



**MINUTES
OF THE MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
AUGUST 20, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, August 20, 2009 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Keith Bailey
Rickie Allison
Mark Washburn
Ron Sauma
Charlie Anderson
Jim Wilson

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
Sherri Newhouse, Budget Director

Others Present:

Ed Gallagher, City Planner
Bob Rowley, City Engineer
Walter Shumac, Director Public Service
Bill Smith
Jess Jordan
Larry Stowe
Dave Lunsford
3 other citizens

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation was given by Councilmember Mark Washburn
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held August 6, 2009

Motion by Mr. Washburn, seconded by Mr. Allison to approve the minutes of the regular meeting held August 6, 2009.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. REPORTS OF CITY MANAGER

A. GENERAL

G-1861 Accept financial report for month of July 2009

Sherri Newhouse gave the following report: General Fund revenues for the month of July were \$499,047. Revenue collected through the end of July were \$12,948,795 or 96.42% of the original budget. Through the end of July, revenues are \$1,005,792 ahead of the amount received last year.

General Fund expenditures for July were \$980,074. Total expenditures through the end of July amounted to \$10,943,966 or 81.62% of the original budget. Revenues exceed expenditures by \$2,004,829.

At July 31, 2009, the City had \$15,156,001 invested at varying interest rates.

Motion by Mr. Sauma, seconded by Mr. Anderson to accept the July 2009 financial report.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

G-1862 Adopt ordinance repealing Section 10.56 – Use of Hand Held Devices in School Zones of the Benbrook Municipal Code in its entirety

Joanna King gave the following report: In February 2008, City Council adopted an ordinance prohibiting the use of hand-held mobile telephones in active school zones.

Effective September 1, 2009 the 81st Texas Legislative Regular Session amended Section 545.425 of the Texas Transportation Code. This amendment prohibits the operator of a motor vehicle from using a wireless communication device within a school crossing zone unless the vehicle is stopped or the wireless communication device is used with a hands-free device. The new law does provide affirmative defenses and is inapplicable to an operator of an authorized emergency vehicle while acting in an official capacity.

Any municipality that enforces the new law is required to post a sign to inform vehicle operators of the prohibition using standardized signs developed by the Texas Department of Transportation.

In essence, the new State law preempts all local ordinances that currently regulate the use of wireless communication devices, and after September 1, 2009 all citations issued for use of these devices will be issued under the new State law.

Staff has received communication from TxDOT on the signage and are in receipt of the new signs for all school crossing zones.

In order to eliminate any confusion regarding wireless communication devices within a school crossing zone, Staff recommends City Council repeal Section 10.56 of the Benbrook Municipal Code in its entirety.

Motion by Mr. Allison, seconded by Mr. Anderson to adopt Ordinance No. 1291 repealing Section 10.56 of the Benbrook Municipal Code in its entirety.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1291 being **“AN ORDINANCE AMENDING TITLE 10-VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REPEALING SECTION 10356 IN ITS ENTIRETY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.”**

B. CONTRACTS

C-247 Approve contract with Universal Ensco, Inc. to provide gas well inspection services

Dave Gattis gave the following report: Currently the duties of gas well inspection fall to the City Engineer. The City has investigated hiring a full-time inspector, contracting with a nearby City for shared services, or contracting directly with a consultant to provide those services. It is Staff's determination that contracting with a consultant provides the best cost-effective solution for Benbrook.

Staff reviewed qualifications and proposed fees of two firms and recommends Universal Ensco, Inc. based on experience, resources and costs.

Universal Ensco will provide a qualified gas well inspector to perform the following services:

- Assist City Engineer in reviewing new well applications
- Inspect new wells four different times during the drilling, completion, first production, and subsequent production phases
- Inspect existing wells on a quarterly basis
- Provide additional services to the City on an as-need basis

Fees for services will be paid from revenues generated by gas well permit fees.

Motion by Mr. Anderson, seconded by Mr. Wilson to approve the contract with Universal Ensco, Inc. to provide gas well inspection services through September 2010.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

C-248 Approve contact with Dr. Nur Yazdani for study of Plantation East Culvert

Dave Gattis gave the following report: As part of the 1991 Plantation East Creek project, two 9' by 8' box culverts were installed under Tara Drive to handle flood flows.

Staff has observed deterioration in portions of the box culvert. Before proceeding with remedial action, the root cause needs to be determined.

Staff contacted the UTA Civil Engineering Department about evaluating the problem in a cost-effective manner. Staff met with Dr. Nur Yazdani, Chair of the Department and allowed Dr. Yazdani to make a field inspection.

Staff and Dr. Yazdani have developed a draft Agreement that outlines the proposed services, including soil and concrete bores, soil and water testing, materials testing, high resolution resistivity imaging, ultrasonic imaging, and report preparation. Much of the work will be performed by graduate engineering students under the supervision of Drs. Yazdani and Sahadat Hossain. The City is responsible for time and materials up to a maximum fee of \$20,000.

Funds were not budgeted for this purpose, but Staff is anxious to proceed before the deterioration becomes more significant. Staff recommends that necessary funds be used from the Storm Water Utility Fund.

Motion by Mr. Allison, seconded by Mr. Sauma to authorize the City Manager to execute a contract with Dr. Nur Yazdani for a fee of up to \$20,000 to be paid from the Storm Water Utility fund.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

C-249 Approve Interlocal Agreement with City of Fort Worth for Flood Study of Portion of Mary's Creek

Dave Gattis gave the following report: The City of Fort Worth contacted Benbrook in January 2008 regarding a potential partnership to restudy the flood plain near the confluence of Mary's Creek and the Clear Fork-Trinity River.

Fort Worth and Benbrook share a concern over potential flood hazards in Ridglea County Club Estates. Fort Worth believes that there may be technical errors in the current FEMA flood study.

Fort Worth will retain Freese and Nichols, Inc. to perform a study which includes:

- Stream Condition Assessment
- Surveys of hydraulic structures
- Development of detailed hydrologic models
- Develop hydraulic models and floodplain maps
- Flood hazard assessment
- Flood mitigation alternatives, and
- Letter of Map Revision for submittal to FEMA

In 2008, Staff had estimated that Benbrook's share might be \$20,000, with an upper limit of \$5,000. The total project is now estimated at \$243,046, with Benbrook's share being \$63,569. \$20,000 was budgeted in current budget for this project. The remainder can be paid from the Storm Water Utility Fund.

Motion by Mr. Washburn, seconded by Mr. Wilson to authorize the Interlocal Agreement with Fort Worth for the Mary's Creek Flood Study to be paid from Account 01-5401-5211 and the Storm Water Utility.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

V. OTHER MATTERS OF BUSINESS

1. Public Hearing on 2009 Property Tax Rate

Sherri Newhouse gave the follow report:

The City of Benbrook's property tax rate for the 2009-10 fiscal year is proposed to be \$0.615165 for the General Fund and \$0.042335 for the Debt Service Fund. The total property tax rate proposed for 2009-10 is \$0.6575.

The proposed property tax rate for 2009-10 is two cents less than the current or 2008-09 fiscal year property tax rate of \$0.6775. The General Fund property tax rate is proposed to increase by \$0.007065 from \$0.608100 to \$0.615165. The Debt Service property tax rate is proposed to decrease by \$0.027065 from \$0.069400 to \$0.042335. The total property tax rate for 2009-10 of \$0.6575 is proposed to decrease by a net two cents from the 2008-09 rate of \$0.6775.

Revenue from General Fund current property tax revenue is projected to be \$8,874,574 in 2009-10; this amount is \$314,574 over the 2008-09 current property tax estimate of \$8,560,000. Revenue from Debt Service Fund current property tax revenue is projected to be \$500,172 in 2009-10; this amount is \$476,828 less than the 2008-09 current property tax estimate of \$977,000. Revenue from total (General Fund and Debt Service Fund) current property tax revenue is projected to be \$9,374,746 in 2009-10; this amount is \$162,254 below the 2008-09 current property tax estimate of \$9,537,000.

The 2009-10 Proposed Budget is predicated upon a two-cent reduction in the property tax rate. The proposed property tax rate for 2009-10 is \$0.6575 per \$100 valuation. The 2009-10 fiscal year is the fifth consecutive year that the City of Benbrook has reduced the property tax rate. The proposed 2009-10 property tax rate is the City's lowest property tax rate since the 1991-92 fiscal year.

Mayor Dittrich opened the public hearing at 8:00 P.M. No one spoke to this item. Mayor Dittrich closed the public hearing at 8:01 P.M.

2. Public Hearing on 2009/2010 Proposed Budget

Sherri Newhouse gave the following report:

The 2009-10 Proposed Budget is based upon General Fund revenues and transfers of \$13,836,638. Debt Service Fund revenues and transfers are projected to be \$1,037,289. Total Operating Funds (General Fund and Debt Service Fund combined) revenues and transfers are projected to be \$14,873,927 for 2009-10.

The 2009-10 Proposed Budget is based upon General Fund expenditures and transfers of \$13,836,638. Debt Service Fund expenditures and transfers are projected to be \$1,037,289. Total Operating Funds (General Fund and Debt Service Fund combined) expenditures and transfers are projected to be \$14,873,927 for 2009-10.

The transfers included in the 2009-10 Proposed Budget are: (1) the transfer of \$250,000 from the General Fund to the Capital Asset Replacement Fund, (2) the transfer of \$142,206 from the General Fund to the Core Value Fund (this amount is the projected current property tax revenue from mineral rights), and (3) the transfer of \$529,116 from the Storm Water Utility Fund to the Debt Service Fund (this amount is for payment of principal and interest on drainage bonds).

The 2009-10 Proposed Budget reflects the following variances in revenues and expenditures; these variances do not reflect the transfer of funds from the General Fund to the Capital Asset Replacement Fund. The projected variance between revenues and expenditures for the General Fund is zero. The projected variance between revenues and expenditures for the Debt Service Fund is zero. The projected variance between revenues and expenditures for the Operating Funds is zero.

The projected ending fund balances are: \$6,823,932 for the General Fund, \$1,236,358 for the Debt Service Fund, and \$8,060,290 for the Operating Funds.

The City of Benbrook's property tax rate for the 2009-10 fiscal year is proposed to be \$0.615165 for the General Fund and \$0.042335 for the Debt Service Fund. The total property tax rate proposed for 2009-10 is \$0.6575.

The proposed property tax rate for 2009-10 is two cents less than the current or 2008-09 fiscal year property tax rate of \$0.6775. The General Fund property tax rate is proposed to increase by \$0.007065 from \$0.608100 to \$0.615165. The Debt Service property tax rate is proposed to decrease by \$0.027065 from \$0.069400 to \$0.042335. The total property tax rate for 2009-10 of \$0.6575 is proposed to decrease by a net two cents from the 2008-09 rate of \$0.6775.

The 2009-10 Proposed Budget's base budget requests include the continuation of current services; no positions and no programs are proposed for elimination. The base budget also includes funds to finance an up-to 15% increase for health,

dental, and life insurance costs for employees. The base budget also includes funds to replace five vehicles for the Police Department.

Funds are included in the 2009-10 Proposed Budget for the following new and/or enhanced programs, purchases, and services: year-four of the document-imaging software program, network attached storage for disaster recovery for the City's computer systems, a part-time assistant for the Information Technology Director, spam soap for City computers, subscription to CrimeReports.com for the Police Department, mobile video units for Police vehicles, the promotion of three Fire Fighter/Paramedic positions to the rank of Lieutenant, salary adjustment for ACFSU members, traffic counters for Street Department, funds for parks maintenance projects, rewiring of Service Center Building, continuation of fuel reserve account, implementation of recommended adjustments in classification and compensation matrix. The Capital Asset Replacement Fund will finance the replacement of a pick-up truck for Inspections and the purchase of a flat bed truck for the Street Department.

At tonight's meeting, an overview of the 2009-10 Proposed Budget will be presented and will be followed by a public hearing to allow citizens to make comments and/or provide input regarding the 2009-10 Proposed Budget. Copies of the 2009-10 Proposed Budget Summary are available at City Hall and on-line at the City's website. Tonight's public hearing is the first of two public hearings on the 2009-10 Proposed Budget.

A second public hearing is scheduled during the regularly-scheduled City Council meeting on September 3, 2009. Before that public hearing, another overview of the 2009-10 Proposed Budget will be presented by staff. Before the September 3, 2009 City Council meeting, notices of the public hearings on the 2009-10 Proposed Budget and the 2009 property tax rate will be published in the *Benbrook News*. Copies of the 2009-10 Proposed Budget Summary will be available at City Hall and on-line at the City's website.

At the September 17, 2009 City Council meeting, the Council will approve the 2009-10 Budget through the adoption of an ordinance. Council will also set the 2009 property tax rate through the adoption of a separate ordinance at that meeting.

Mayor Dittrich opened the public hearing at 8:07 P.M. No one spoke to the item. Mayor Dittrich closed the public hearing at 8:08 P.M.

VI. INFORMAL CITIZEN COMMENTS

VII. EXECUTIVE SESSION-Texas Government Code Section 551.074, Personnel Matters – City Manager Performance Evaluation including salary determination

Mayor Dittrich recessed the regular meeting at 8:08 P.M. to conduct Executive Session

VIII. RECONVENE INTO OPEN SESSION – Take necessary action from Executive Session

Mayor Dittrich reconvened the regular session at 8:45 P.M. Motion by Mr. Allison, seconded by Mr. Sauma to include the City Manager to the step program when finally approved to reflect his salary.

Vote on the Motion:

Ayes: Mr. Anderson, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

IX. ADJOURNMENT

Meeting adjourned at 8:47 P.M. followed by a worksession:

1. Budget Review
2. Review Plans for Benbrook Boulevard Expansion

APPROVED

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary