

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 17, 2009
911 WINSKOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**



1. Review and discuss agenda items for regular meeting.

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

I. CALL TO ORDER

**II. INVOCATION –Pastor Steven Reed with Restoration Family Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held August 20, 2009
2. Minutes of the regular meeting held September 3, 2009

IV. CITIZEN PRESENTATION

1. Richard Schell – Texas Chapter of American Planning Association - Certificate of Achievement for Planning Excellence
2. Mary-Ann Glynn – Request waiver of Ordinance No. 1227 – Sex Offender Residency Restriction

V. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2009-04 Consider Benbrook Economic Development Corporation Budget for Fiscal Year 2009/2010

VI. REPORTS OF CITY MANAGER

A. GENERAL

- | | |
|--------|---|
| G-1865 | Accept finance report for month of August 2009 |
| G-1866 | Adopt Ordinance approving budget figures for Fiscal Year 2009/2010 |
| G-1867 | Adopt Ordinance fixing and levying ad valorem tax for 2009 |
| G-1868 | First Public Hearing and review on continuance of Minor Curfew |
| G-1869 | Authorize Interlocal Agreement with Benbrook Water Authority for Refuse and Storm Water Fee Billing and Payment Collection Services |
| G-1870 | Authorize Interlocal Agreement with Benbrook Water Authority for Street Repair Services |
| G-1871 | Authorize Interlocal Agreement with City of Fort Worth for Household Hazardous Waste Program |

**Agenda
Benbrook City Council
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G-1872 Adopt Ordinance amending Chapter 1.12 of the Benbrook Municipal Code by revising Administrative Fees on Property Abatement and Gas Well Inspections

G-1873 Adopt Ordinance amending Chapter 9.32 of the Benbrook Municipal Code to include provisions for graffiti removal

VII. INFORMAL CITIZEN COMMENTS — State Law prohibits any deliberation of or decisions regarding items presented in informal 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.

VIII. ADJOURNMENT



**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 at a maximum fee of \$20,000.

Funds were not budgeted for this purpose, but Staff I 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



**MINUTES
OF THE MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
SEPTEMBER 3, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, September 3, 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
Dawn Konieczny, Police Administrative Manager
James Mills, Police Chief

Others Present:

Ed Gallagher, City Planner
Bob Rowley, City Engineer
Cathy Morris, Public Involvement Director
Karen Barber, Benbrook News
Bill Smith
Jess Jordan
Larry Stowe
Dan Tully
Mr. and Mrs. Steven Cook
8 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 Pastor Lonnie Huett with Restoration Family Church
The Pledge of Allegiance was recited.

III. CITIZEN PRESENTATION

1. Steven Cook – Tour de Benbrook – Request for Special Event Permit

Mr. Steven Cook made presentation to City Council to hold a bicycle ride through Benbrook in 2010. The event would be known as Tour de Benbrook and benefit the community through name recognition as well as participates using Benbrook Hotels, restaurants and shopping facilities.

Following presentation and discussion with members of City Council, Mayor Dittrich thanked Mr. Cook for his presentation and requested that he return at a later date with other information discussed during the meeting.

IV. REPORTS OF CITY MANAGER

A. GENERAL

G-1863 Presentation on Online Crime Mapping and Public Alert System

Police Chief James Mills made presentation on the new Online Crime Mapping and Public Alert System available through the City's website.

G-1864 Interlocal Agreement with Fort Worth Independent School District to provide two Police Officers to participate in Annual School Security Initiative

Dave Konieczny gave the following report: The Benbrook Police Department provides two (2) full-time School Resource Officers for the Fort Worth Independent School District. The officers serve as liaison between the police department and the staff at Western Hills High School, Benbrook Elementary and Westpark Elementary. All reports and incidents occurring on school property are handled primarily by the School Resource Officers. During holidays and summer break, the officers perform regular patrol duties. The Fort Worth Independent School District subsidizes fifty percent (50%) of the salary, benefits, overtime, and training for both officers.

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 to be funded at fifty percent by the City and fifty percent by Fort Worth Independent School District.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

B. CONTRACTS

C-250 Public Right-of-Way Use License with Barnett Gathering, L.P. for three Natural Gas Pipeline crossings

Dave Gattis gave the following report: Barnett Gathering, L.P. proposes to build a natural gas gathering line in Benbrook to collect natural gas produced at the four XTO Energy well pads located along the Clear Fork-Trinity River and in the Benbrook Industrial Park.

The line will carry the gas to the existing Barnett Gathering Compressor Station located adjacent to Aledo Road. To accomplish this, Barnett Gathering needs to cross Benbrook streets in three locations: 1) the Winbrook Drive right-of-way immediately north of the westbound I-20 frontage road, 2) Winscott Road at the intersection of Winbrook Drive, and 3) Mulberry Drive west of Shady River Court.

On April 2, the City Council adopted Ordinance No. 1825 which established licensing procedures for the use of public rights-of-way and established a \$46/linear foot fee for a 20-year license. The Public Right-of-Way License covers the three crossings and requires a fee of \$7,740. The City will have oversight approval over the construction methods used and the Company is required to restore the right-of-way to an acceptable standard.

Motion by Mr. Anderson, seconded by Mr. Sauma to approve the Right-of-Way Use License with Barnett Gathering, L.P.

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-251 Road Damage Remediation Agreements with Chesapeake Operating, Inc.

Dave Gattis gave the following report: On May 21st, City Council adopted the updated Oil and Gas Ordinance and a revised Fee Ordinance that, among other things, established a new road damage remediation fee for gas drilling vehicles that use City streets. The fee is based on the type of drilling being performed, the type of street pavement being traversed, and the length of street involved.

Chesapeake Operating is preparing to drill two new wells within or adjacent to Benbrook. The Ridglea Triangle 1H well is located along Vickery Boulevard adjacent to the Union Pacific Railroad in an industrial area. The Company is planning to use Vickery Boulevard and Winscott Road to reach the well site from I-20. Because Vickery/Winscott is a heavy-duty concrete roadway, the damage is not expected to be significant and the road damage remediation fee is \$168.96.

Chesapeake Operating is also drilling a well in Fort Worth along Williams Road, known as Valley West 1H. Even though the well is in Fort Worth, Williams Road is in Benbrook and Chesapeake must use Benbrook streets to access the well site. Williams Road is a heavy-duty concrete street and the road damage remediation fee is \$71.68.

Motion by Mr. Sauma, seconded by Mr. Bailey to authorize the City Manager to execute the two Road Damage Remediation Agreements with Chesapeake Operating, 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. OTHER MATTERS OF BUSINESS

1. Public Hearing on 2009 Property Tax Rate

Sherri Newhouse gave the follow report:

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Mayor Dittrich opened the public hearing at 8:15 P.M. No one spoke to this item. Mayor Dittrich closed the public hearing at 8:16 P.M.

Mayor Dittrich made the following statement:

The record vote to adopt the tax rate will occur at the Benbrook City Council Meeting scheduled for Thursday, September 17, 2009 at 7:30 pm in the Benbrook City Council Chambers, located at 911 Winscott Road, Benbrook, Texas.

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.

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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 second of two public hearings on the 2009-10 Proposed Budget.

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 8:24 P.M.

Mr. Dan Tully addressed City Council on the lack of a cost of living raise for City employees and suggested there be a one-time reward across the board for the diligence the employees work to protect tax-payers money. Mr. Tully also expressed concern that there will not be funding for Castle Park and believes funds should be included for all parks.

With no other speakers, Mayor Dittrich closed the public hearing at 8:26 P.M.

Mr. Wayman addressed Mr. Tully's concerns in that Castle Park is a priority and Park Department has been asked to utilize their existing maintenance account for improvements. He stated the City has undertaken a Classification Study that will become part of the budget and although not considered a COLA, employees that are below Market will be adjusted. He stated that no employee will suffer financially from the study.

VI. INFORMAL CITIZEN COMMENTS

VII. ADJOURNMENT

Meeting adjourned at 8:32 P.M. followed by a worksession to review history of City of Benbrook-Fort Worth ISD Relationship.

APPROVED

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



American Planning Association
Texas Chapter

Making Great Communities Happen

August 12, 2009

David Gattis, FAICP
 PO Box 26569
 Benbrook, Texas 76126-0569

Dear David,

It is with great pleasure that the Texas Chapter of the American Planning Association presents the enclosed "Certificate of Achievement" to your Planning Department for 2009. This certificate recognizes the high planning standards demonstrated by your planning staff and the support exhibited by your City Council and Planning and Zoning Commission. Specifically, the City of Benbrook has met the Chapter's goals for

- Increasing awareness of professional planning,
- Recognizing planning departments which meet professional requirements,
- Enhancing neighborhood and citizen recognition of professional planning,
- Encouraging the funding of professional training for City staff,
- Aiding in economic development and community image.

I encourage you to share this award with your City Council at an appropriate time. The Board of Directors and the 2,000 members of the American Planning Association



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 09/17/09	REFERENCE NUMBER: G-1865	SUBJECT: Accept finance report for month of August 2009	PAGE: 1 of 1
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Attached for City Council's information and consideration is the financial report for August, 2009.

GENERAL FUND REVENUES

Revenues for the month of July were \$520,263, with taxes producing most of this amount (\$337,547). After four months of negative sales tax numbers, the amount received in August was up 4.75% from the same month in the prior year. Despite the poor results from the summer months, sales tax collections remain ahead of the amount collected to this point last year by 9.18%.

Revenue collected through the end of August was \$13,469,058 or 100.29% of the original budget. Through the end of August, revenues are \$914,090 ahead of the amount received last year.

GENERAL FUND EXPENDITURES

August expenditures were \$788,102. Total expenditures through the end of August amounted to \$11,732,068 or 87.50% of the original budget.

Revenues exceed expenditures by \$1,736,990.

INVESTMENTS

At August 31, 2009, the City had \$14,808,089 invested at varying interest rates.

RECOMMENDATION

Staff recommends that City Council accept the August, 2009 financial report.

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

**ORDINANCE NO. 1292
APPROPRIATION ORDINANCE**

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, APPROVING BUDGET FIGURES FOR THE FISCAL YEAR 2009 THROUGH 2010; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT AND ACCOUNT; ACCEPTING AND APPROVING THE EMPLOYEE CIVIL SERVICE CLASSIFICATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Manager of the City of Benbrook, Texas, (hereinafter referred to as the "City"), submitted a budget proposal to the City Council prior to the beginning of the fiscal year, and in said budget proposal set forth the estimated revenues and expenditures; and

WHEREAS, the City Manager of the City has filed with the City Secretary a budget outlining all proposed expenditures of the government of the City for the fiscal year beginning October 1, 2009 and ending September 30, 2010 (hereinafter referred to as the "Budget"); and

WHEREAS, the attached Budget, specifically sets forth each of the various projects which appropriations are delineated in the Budget, and the estimated amount of money carried in the Budget for each of such projects; and

WHEREAS, the Budget has been filed with the City Secretary for, at least, thirty (30) days before the date the City Council makes its tax levy for the fiscal year and such Budget has been available for inspection by any taxpayer; and

WHEREAS, the public notices of public hearings on the proposed annual Budget, stating the date, time, place and subject matter of such public hearing, were given as required by the laws of the State of Texas; and

WHEREAS, such public hearings were held by the City Council of the City on said Budget on August 20, 2009 and on September 3, 2009, at which time said Budget was fully considered, and interested taxpayers were heard by said City Council; and

WHEREAS, the City Council has studied the Budget and listened to the comments of the taxpayers at the public hearings held therefore and has determined that the Budget attached hereto is in the best interest of the City and that same should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, THAT:

SECTION I

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II

The attached Budget consisting of revenues and expenses of the City for conducting the affairs thereof for the ensuing fiscal year beginning October 1, 2009 and ending September 30, 2010, as modified by the City Council, be, and the same is, in all things, adopted and approved as the Annual Budget of the City for the fiscal year, beginning the 1st day of October, 2009 and ending the 30th day of September, 2010; and there is hereby appropriated the funds indicated herein for such projects, operations, activities, purchases and other expenditures proposed in the Budget.

SECTION III

Pursuant to the laws of the State of Texas and Article 6, Section 6.03 of the City Charter, there be, and is hereby incorporated for the operating expenditures, the following sums of money for the following purposes for the fiscal year beginning October 1, 2009 and ending September 30, 2010.

<u>DIVISION</u>	<u>AMOUNT</u>
General Government	\$ 1,477,148
Staff Services	694,701
Public Safety	7,787,286
Public Services	2,991,367
Community Development	743,930
Debt Service Fund	<u>1,037,289</u>
TOTAL OPERATING EXPENDITURES	\$14,731,721
TRANSFERS - OUT	392,206
TOTAL EXPENDITURES AND TRANSFERS OUT	\$15,123,927

Any necessary transfers between accounts and departments are hereby authorized, approved and appropriated.

SECTION IV

The City Manager shall file or cause to be filed a true and correct copy of this Ordinance, along with the approved Budget attached hereto, with the City Secretary and in the office of

the County Clerk of Tarrant County, Texas, as required by State Law.

SECTION V

Pursuant to the laws of the State of Texas, and specifically Section 143.004, the City held an election to adopt Chapter 143 - Municipal Civil Service of the Local Government Code, wherein it was approved to provide civil service status and protection therefrom to all police officers employed by the City. In compliance with Section 143.021 of the Local Government Code which provides that a municipality's governing body shall establish, by ordinance, the classification of all civil service employees, including the number of positions in each classification, the City hereby establishes its classification of civil service employees for the fiscal year beginning October 1, 2009 and ending September 30, 2010, as stated below and as more fully described in the Cost Center Summary contained in the Annual Budget.

<u>Classification</u>	<u>Number of Authorized Positions</u>
Assistant Chief of Police	1.0
Police Lieutenant	3.0
Police Sergeant	4.0
Police Detective	5.0
Police Patrol Officer	<u>27.0</u>
TOTAL CIVIL SERVICE POSITIONS	40.0

SECTION VI

Any and all ordinances and resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict therewith.

SECTION VII

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION VIII

The necessity of adopting and approving a proposed Budget for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Benbrook, Tarrant County, Texas, on this 17th day of September, 2009, at a meeting open to the public after notice thereof being given as required by law.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Date: _____

Adopted: _____

Effective: _____

ORDINANCE NO. 1293

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010, AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT THE RATE OF \$0.6575 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUE ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF BENBROOK, TEXAS, AS OF JANUARY 1, 2009, TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST IN DEBT SERVICE FUNDS ON ALL OUTSTANDING DEBTS OF THE CITY; DIRECTING THE ASSESSMENT THEREOF; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST THEREON; PROVIDING FOR PLACE OF PAYMENT; PROVIDING FOR APPROVAL OF THE TAX ROLLS PRESENTED TO THE CITY COUNCIL; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Benbrook, Texas (hereinafter referred to as the "City") hereby finds that the tax for the fiscal year beginning October 1, 2009, and ending September 30, 2010, hereinafter levied for current expenses of the City and the general improvements of the City and its property must be levied to provide the revenue requirements of the budget for the ensuing year; and

WHEREAS, the City Council has approved by a separate ordinance adopted on the 17th day of September, 2009, the budget for the fiscal year beginning October 1, 2009, and ending September 30, 2010; and

WHEREAS, all statutory and constitutional requirements concerning the levying and assessing of ad valorem taxes have been complied with.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, THAT:

SECTION I

All of the above premises are found to be true and correct and are incorporated into the

body of this ordinance as if copied in their entirety.

SECTION II

The ad valorem tax appraisal roll and effective tax rate information as presented by the assessor to the City Council for the tax year 2009, be and is hereby, in all things, approved and adopted.

SECTION III

There is hereby levied and ordered to be assessed and collected for the fiscal year beginning October 1, 2009, and ending September 30, 2010, and for each fiscal year thereafter until it be otherwise provided by and ordained on all taxable property, real, personal and mixed, situated within the corporate limits of the City, and not exempt from taxation by the Constitution of the State and valid State laws, an ad valorem tax rate of \$0.6575 for the general operations of the City on each One Hundred Dollars (\$100.00) assessed value of taxable property, and shall be apportioned and distributed as follows:

- (a) For the purpose of defraying the current expenses of the municipal government of the City (a General Fund), a tax of \$0.615165 of each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City.

- (b) For the purpose of creating a Debt Service Fund to pay the interest and principal on all outstanding debts of the City, not otherwise provided for, a tax of \$0.042335 on each One Hundred Dollars (\$100.00) assessed value of all taxable property within the City.

SECTION IV

All monies collected and hereby apportioned are set apart for the specific purposes indicated herein and the funds shall be accounted for in such a manner as to readily show balances at any time.

SECTION V

All ad valorem taxes shall become due and payable on October 1, 2009, and all ad valorem taxes for the year shall become delinquent after January 31, 2010. There shall be no discount for payment of taxes prior to said January 31, 2010. A delinquent tax shall incur all penalty and interest authorized by Chapter 33 of the State Property Tax Code.

SECTION VI

Taxes are payable at the Office of the Tarrant County Tax Assessor/Collector by submitting payment to Betsy Price, County Tax-Assessor-Collector. The County shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

SECTION VII

The tax rolls, as presented to the City Council, together with any supplement thereto, be, and the same are hereby approved.

SECTION VIII

There is hereby affixed on each and every item of property a lien for the said purpose of securing the certain payment of the taxes assessed against said item or property and said lien shall continue to exist against any item of property upon which a tax is assessed hereunder and to such tax, together with all interest and all penalty, shall be paid.

SECTION IX

There is hereby levied and ordered collected an annual occupation tax of twenty-five (25) percent on the State occupational tax on each and every occupation subject to an occupational tax under the laws of the State of Texas.

SECTION X

Any and all ordinances and resolutions, rules, regulations, policies or provisions in conflict with the provisions of this Ordinance are hereby repealed and rescinded to the extent of conflict therewith.

SECTION XI

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XII

The necessity of affixing and levying municipal ad valorem taxes of the City for the next fiscal year as required by the laws of the State of Texas requires that this Ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Benbrook, Tarrant County, Texas, on this 17th day of September, 2009, at a meeting open to the public after notice thereof being given as required by law.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Date: _____

Adopted: _____

Effective: _____



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 09/17/09	REFERENCE NUMBER: G-1868	SUBJECT: First Public Hearing and Review on continuance of Minor Curfew	PAGE: 1 of 2
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HISTORY

In July 1994, the City of Benbrook enacted a curfew ordinance to restrict the hours an individual under the age of seventeen can be in a public place. The restricted hours are from 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday. State law requires a review of municipal curfew ordinances every three years to determine if the ordinance should be abolished, continued, or modified. State Law further requires a review of the ordinance's effects on the community and on problems the ordinance was intended to remedy. The Local Government Code stipulates that the City Council shall conduct public hearings on the need to continue the ordinance.

Consideration of the curfew ordinance is two phased and includes (1) the September 17, 2009 public hearing and (2) an additional public hearing followed by formal City Council consideration (at the October 1, 2009, City Council meeting). City Council last reviewed the ordinance in November 2006.

COMMUNITY EFFECTS

The Benbrook Police Department believes that the curfew ordinance has assisted the department in late night crime prevention.

Benbrook police officers have issued the following citations for curfew violations in the past three years:

- 2007 57
- 2008 54
- 2009 65

During the same period of time, minors have been arrested for committing the following number of crimes during the hours of curfew:

- 2007 17
- 2008 15
- 2009 10

Bedford, Burleson, Crowley, Euless, Everman, Forest Hill, Fort Worth, Hurst, Kennedale, North Richland Hills, Saginaw, Southlake, Watauga, and White Settlement have enacted curfew ordinances. These Tarrant County Cities are either in close proximity to or are similar in size to the City of Benbrook.

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

DATE:

09/17/09

REFERENCE
NUMBER:

SUBJECT:

Conduct Review of Minor Curfew Ordinance

PAGE:

2 of 2

Arlington, Grapevine, Keller, and Mansfield are also in close proximity or similar in size to the City of Benbrook. These cities have not enacted a curfew ordinance.

RECOMMENDATION

Staff recommends that City Council conduct a public hearing to receive public input on the curfew ordinance.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 09/17/09	REFERENCE NUMBER: G-1869	SUBJECT: Authorize Interlocal Agreement with Benbrook Water Authority for Refuse and Storm Water Billing and Payment Collection Services	PAGE: 1 of 1
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BACKGROUND

Through an Interlocal Agreement (ILA), the City of Benbrook contracts with the Benbrook Water Authority (BWA) to bill and collect residential refuse and storm water utility 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.

PROPOSED INTERLOCAL AGREEMENT

The proposed ILA establishes a reimbursement to the BWA of 49.58 cents per bill (and collection cycle). This amount is identical to last year.

In addition, the City will be accessed its proportionate share of the credit card processing fee for residents paying with credit cards. BWA processes credit card payments through a merchant services provider. The provider charges a percentage (normally between 1.5% and 3%) on each transaction based on the type of card and type of transaction. The BWA will provide the monthly summary page from the merchant services provider for verification purposes. BWA estimates the City's share of the monthly credit card processing fee at \$135/month.

The term of the proposed ILA is one year, beginning October 1, 2009 and ending September 30, 2010.

RECOMMENDATION

Staff recommends that City Council approve the Interlocal Agreement with the Benbrook Water Authority for residential refuse and storm water utility billing.

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: 09/17/09	REFERENCE NUMBER: G-1870	SUBJECT: Authorize Interlocal Agreement with Benbrook Water Authority for Street Repair Services	PAGE: 1 of 1
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BACKGROUND

When the Benbrook Water Authority (BWA) has a water or sewer line failure under a street, the BWA excavates the street and makes the line repairs. After the 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).

PROPOSED INTERLOCAL AGREEMENT

The proposed Agreement is identical to last year's Agreement and extends the term one year. The repair cost is \$8.74/square foot. Yearly adjustments normally reflect the Consumer Price Index (CPI), but this year no increase was warranted.

OPERATING IMPACT

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

RECOMMENDATION

Staff recommends that City Council approve the Interlocal Agreement for the City of Benbrook to repair street cuts for the Benbrook Water Authority.

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: 09/17/09	REFERENCE NUMBER: G-1871	SUBJECT: Authorize Interlocal Agreement with City of Fort Worth for Household Hazardous Waste Program	PAGE: 1 of 1
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Background

Fiscal Year 2008/2009 marked the 10th 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 or unwanted toxic household chemicals for proper disposal. Accepted items include paints, pool chemicals, fertilizers, pharmaceuticals, batteries, motor oil and filters, cleaning solvents, and other household chemicals.

In addition to the collection day events, citizens may also deliver items directly to the Fort Worth Environmental Collection Center year-round.

Interlocal Agreement

The City has annually entered into an Interlocal Agreement (ILA) with the City of Fort Worth to participate in the program. The current ILA expires on September 30, 2009. To continue participation, the City must approve and return the ILA to the City of Fort Worth by October 1, 2009. The ILA term is from October 1, 2009 through September 30, 2010 and the rate remains at \$47 per household disposal.

Recommendation

Staff recommends that City Council approve the Interlocal Agreement with the City of Fort Worth Environmental Collection Center for FY 2009/2010.

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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 09/17/09	REFERENCE NUMBER: G-1872	SUBJECT: Adopt Ordinance amending Chapter 1.12 of the Benbrook Municipal Code by revising Administrative Fees on Property Abatement and Gas Well Inspections	PAGE: 1 of 1
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At least annually, Staff evaluates and proposes updates to the fee schedule found in Chapter 1.12 of the Benbrook Municipal Code based on operational changes and increased costs. This year, Staff proposes the following updates:

- Gas Well Permit Fee - The gas well permit application fee is currently \$5,000. Staff recommends increasing the fee to \$6,500 to adequately cover the costs of external review and inspections.
- Annual Inspection Fee - The gas well annual inspection fee is currently \$500. Staff recommends increasing the fee to \$750 to cover the costs of annual gas well inspections.
- Abatement Fee - Staff recommends adding an administrative fee of \$200 for abating public nuisance properties. The proposed fee would only apply to properties the City subcontracts for cleanup. Many cities collect a similar fee as reimbursement for administrative costs associated with City coordinated clean-up of public nuisance property.

RECOMMENDATION

Staff recommends that City Council adopt the Ordinance amending Chapter 1.12 of the Benbrook Municipal Code by increasing the Gas Well Permit Application Fee, the Annual Inspection Fee, and by adding an Abatement Fee.

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: 09/03/2009	REFERENCE NUMBER: G-1873	SUBJECT: Adopt Ordinance amending Chapter 9.32 of the Benbrook Municipal Code to include provisions for graffiti removal	PAGE: 1 of 1
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Currently, it is a violation of the Benbrook Municipal Code for a property owner to fail to remove graffiti from property that is visible from any public property, right-of-way or private property. Prior to issuing a citation, property owners are served notice to remove the graffiti within twenty-one calendar days of the date of the notice.

Effective September 1, 2009, provisions to H.B. 2086 amend Chapter 250 of the Local Government Code by adding requirements to municipal graffiti removal ordinances.

The new State law preempts local ordinances, and requires municipal graffiti removal ordinances to include the following:

- Cities may not give notice to a property owner to remove graffiti unless the City has offered to remove the graffiti from the owner's property free of charge, and the property owner has refused the offer.
- If a property owner refuses the City's offer to remove graffiti at no charge, the City may give notice, but must require a property owner to remove graffiti on or before the 15th day after the date of the notice.
- If the property owner fails to remove the graffiti after receiving notice, the City may remove the graffiti and charge the expense of removal to the property owner.
- The property owner has the right to an administrative hearing before the City Manager to contest the charge for expenses.

Fortunately, graffiti on private property is rarely an issue in Benbrook. However, the recent change in State Law essentially places all responsibility for private property graffiti removal squarely on the City.

RECOMMENDATION

Staff recommends City Council adopt the Ordinance amending Title 9, Chapter 9.32 of the Benbrook Municipal Code.

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