the City's financial consultant (First Southwest) on August 29<sup>th</sup>.

Representatives of Fort Southwest will present the results of the bids to City Council during the meeting. If those bids are favorable, the City Council should award the bid through the adoption of the attached ordinance.

### **RECOMMENDATION**

Staff recommends that City Council accept the best bid for the sale of \$1,035,000 in Certificates of Obligation and approve the attached ordinance authorizing the sale.

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 09/20/07	REFERENCE NUMBER: G-1730	SUBJECT: Public Hearing on Proposed Budget for Fiscal Year 2007-2008	PAGE: 1 of 4
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The 2007-08 Proposed Budget Summary Document is comprised of eight sections: (1) Summary, (2) Fund Balance Status, (3) Revenues, (4) Expenditures, (5) Activity Summaries, (6) Decision Packages, (7) Debt Service, and (8) Supplemental Information.

### SECTION ONE - SUMMARY

The Summary Section provides a brief synopsis of the 2007-08 Proposed Budget including total revenues, expenditures, fund balance changes, and program modifications and implementations. The Summary Section also includes the 2007-08 Proposed Budget Summary chart that was printed in the *Benbrook News* and posted on the City's webpage.

### SECTION TWO - FUND BALANCE STATUS

The Fund Balance Status Section summarizes beginning and ending fund balances on an actual basis for 2005-06; on an adopted budget and re-estimated basis for 2006-07; and on a base budget, decision package, department request, City Manager proposed, and City Council proposed for 2007-08. Fund balance information is provided for Operating Funds (combined General Fund and Debt Service Fund), General Fund, and Debt Service Fund. These summaries are provided on three tables.

### SECTION THREE - REVENUES

The Revenues Section provides a detailed summary of all General Fund and Debt Service revenue sources on an actual basis for 2005-06; on a budget, ten-month actual, and estimated basis for 2006-07; and on a projected basis for 2007-08. Increases and decreases in revenue are explained for each of the revenue categories.

### SECTION FOUR - EXPENDITURES

The Expenditures Section provides a detailed summary of all General Fund and Debt Service expenditures on an actual basis for 2005-06; on a budget, six-month actual, and estimated basis for 2006-07; and on a base budget, decision packages, department request, City Manager proposed, and City Council proposed basis for 2007-08. Expenditure information is provided for each activity at the following levels: personal services, supplies and materials, contractual services, repair and maintenance, and capital outlay. Expenditure information is summarized at the department and division level. Increases and decreases in expenditures are explained for each department and division.

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

DATE: 09/20/07	REFERENCE NUMBER: G-1730	SUBJECT: Public Hearing on Proposed Budget for Fiscal Year 2007-2008	PAGE: 2 of 4
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The Expenditure Section also includes a table that describes each of the changes made by the City Manager to the Department Request and the changes that the City Council made to the City Manager's proposal.

**SECTION FIVE – ACTIVITY SUMMARIES**

The Activity Summaries Section includes a forms for each General Fund Activity. These Activity Summary Forms summarize expenditures and positions on an actual basis for 2005-06; on a budget, actual six-month, and estimated twelve-month basis for 2006-07; and on a base budget, decision package, and total request basis for 2007-08. The 2007-08 Proposed Budget recommendations are also summarized at this level of detail as well as a reconciliation of the Proposed Budget changes from the Department's Total Request (base budget plus decision packages); this reconciliation is provided for changes made by the City Manager and for changes made by the City Council. The box in the bottom right of the form lists all decision packages and classifies each package in two categories: (1) Funded and (2) Not Funded.

**SECTION SIX – DECISION PACKAGES**

The Decision Package Section includes a chart that lists each decision package requested for inclusion in the 2007-08 Department Request. This chart is followed by copies of each decision package; the status of each package is noted.

Decision packages are required when the department requests to: (a) add a new program, (b) delete an existing program and replace it with a new or different function or program, (c) request expenditures that exceed the total appropriation for the activity's 2006-07 Adopted Budget, or (d) request additional compensation for an employee or job classification or request adjustment to the City's compensation plan. The total cost of all decision packages included as part of the department request totaled \$850,288 for the General Fund. The City Manager reviewed and approved decision packages for items financed through the Police Narcotics Fund; the total cost of requested packages totaled \$32,722. The City Manager approved funding of these packages and transferred the funding of three additional Police Department decision packages to the Special Revenue Fund.

General Fund decision packages are presented on a summary table; Police Narcotics Fund packages are also shown on this table. This table provides the following information about each decision package considered during review of the 2007-08 Budget: (1) department, (2) description (3) amount requested, (4) activity total, and (5) amount proposed by the City Manager.

**SECTION SEVEN - DEBT SERVICE**

The Debt Service Section provides a schedule that summarizes the City's debt service obligations for the 2007-08 fiscal year. This section includes tables that summarize the City's debt requirements from October 1, 2007 through maturity.

**SECTION EIGHT – SUPPLEMENTAL INFORMATION**

The Supplemental Information Section provides information regarding the City's budget process including: City Charter Requirements, Budget Process, Citizen Input and Public Hearings, and a Glossary of Terms.

DATE: 09/20/07	REFERENCE NUMBER: G-1730	SUBJECT: Public Hearing on Proposed Budget for Fiscal Year 2007-2008	PAGE: 3 of 4
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**SUMMARY OF PROPOSED BUDGET**

**OVERVIEW**

The 2007-08 City of Benbrook Budget is based on total General Fund and Debt Service Fund revenues of \$13,921,627 and total General Fund and Debt Service Fund expenditures of \$13,697,565. The Proposed Budget also includes the transfer of \$250,000 from the General Fund to the Core Values Fund. The use of General Fund reserves in the amount of \$125,000 are scheduled to finance a traffic signal. These two items result in a variance of \$150,938 between operating fund revenues and expenditures.

**PROPERTY TAX RATE**

The property tax rate reflected in the 2006-07 Proposed Budget decreases by two and one-half cents from the 2006-07 rate of \$0.7225 per \$100 valuation; the rate proposed by the City Manager and approved by the City Council for 2007-08 is \$0.6975 per \$100 valuation. Each one cent reduction in the property tax rate is equal to approximately \$126,519.

**NEW POSITIONS**

The 2007-08 Proposed Budget includes the addition of four new Patrol Officer positions in the Police Department. One additional Patrol Officer will be assigned to Western Hills High School (WHHS); currently one Patrol Officer is assigned to WHHS. The Budget reflects an increase in revenue from the Fort Worth Independent School District for reimbursement for a portion of salary costs for the new position. The other three Patrol Officer positions will allow the Police Department to expand patrol activities by adding another Patrol District.

**SALARY AND FRINGE BENEFIT ENHANCEMENTS**

The Proposed Budget includes a 3.00 percent cost-of-living adjustment (COLA) in salary for all full-time employees; this salary increase is estimated to cost \$228,518 for salaries and associated fringe benefits for full-time employees. Funds are also included for scheduled merit increases for eligible employees. The Proposed Budget includes funds to finance an up to 15.00 percent increase in employee health, dental, and life insurance; this increase is applied to the amount budgeted for 2006-07.

The Proposed Budget does not include the reclassification of any position nor does it reflect any special salary adjustments. Departments did request consideration for salary increases for the Senior Citizen Director and for the part-time employee in Fleet Maintenance; reclassifications were requested for the Police Department's Administrative Manager and for the Inspectors in Community Development. These requests are deferred for at least one year until a formal salary study may be completed that reviews and analyzes compensation and classification for all positions.

**REPLACEMENT AND ADDITION OF EQUIPMENT AND VEHICLES**

Funds are included in the Proposed Budget to replace and/or provide the following equipment and vehicles: document imaging software for the Fire Department (administered by the City Secretary);

DATE: 09/20/07	REFERENCE NUMBER: G-1730	SUBJECT: Public Hearing on Proposed Budget for Fiscal Year 2007-2008	PAGE: 4 of 4
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four (4) replacement Police vehicles and one (1) additional Patrol vehicle (this additional vehicle will be funded from the Police Narcotics Fund); two (2) cages for Patrol vehicles; replacement vehicle for Assistant Fire Chief; LifePak 12 cardiac monitor for Fire Department; light poles for Ball Field #2; all-in-one utility rake for Parks Department; generator for West Park elevated tank; and replacement of computers for Deputy City Secretary, Chief Financial Officer, Customer Service Clerk and cash register in Finance Department, Information Technology Coordinator, Communications/Records personnel in Police Department, Patrol Officers, Code Compliance Officer, Public Works Superintendent, and Building Inspector.

**SERVICE ENHANCEMENTS AND NEW PROGRAMS**

The Budget includes funds to continue the Wireless Project into the 2007-08 fiscal year. Funds are also included for to implement intoxilyzer testing in the Police Department. Funds are allocated to the Fire Department to begin a replacement plan for SCBA, to initiate a compressed air foam system, and to install a LifePak 12 cardiac monitor in an additional ambulance. The Public Works Department will begin phase one of upgrading street signs and phase one of converting signal lights to LED; these programs will be completed over a five-year period in order to comply with federal mandates. Funds in the amount of \$125,000, for a traffic signal at the intersection of Winscott Road and Old Benbrook Road, will be transferred from the General Fund to the Capital Improvements Fund so that this project may be completed in 2007-08. The Parks Department's 2007-08 allocation includes funds to replace the light poles at Ball Field # 2, to overlay the parking lot at the Athletic Complex, and to construct a Benbrook Boulevard Entrance Monument. Funds in the amount of \$250,000 are also scheduled for transfer to the Core Values Fund to finance the Benbrook Boulevard project.

The Police Narcotics Fund, a special revenue account, will provide resources to procure an additional patrol vehicle as well as the necessary specialized equipment, to purchase twelve hand guns, to obtain a digital camera for crime scene investigations, to replace computers for dispatch services, to finance software updates and maintenance fees for the Police Department.



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 09/20/07	REFERENCE NUMBER: G-1732	SUBJECT: Hotel/Motel Tax Allocation for FY2007-2008	PAGE: 1 of 1
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Each year, City Council solicits applications for the use of Hotel Motel Occupancy Tax (HMOT) funds. This year, staff sent out request for proposals to six organizations and received five proposals: Motel 6, Best Western, Benbrook Chamber of Commerce, VSA and Ralph Creative.com.

### **FUNDING REQUEST**

Motel 6 and Best Western requested money to enhance their advertising budgets. The Benbrook Chamber of Commerce requested funds for the Visitor Center and the salary of the Tourism Director. Very Special Artist (VSA) requested support for a number of art workshops and art enrichment programs. Ralph Creative.com asked for funding to produce a history of Benbrook video.

### **CITY COUNCIL DETERMINATION**

On Wednesday, September 12, City Council met for a HMOT distribution work session. After lengthy deliberation, Council reached an unbinding consensus for the following funding:

<b><u>Organization</u></b>	<b><u>Funding</u></b>	<b><u>Purpose</u></b>
Motel 6	\$ 5,700	Advertising
Best Western	\$ 4,500	Advertising
VSA	\$ 3,600	Art Workshops
Benbrook Visitor Center	\$47,547	Visitor Center/ Tourism Director
Ralph Creative.com	\$ 8,675	Benbrook History Video

### **RECOMMENDATIONS**

Staff recommends that City Council consider the distribution of HMOT funding for the 2007-08 fiscal year.

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 09/20/07	REFERENCE NUMBER: G-1733	SUBJECT: Appointment to Boards and Commission	PAGE: 1 of 4
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Noted below is a summary of terms expiring on the various City Boards and Commissions. Their terms expire on October 31, 2007. This summary also contains notation of one vacant unexpired term on the Planning and Zoning Commission. That term will expire October 31, 2008.

### Planning & Zoning Commission

Place 1	David Ramsey
Place 2	Vacant unexpired term
Place 3	Alfredo Valverde
Place 5	Sanjiv Shah
Place 7	Dian M. Price
Place 9	Jay Morrill

Applications for reappointment have been received from Mr. Valverde, Mr. Shah and Ms. Price. Mr. Morrill will not be seeking reappointment.

### Zoning Board of Adjustment/Board of Appeals

Place 1	Vacant
Place 3	Robert Cook
Place 5	Jacque Messer
Alternate A	L. Murphy Kleuser
Alternate D	R. Lizbeth Sowell

Applications have been received from Mr. Cook, Mrs. Messer and Ms. Sowell.

### Parks & Recreation Board

Place 1	Mark Washburn
Place 3	Sherry Pacleb
Place 5	Trey Morrison
Place 7	Vacant

Trey Morrison has filed application for reappointment. Mark Washburn has filed an application for ZBA/Appels Board. Sherry Pacleb has indicated that she will not seek reappointment.

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

DATE: 09/20/07	REFERENCE NUMBER: G-1733	SUBJECT: Appointment to Boards and Commissions	PAGE: 2 of 4
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Benbrook Economic Development Corporation

Place 1                James Amick  
Place 3                Daniel Tully  
Place 5                John Vander Pan  
Place 7                Steven White

Mr. White has submitted application for reappointment. Mr. Amick and Mr. Vander Pan will not be seeking reappointment. An application is not required from Councilmember Tully.

Tax Increment Financing Board (TIF) – Council Appointments

Place 1                Jerry Dittrich  
Place 3                Keith Bailey

Applications are not required from Mayor Dittrich or Councilmember Bailey.

The City advertised a formal notice to accept applications for Boards and Commission appointments in the official newspaper (Benbrook News) as well as the Fort Worth Star Telegram. The announcement was also placed on the City Channel of Charter Communications, City Home Page, and the quarterly Newsletter. The deadline for receiving applications was August 30, 2007.

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	1. Planning & Zoning	Planning & Zoning
Alfredo Valverde	1. Planning & Zoning	Planning & Zoning
Sanjiv Shah	1. Planning & Zoning	Planning & Zoning
Dian Price	1. Planning & Zoning	Planning & Zoning
Robert Cook	1. ZBA/Appeals Board 2. EDC 3. Sign Control Board 4. Planning & Zoning	ZBA/Appeals Board
Jacquie Messer	1. ZBA/Appeals Board	ZBA/Appeals Board
R. Lizbeth Sowell	1. ZBA/Appeals Board 2. Park & Recreation	ZBA/Appeals Board
Mark Washburn	1. ZBA/Appeals Board	Park & Recreation

DATE: 09/20/07	REFERENCE NUMBER: G-1733	SUBJECT: Appointment to Boards and Commissions	PAGE: 3 of 4
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<u>Citizen</u>	<u>Board or Commission Preference</u>	<u>Current Office</u>
Trey Morrison	1. Park & Recreation	Park & Recreation
Steven White	1. EDC	EDC
Clark Penas	1. EDC 2. ZBA/Appeals Board 3. Planning & Zoning	ZBA/Appeals Board unexpired term
Bart Largent	1. Planning & Zoning 2. EDC 3. Tax Increment Financing 4. ZBA/Appeals Board 5. Park & Recreation 6. Sign Control Board	
William Higgins	1. Planning & Zoning 2. ZBA/Appeals Board	
James Wilson	1. Planning & Zoning 2. Park & Recreation	
Donald Anderson	1. ZBA/Appeals Board 2. Planning & Zoning 3. EDC	
Aubra Gantt	1. Park & Recreation 2. Planning & Zoning 3. ZBA/Appeals Board	
David Ballew	1. Park & Recreation	
Blanche Romanoff	1. Park & Recreation	
Daniel Reilley	1. Park & Recreation	
Vanessa Adia	1. Park & Recreation 2. EDC	
Rick Whitehurst	1. EDC	
Al Griner	1. EDC	
Carol Stacy	1. EDC 2. Sign Board	

DATE: 09/20/07	REFERENCE NUMBER: G-1733	SUBJECT: Appointment to Boards and Commissions	PAGE: 4 of 4
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**Citizen**

**Board or Commission  
Preference**

**Current Office**

James Wood

1. EDC
2. Planning & Zoning
3. Park & Recreation

Brandon Weaver

1. EDC
2. Planning & Zoning
3. Tax Increment Financing

**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 to expire October 31, 2009.
4. Make appointment to the Planning & Zoning Commission Place 2 for a term to expire October 31, 2008



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 09/20/07	REFERENCE NUMBER: G-1734	SUBJECT: Consider options for acquisition of drainage easement for 32 <sup>nd</sup> Year Community Development Block Grant Project	PAGE: 1 of 1
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The 32<sup>nd</sup> Year Community Development Block Grant (CDBG) project included a \$92,042 federal grant toward the construction of a \$117,600 box culvert enlargement where Timber Creek crosses Childers Avenue. As Council may recall, the staff worked diligently to obtain the grant in the face of changing U.S. Department of Housing and Urban Development policy that did not support drainage improvements within the designated 100-year floodplain. The purpose of the proposed improvements is to enlarge the culvert to handle the 100-year flood, thus reducing flooding risks on adjacent properties.

When the design of the project was completed, it was necessary to obtain easements from three adjacent land owners. Two of the owners granted the necessary easements, but the third property owner (Mark Farmer at 1039 Wade Hampton) has resisted efforts and/or offers to acquire the easement. Mr. Farmer's most recent request is that the City authorized the construction of a 480 square-foot automobile storage building within the regulatory floodway in his back yard, which is a violation of Federal Emergency Management Agency regulations.

Given the unlikelihood that a voluntary purchase of the easement will be achieved, the City has two options:

1. The City may authorize the initiation of condemnation proceedings to obtain the necessary easement, or
2. The City could abandon the project and forfeit the \$92,042 federal grant.

### **RECOMMENDATION**

Staff recommends City Council to determine whether to initiate condemnation proceedings to obtain the necessary easement, or whether to abandon the project and forfeit the federal grant.

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 1 of 10
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### CURRENT PLANS

United HealthCare (UHC) currently provides group health insurance coverage for City employees and their eligible dependents; the contract with United HealthCare has been in effect since October 1, 2006. From October 1996 to September 2006, group health insurance was provided by Aetna.

Two Preferred Provider Organization (PPO) plans are available through UHC: a low-option PPO and a high-option PPO. The City pays all premium expenses for full-time employees who are enrolled in the low-option PPO. Employees who are enrolled in the high-option PPO pay the difference in premium costs between the low-option plan and the high-option plan.

The City's group plan is available to City retirees, Benbrook Economic Development (BEDC) employees and dependents, and Benbrook Library District (BLD) employees and dependents. Retirees pay the actual premium costs for the retiree plus any covered dependents. The BEDC and BLD reimburse the City on a monthly basis for actual premium costs. The BLD's monthly includes an administrative fee based on indirect costs.

Optional coverage is available for eligible dependents. Employees are responsible for payment of dependent premiums; the City subsidizes a portion of the dependent premium. Of the City's current one-hundred four employees, forty-three have dependent coverage: sixteen have family coverage, sixteen have coverage for their children, and eleven have coverage for their spouse. Sixty-one employees do not have dependent coverage; three of these employees have waived coverage.

The current low-option PPO rates are: \$358.62 for an employee, \$838.56 for an employee and spouse, \$657.60 for an employee and children, and \$1,027.74 for an employee and family. The current high-option PPO rates are \$436.08 for an employee, \$1,019.68 for an employee and spouse, \$799.64 for an employee and children, and \$1,249.72 for an employee and family. Retiree rates are the same as employee rates.

### UHC PPOS

UHC's PPO plans utilize a network of over sixty hospitals in the north Texas area including: Baylor All Saints, Harris, Huguley, John Peter Smith, and Cook Children's. The network encompasses over two hundred physicians and specialists within Fort Worth and four doctors within Benbrook. UHC's PPO networks throughout the United States are also available for employees and dependents. Out-of-network medical services are covered with higher deductibles, co-payments, co-insurance rates, and maximums.

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

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 2 of 10
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**UHC Low-Option PPO**

The annual deductible for in network services is \$1,000 for an individual and \$2,000 for a family. The maximum out-of pocket is \$4,000 per year for an individual and \$8,000 for a family. The lifetime maximum benefit is unlimited for in-network services. The co-payment for an office visit is \$25 for a primary care physician; the co-payment increases to \$40 for a specialist office visit, eye examination, and hearing screening. Hospitalization has no co-payment; after the deductible is satisfied, co-insurance at the rate of 30% applies. Out-patient surgery and procedures have a co-insurance rate of 30% after the deductible is met. Prescriptions have a \$10 co-payment for generics, \$30 for brand name, and \$50 for non-formulary for a thirty-day supply; mail order prescriptions are available for a ninety-day supply at a co-payment equal to 2.5 times the cost of a thirty-day supply. The co-payment for urgent care is \$50 and \$250 for the emergency room; the deductible is waived for emergency services.

For out-of-network treatments and services, the deductible increases to \$2,000 for an individual and \$4,000 for a family. The maximum-out-of-pocket increases to \$8,000 and \$16,000. The co-insurance rate increases to 50%.

**UHC High-Option PPO**

The annual deductible for in network services is \$250 for an individual and \$500 for a family. The maximum out-of pocket is \$2,000 per year for an individual and \$4,000 for a family. The lifetime maximum benefit is unlimited for in-network services. The co-payment for an office visit is \$15 for a primary care physician, eye examination, specialist office visit, and hearing screening. Hospitalization has no co-payment; after the deductible is satisfied, co-insurance at the rate of 10% applies. Out-patient surgery and procedures have a co-insurance rate of 10% after the deductible is met. Prescriptions have a \$10 co-payment for generics, \$30 for brand name, and \$50 for non-formulary for a thirty-day supply; mail order prescriptions are available for a ninety-day supply at a co-payment equal to 2.5 times the cost of a thirty-day supply. The co-payment for urgent care is \$50 and \$100 for the emergency room; the deductible is waived.

For out-of-network treatments and services, the deductible increases to \$500 for an individual and \$1,000 for a family. The maximum-out-of-pocket increases to \$4,000 and \$8,000. The co-insurance rate increases to 30%.

**DEPENDENT CARE SUBSIDY**

The City has subsidized dependent coverage for the past twenty-plus years. For the October 2006 contract with UHC, the City Council approved an increase in the dependent subsidy to absorb the rate increase. The 2006-07 monthly dependent subsidy amounts are: \$200.32 for spouse-only coverage, \$95.12 for children-only coverage, and \$202.73 for family coverage. The dependent subsidy is the same amount for the low-option PPO plan and for the high-option PPO plan.

**CITY REIMBURSEMENT PROGRAM**

Prior to 2001, the City's group health insurance plan was an HMO that did not have co-payments for out-patient procedures and for hospitalization. During the City's renewal process, Staff recommended selection of a group health plan that included co-payments for hospitalization and

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 3 of 10
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out-patient procedures; this change was implemented to avoid a significant increase in premium rates. Staff recommended that the savings be used to reimburse employees for these two co-payments.

The current reimbursement rate for out-patient procedures and surgery is a maximum of \$750 per occurrence. The reimbursement rate for hospitalization is a maximum of \$1,500 per admission. Employees and covered dependents are eligible for the reimbursements.

The City contributes up to \$300 to the Section 125 plan account (also known as a cafeteria plan and/or flexible spending account) for full-time employees who do not have dependent health insurance coverage through the City of Benbrook. Employees are required to enroll in the City's cafeteria plan each year to be eligible for reimbursements. Employees may request reimbursement for co-payments for office visits, prescriptions, emergency room; deductibles; co-insurance; and other eligible health care expenses. For the 2007 cafeteria plan, all full-time employees are eligible for an up to \$100 reimbursement for vision services. The maximum reimbursement is \$300 per calendar year.

### **2007-08 BUDGET ALLOCATION**

The 2007-08 Proposed Budget for group insurance reflects a fifteen percent increase over the amount budgeted in 2006-07. The 2007-08 Budget includes \$747,183 for health insurance premiums for one-hundred-nine employees, subsidy for dependent premiums, funds to reimburse hospitalization and surgery, funds to reimburse employees without dependent coverage for up to \$200 (\$300 total including the vision reimbursement) in eligible medical expenses, and funds to reimburse all full-time employees for up to \$100 for vision expenses (glasses and/or contact lenses).

### **PROPOSED RENEWAL**

In August 2007, UHC proposed to continue current coverage, services, deductibles, co-insurance, and co-payments with an increase of 24% in premiums for employees and dependents. This increase was for both the low-option PPO and high-option PPO plans. UHC also provided documentation to support this rate increase; the loss ratio of premiums paid by the City versus claims paid by UHC was 118% for October 2006 through June 2007. Three claims were in excess of \$12,000. One claim exceeded \$220,000; this claim is no longer active.

City Staff and the City's Agent of Record responded to UHC's proposed renewal by stating that the renewal rates exceeded the City's budget allocation; Staff requested that UHC re-examine the renewal rates and also compute rates for alternate types of coverage.

In September 2007, UHC revised their proposal to reflect a 12.5% increase in rates for both the low-option PPO and the high-option PPO. UHC also provided alternate proposals that reduce the rate increase to 11.2%; these alternate plans increase the prescription co-payment by \$5 for generic and brand name drugs; the non-formulary prescription co-payment remains at \$50.

The City pays the premium amount for the employee at the low-option PPO rate. Employees who opt for the high-option coverage pay the difference in premium costs between the two PPOs. Thus, the City's costs for employee premiums are based on the low-option PPO rate.

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 4 of 10
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**Proposed Rates**

The proposed low-option PPO rates are: \$403.45 for an employee, \$943.38 for an employee and spouse, \$739.80 for an employee and children, and \$1,156.21 for an employee and family. The proposed high-option PPO rates are \$490.59 for an employee, \$1,147.14 for an employee and spouse, \$899.60 for an employee and children, and \$1,405.94 for an employee and family. Retiree rates are the same as employee rates.

**Estimated Cost of Renewal**

Continuation of current coverage is estimated to cost \$527,713 for premiums for the one-hundred-nine employees included in the City's 2007-08 Budget based on the low-option monthly employee rate of \$403.45. Continuation of the co-payment reimbursement plan is projected to cost \$25,000 (based on a five year average). Continuation of the dependent subsidy (based on current dependent coverage) is estimated at \$83,629. The total City cost for renewal is estimated at \$636,342; this amount is below the 2007-08 Budget allocation by \$110,841. However, the cost to adjust the dependent subsidy to absorb the premium increase is an additional \$31,153. These additional costs increase the total to \$667,495; this amount is below the 2007-08 Budget allocation of \$747,183 for health insurance by \$79,688.

**REQUESTS FOR OTHER PROPOSALS**

Staff asked the City's Agent of Record to request proposals from other insurance carriers. Staff prepared an employee census and completed medical questionnaires for distribution to potential vendors. The City was interested in maintaining the current level of services with a similar pool of providers at comparable or lower costs. Nine carriers were contacted but only two submitted proposals. Five of the major health insurance companies: Blue Cross/Blue Shield, Guardian, Humana, Principal Financial Group, and the Texas Municipal League (TML) declined to submit proposals and stated that they could not be competitive with UHC's renewal rates. UniCare did not respond before the deadline. Aetna and Cigna submitted competitive proposals.

**CIGNA'S PROPOSED PLAN OPTIONS**

**PPO OPTIONS**

Cigna provided two PPO options for the City to consider. The proposed premium rates for the low-option PPO plan are 1.68% over the current rates and 18% below UHC's proposed rates. The proposed premium rates for the high-option PPO plan are 0.34% over the current rates and 19.08% below UHC's proposed rates.

The proposed low-option PPO rates are: \$364.66 for an employee, \$853.31 for an employee and spouse, \$667.32 for an employee and children, and \$1,046.58 for an employee and family. The proposed high-option PPO rates are \$437.57 for an employee, \$1,023.91 for an employee and spouse, \$800.74 for an employee and children, and \$1,255.81 for an employee and family. Retiree rates are the same as employee rates.

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 5 of 10
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Cigna's PPO networks are extremely similar to UHC's networks. Major hospitals included in Aetna's PPO networks are: Baylor All Saints, Harris, Huguley, John Peter Smith, and Cook Children's. The network encompasses over two hundred physicians and specialists within Fort Worth and four doctors within Benbrook. Cigna's PPO networks throughout the United States are also available for employees and dependents. Out-of-network medical services are covered with higher deductibles, co-payments, co-insurance rates, and maximums.

Employees were provided with a link to Cigna's PPO directory and requested to determine if their physicians, hospitals, and pharmacies participated in Cigna's PPO. To date, only one employee has discovered that her specialist is not a participant.

**Cigna's Low-Option PPO**

Cigna's low-option PPO has the same deductibles and maximums as the current plan with UHC. The co-payment for an office visit remains at \$25 for preventive care and for a primary care physician (PCP) and increases from \$40 to \$50 for a specialist. Eye examinations and hearing screenings are not covered. The co-insurance rate drops from 30% to 20% for hospitalization and out-patient procedures. The co-payment for prescriptions increases from \$10 to \$15 for generics and from \$30 to \$35 for brand name drugs; the co-payment for non-formulary is \$50 in both plans. UHC's mail order prescription plan provides a 90 supply for 2.5 times the monthly co-payment; Cigna offers a 90 supply for two monthly co-payments. The emergency room co-payment decreases from \$250 to \$150 and the urgent care co-payment increases from \$50 to \$75.

**Cigna's High-Option PPO**

Cigna's high-option PPO has the same deductibles and maximums as the current plan with UHC. The co-payment for an office visit remains at \$15 for preventive care and for a primary care physician (PCP), increases from \$15 to \$25 for a specialist, and excludes eye examinations, and hearing screenings. The co-insurance rate remains at 10% for hospitalization and out-patient procedures. The co-payment for prescriptions increases from \$10 to \$15 for generics, remains at \$30 for brand name drugs, and decreases from \$50 to \$45. UHC's mail order prescription plan provides a 90 supply for 2.5 times the monthly co-payment; Cigna offers a 90 supply for two monthly co-payments. The emergency room co-payment increases from \$100 to \$150 and the urgent care co-payment increases from \$50 to \$75.

**Estimated Cost of Cigna Proposal**

The City's premium expense for one-hundred-nine employees is \$476,975 based on the low-option employee rate of \$364.66. The cost of subsidizing dependent premiums at the proposed subsidy rates is \$83,629. It will cost an additional \$4,314 to offset the increase in dependent premiums for a total subsidy of \$87,943. The cost of reimbursing co-payments for employees and covered dependents and for funding the reimbursement benefit for employees who do not have dependent coverage is projected to cost approximately \$25,000 (based on historical participation levels). The total estimate of \$589,919 is \$157,264 below the 2007-08 Budget allocation of \$747,183.

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 6 of 10
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**AETNA’S PROPOSED PLAN OPTIONS**

**PPO OPTIONS**

Aetna provided two PPO options for the City to consider. The proposed premium rates for both of the PPO plans are 1.8% over the current rates and 9.5% below UHC’s proposed rates.

The proposed low-option PPO rates are: \$365.08 for an employee, \$853.65 for an employee and spouse, \$669.44 for an employee and children, and \$1,046.24 for an employee and family. The proposed high-option PPO rates are \$437.57 for an employee, \$1,023.91 for an employee and spouse, \$800.74 for an employee and children, and \$1,255.81 for an employee and family. Retiree rates are the same as employee rates.

Aetna’s PPO networks are extremely similar to UHC’s networks. Major hospitals included in Aetna’s PPO networks are: Baylor All Saints, Harris, Huguley, John Peter Smith, and Cook Children’s. The network encompasses over two hundred physicians and specialists within Fort Worth and four doctors within Benbrook. Aetna’s PPO networks throughout the United States are also available for employees and dependents. Out-of-network medical services are covered with higher deductibles, co-payments, co-insurance rates, and maximums.

**Aetna’s Low-Option PPO**

Aetna’s low-option PPO has the same deductibles and maximums as the current plan with UHC. The co-payment for an office visit remains at \$25 for preventive care and for a primary care physician (PCP), decreases from \$40 to \$35 for a specialist, and increases from \$25 to \$35 for eye examinations and hearing screenings. The co-insurance rate drops from 30% to 20% for hospitalization and out-patient procedures. The co-payment for prescriptions increases from \$10 to \$15 for generics and from \$30 to \$35 for brand name drugs; the co-payment for non-formulary is \$50 in both plans. UHC’s mail order prescription plan provides a 90 supply for 2.5 times the monthly co-payment; Aetna offers a 90 supply for two monthly co-payments. The emergency room co-payment decreases from \$250 to \$100 and the urgent care co-payment remains at \$50.

**Aetna’s High-Option PPO**

Aetna’s high-option PPO has the same maximum out-of-pocket as the current plan with UHC; however, the annual deductible increases from \$250 to \$500. The co-payment for an office visit remains at \$15 for preventive care and for a primary care physician (PCP), increases from \$15 to \$25 for a specialist, eye examinations, and hearing screenings. The co-insurance rate remains at 10% for hospitalization and out-patient procedures. The co-payment for prescriptions remains at \$10 for generics and decreases from \$30 to \$25 for brand name drugs; the co-payment for non-formulary is \$50 in both plans. UHC’s mail order prescription plan provides a 90 supply for 2.5 times the monthly co-payment; Aetna offers a 90 supply for two monthly co-payments. The emergency room co-payment remains at \$100 and the urgent care co-payment remains at \$50.

**Estimated Cost of Aetna Proposal**

The City’s premium expense for one-hundred-nine employees is \$477,525 based on a low-option plan employee rate of \$365.08. The cost of subsidizing dependent premiums at the proposed

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 7 of 10
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subsidy rates is \$83,629. It will cost an additional \$4,485 to offset the increase in dependent premiums for a total subsidy cost of \$88,115. The cost of reimbursing co-payments for employees and covered dependents and for funding the reimbursement benefit for employees who do not have dependent coverage is projected to cost approximately \$25,000 (based on historical participation levels). The total estimate of \$590,639 is \$156,544 below the 2007-08 Budget allocation of \$747,183.

**REVIEW OF PROPOSALS**

Charts are attached that compare co-payments, deductibles, benefits, and premium costs for the low-option and high-option PPO plans proposed by UHC, Cigna, and Aetna.

**UNITED HEALTHCARE’S PROPOSED RENEWAL**

Staff recommends rejection of United HealthCare’s proposed renewal and rejection of UHC’s revised PPO plan proposals. Even though sufficient funds are available in the 2007-08 Budget to finance the renewal, adjust the dependent subsidy, and continue the reimbursement programs, Staff cannot justify the spending up to an additional \$157,264 for a group health plan when less-expensive rates and higher-quality benefits are available through two other insurance companies.

**CIGNA’S PROPOSED PPO PLANS**

City Staff met with representatives from Cigna to discuss their proposal; the City’s agent of record facilitated the meeting.

**Changes from Current Plan with UHC**

Cigna’s deductibles for individuals and families are the same as UHC’s deductibles for the low-option PPO. The individual deductible remains at \$250 and the family deductible remains at \$500 for the high-option PPO. The maximum out-of-pocket amounts remain the same for both options.

Cigna’s proposed low-option PPO differs from UHC’s low-option PPO in that the lifetime maximum is \$2,000,000. All enrollees would start the 2007-08 plan with a balance of zero.

The co-payment for an office visit for routine care and for a PCP remains at \$25 for the low-option plan. Preventive care claims are restricted to a maximum of \$500. The co-payment for a specialist increases from \$40 to \$50. Office visits for eye exams and hearing screening are not covered in either plan option. The co-payment for an office visit for routine care and for a PCP remains at \$15 for the high-option plan. The co-payment for a specialist increases from \$15 to \$25.

The co-insurance rate for out-patient procedures and for hospitalization changes from a 70/30 plan to an 80/20 plan for Cigna’s low-option PPO. The co-insurance rate for the high-option PPO remains at 90/10; however, the deductible increases from \$250 to \$500.

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 8 of 10
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The co-payment for prescriptions increases by \$5 for the low-option PPO for generic and brand name drugs; the non-formulary co-payment remains the same. However, Cigna's mail order program provides a 90 supply for two co-payments; UNC's mail order program, costs two and one-half co-payments. The co-payment for the high-option PPO for generic and non-formulary drugs do not change; the co-payment for brand name drugs decreases by \$5.

The co-payment for emergency room treatment decreases from \$250 to \$150 for Cigna's low-option plan. The high-option co-payment increases from \$100 to \$150 for the emergency room. The co-payment for urgent care increases from \$50 to \$75 for both options.

**AETNA'S PROPOSED PPO PLANS**

The City of Benbrook's group health insurance was with Aetna from October 1, 1996 through September 30, 2006. The decision to move to UHC in October 2006 was predicated on a 42.9% increase in rates by Aetna. The proposed rates by Aetna in 2007 are 7.15% over the City's rates in 2005-06.

**Changes from Current Plan with UHC**

Aetna's deductibles for individuals and families are the same as UHC's deductibles for the low-option PPO. The individual deductible increases from \$250 to \$500 and the family deductible increases from \$500 to \$1,000 for the high-option PPO. The maximum out-of-pocket amounts remain the same for both options.

Aetna's proposed low-option PPO differs from UHC's low-option PPO in that the lifetime maximum is \$2,000,000. Employees and dependents, who were previously enrolled in the City's plan with Aetna, would not have their previous claims expense count toward their lifetime maximum; all enrollees would start the 2007-08 plan with a balance of zero.

The co-payment for an office visit for routine care and for a PCP remains at \$25 for the low-option plan. The co-payment for a specialist decreases from \$40 to \$35. The co-payment for an eye exam and/or a hearing screening increases from \$25 to \$35. The co-payment for an office visit for routine care and for a PCP remains at \$15 for the high-option plan. The co-payment for a specialist increases from \$15 to \$25. The co-payment for an eye exam and/or a hearing screening increases from \$15 to \$25.

The co-insurance rate for out-patient procedures and for hospitalization changes from a 70/30 plan to an 80/20 plan for Aetna's low-option PPO. The co-insurance rate for the high-option PPO remains at 90/10; however, the deductible increases from \$250 to \$500.

The co-payment for prescriptions increases by \$5 for the low-option PPO for generic and brand name drugs; the non-formulary co-payment remains the same. However, Aetna's mail order program provides a 90 supply for two co-payments; UNC's mail order program, costs two and one-half co-payments. The co-payment for the high-option PPO for generic and non-formulary drugs do not change; the co-payment for brand name drugs decreases by \$5.

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 9 of 10
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The co-payment for emergency room treatment decreases from \$250 to \$100 for Aetna's low-option plan. The high-option co-payment remains at \$100 for the emergency room. The co-payment for urgent care remains at \$50 for both options.

**STAFF RECOMMENDATION**

Staff recommends contracting with Aetna. The City has ten years of experience with Aetna. Aetna's proposed rates for both PPO options are significantly below UHC's proposed renewal. Aetna's PPO networks utilize all of the major hospitals in this area and the physicians associated with the hospitals; Benbrook's physicians participate in the networks.

Aetna offers a co-insurance rate of 80/20 versus 70/30 for the low-option plan. Aetna's low-option plan provides a less-expensive rate for specialist office visits. Aetna covers eye exams and hearing screenings. Aetna does not have a restriction on preventive health office visits. Aetna's co-payment for the emergency room is less than UHC's co-payment.

Staff recommends that the effective date for the contract with Aetna be November 1, 2007 to allow sufficient time to inform employees and to complete the enrollment process. This delay will require the City to continue with UHC for an additional month.

**FUNDING**

The 2007-08 Budget includes of \$747,183 for payment of employee health insurance premiums, dependent subsidies, and co-payment reimbursements. The City's premium expense for one-hundred-nine employees is \$43,976 for one month with UHC and \$437,731 for eleven months with Aetna. The cost of subsidizing dependent premiums at the proposed subsidy rates is \$83,629. It will cost an additional \$6,708 to offset the increase in dependent premiums for a total subsidy cost of \$90,337. The cost of reimbursing co-payments for employees and covered dependents and for funding the reimbursement benefit for employees who do not have dependent coverage is projected to cost approximately \$25,000 (based on historical participation levels). The total estimate of \$597,044 is \$150,139 below the 2007-08 Budget allocation of \$747,183.

Funds are budgeted in account 5007 in each activity's 2007-08 Budget allocation.

**RECOMMENDATION**

It is recommended that the City Council approve renewal with United HealthCare for the month of October 2007.

It is recommended that the City Council approve a one year contract with Aetna for provision of the City of Benbrook's group health insurance. The contract, effective November 1, 2007, includes the low-option PPO as the City's base plan; the high-option PPO is available to employees who choose to "buy up" to the high-option PPO and are willing to pay the difference in premium costs.

It is recommended that the City Council increase the subsidy for employees with dependent coverage to offset the increase in premiums. The monthly subsidy for an employee with family coverage will increase from \$202.73 to \$214.77. The monthly subsidy for an employee with

DATE: 09/20/07	REFERENCE NUMBER: C-230	SUBJECT: Award Contract for Employee Health Insurance	PAGE: 10 of 10
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spouse coverage will increase from \$200.32 to \$208.96. The monthly subsidy for an employee with children coverage will increase from \$95.12 to \$100.50.

It is recommended that the City Council continue the reimbursement program. Employees and covered dependents will be eligible to receive up to \$750 for surgery and out-patient procedures and up to \$1,500 for hospitalization co-payments. The City will continue to allocate up to \$300 per year, effective January 1, 2008, to the cafeteria plan (Section 125) account for each employee who does not have dependent health insurance coverage through the City's group plan; these employees may request reimbursement for up to \$200 for co-payments for office visits, prescriptions, and the employee-share of hospitalization; the additional \$100 is restricted to eyeglasses and contact lens costs. All full-time employees will be eligible for \$100 for eyeglasses and contact lens costs.