



**MINUTES
OF THE MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
DECEMBER 17, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, December 17, 2009 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager

Others Present:

Ed Gallagher, City Planner
Walter Shumac, Public Service Director
Robert Rowley, City Engineer
James Mills, Police Chief
David Babcock, Assistant Police Chief
Bill Smith
Jess Jordan
Larry Stowe
Dan Tully
and 2 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 Associate Pastor Kyle McClure with Family Restoration Church.

The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held December 3, 2009

Motion by Mr. Washburn, seconded by Mr. Sauma to approve the minutes of the regular meeting held December 3, 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

G-1886 Financial Report for month ending November 30, 2009

Mr. Wayman gave the following report: General Fund revenues for the month of November totaled \$645,055. The major source of revenue came from Property Taxes (\$329,399) and Sales and Other Taxes (\$172,092).

November General Fund expenditures totaled \$1,078,587. Expenditures exceeded revenues by \$1,154,084 at the end of November. This shift will change once the City begins receiving Ad Valorem Taxes due in January.

Investments were \$13,426,352 at November 30, 2009. This entire amount is available immediately if needed.

Motion by Mr. Anderson, seconded by Mr. Bailey to accept the monthly financial report for the month of November 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.

G-1887 Consider Options for 36th Year Community Development Block Grant (CDBG) Application

Mr. Gattis gave the following report: The City's application for the 36th Year Community Development Block Grant (CDBG) is due on January 25th. The City Council is required to hold a public hearing to receive public comment prior to that time.

Benbrook has received about \$3,000,000 in CDBG funds since 1975. Funds must be used to benefit low or moderate income residents, senior citizens or the handicapped.

The 24th Year funds were used to build sidewalks along Usher and Bryant Streets. The 35th Year funds will be used to complete sidewalks along Usher and to pave the alley between Mercedes and Cozby North.

Annual funding levels have dropped in recent years to approximately \$90,000, but Tarrant County is asking that we reduce our requests by about 10 percent. The funding must result in a usable project at the end of the year.

Most infrastructure projects have been built. Possible projects include:

- Contract with Fort Worth Transportation Authority for elderly and handicapped transit
- Provide handicapped bleachers in Dutch Branch Park
- Reduce user fees for Benbrook Community Center/YMCA
- Pay the salary of the Senior Citizens Coordinator
- Housing rehabilitation

Staff recommends that City Council tentatively designate one or more projects as the 36th Year project and set January 7, 2010 for a public hearing.

Following discussion, motion by Mr. Wilson, seconded by Mr. Anderson to tentatively designate the following as the 36th Year Community Development Block Grant Project:

1. Improve handicapped access within Dutch Branch Park and other pocket parks, including handicapped bleachers.
2. Elderly and handicapped transit services
3. Pay salary of Senior Citizens Coordinator
4. Reduce user fees at Benbrook Community Center/YMCA; and
5. Remainder to be used for housing rehabilitation within Benbrook

and to schedule a public hearing on the funding at the January 7, 2010 regular City Council meeting.

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-1888 Adopt Ordinance Readopting Tax Abatement Guidelines and Criteria

Mr. Gattis gave the following report: State law requires that no tax abatements be granted unless the City has adopted guidelines and criteria by ordinance. The guidelines and criteria must be readopted every two years. The City has established guidelines and criteria for tax abatement agreements since 1992 with the most recent re-adoption being in May 2007.

Although never used in Benbrook, they can serve as a useful tool in selective economic development projects.

The current guidelines allow negotiation of tax abatements for:

- Industries with:
 - Investment of \$3 million or more, or
 - Increase of at least 10 jobs; or
- Hotel/motel/conference centers with at least 50 rooms
- Retail, distribution, office not allowed, unless at least 80 percent of revenues are from outside of Benbrook
- Abatements are not allowed in the TIF District
- Maximum length of abatement is 10 years, or one-half of economic life of investment, whichever is less
- Maximum amount of abatement is 100% of value above base amount (typically less based on economic benefit to the City)
- Application required, fee is \$1,000
- Agreement negotiated by the Mayor
- A public hearing and approval by City Council is necessary

Motion by Mr. Allison, seconded by Mr. Sauma to adopt Ordinance No. 1299 readopting Chapter 3.20 containing the tax abatement guidelines and criteria.

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. 1299 being “AN ORDINANCE AMENDING AND READOPTING CHAPTER 3.20 (TAX ABATEMENT AGREEMENTS) OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, READOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AND DESIGNATION OF REINVESTMENT ZONES, DEFINING QUALIFYING FACILITIES, ESTABLISHING THE TERM AND LIMITS OF ABATEMENT, REQUIRING AN APPLICATION, DELEGATING ADMINISTRATIVE AND NEGOTIATION; AMENDING CHAPTER 1.12 (FEES FOR PUBLIC SERVICES); PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING FOR VARIANCES AND

EXPIRATION; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.”

**SECTION 3
PUBLICATION AND EFFECTIVE DATE**

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

Passed and approved this 17th day of December, 2009.

G-1889 Approve Road Damage Mitigation Agreements with XTO Energy, Inc. – Ryffel A #2H and Mira Vista A #6H

Mr. Gattis gave the following report: The Oil and Gas Ordinance requires a Road Damage Mitigation Agreement for well drilling and servicing for wear and tear on City streets.

XTO Energy plans two new wells on pads in Trinity Estates area. The roads used will be Winscott Road and Vernon Castle Avenue. Because they are concrete streets, the remediation fee is \$486 for each well.

Motion by Mr. Allison, seconded by Mr. Anderson to authorize the City Manager to execute the two Road Damage Remediation Agreements with XTO, Energy, Inc.

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. INFORMAL CITIZEN COMMENTS

VI. ADJOURNMENT

Meeting adjourned at 7:56 P.M. following by a worksession to discuss:

1. Security at Benbrook City Hall
2. Benbrook’s Branding Efforts
3. Core Values Statement
4. Zoning and Plat Process and Responsibilities

APPROVED

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary