



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 20, 2018**

The regular meeting of the Benbrook City Council was held on Thursday September 20, 2018 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich, Mayor
Renee Franklin
Larry Marshall
Rickie Allison
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Jim Hinderaker, Assistant City Manager
Sherri Newhouse, Finance Director
David Babcock, Police Commander
Rick Overgaard, Finance Director
Amanda Valdez, Management Analyst

Others Present:

Bill Smith
Laura Mackey
Dustin Phillips
Gabriel Rincon

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation given by Councilmember Dr. Larry Marshall.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held September 6, 2018

Motion by Dr. Marshall, seconded by Mr. Allison to approve the minutes of the regular meeting held September 6, 2018.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2018-07

Z-18-06

Adopt Ordinance rezoning a 0.526-acre lot, legally described as Lot 2, Block 6, Benbrook Estates Addition and addressed as 102 San Saba Avenue, from "B" One-Family District to "CR" Multiple-Family Restricted District (located northeast of the intersection of Benbrook Boulevard (US Highway 377) and Mercedes Street).

The applicant seeks to rezone 102 San Saba Avenue, legally described as Lot 2, Block 6, Benbrook Estates Addition, from "B" One-Family District to "CR" Multiple-Family Restricted District. If approved, the applicant plans to raze the existing single-family dwelling and construct a two-family dwelling unit structure. The new dwelling units will each have 3 bedrooms, 2 bathrooms, and an attached one-car garage.

Lot 2, Block 6 was platted as part of the Benbrook Estates Addition in 1946 and the existing single-family home was built in 1947. City Council has approved approximately 10 similar zone change requests in the surrounding area, since adoption of the Land Use Plan supporting higher density redevelopment of the area.

Two-Family dwellings require 2 parking spaces for each family dwelling unit. Required off-street parking spaces shall be a minimum of 9ft in width and 18ft in length and must be placed behind the required front yard setback lines.

This request is consistent with the city's Comprehensive Plan: The Land Use Plan designates this area for Medium Density Residential, which provides for

developments with a net density between 6.25 and 12.5 dwelling units per acre. The "CR" District is consistent with Medium Density Residential development.

The Comprehensive Plan states that the density of new residential areas should be in the same range as the average density of adjacent existing development. While there are several single-family residences nearby, the Comprehensive Plan has also designated this area to be Medium Density Residential. Over time, this area will see less single-family homes and more Medium Density Residential development.

The "CR" District allows for the construction of two-family dwelling units and is intended to be a transition zone from single family districts to higher residential density districts and/or commercial zoning districts. "CR" District zoning designation is compatible with the surrounding development and zoning districts:

Mayor Dittrich opened the public hearing at 7:35 p.m.

Gabriel Rincon spoke in opposition to the rezoning, expressing concerns for the additional parking and construction of a multi-family residence next door to his property.

With no other speakers, Mayor Dittrich closed the public hearing at 7:36 p.m.

Motion by Mr. Allison, seconded by Mr. Sauma to adopt Ordinance No. 1430 rezoning Lot 2, Block 6, Benbrook Estates Addition from "B" One-Family District to "CR" Multiple Family Restricted District.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1430 being AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF 0.526 ACRES OF LAND, LEGALLY DESCRIBED AS LOT 2, BLOCK 6, BENBROOK ESTATES ADDITION, TARRANT COUNTY, BENBROOK, TEXAS, FROM "B" ONE-FAMILY DISTRICT TO "CR" MULTIPLE-FAMILY RESTRICTED DISTRICT, AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT THE CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE;

PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

**SECTION 6
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 11
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and it is so ordained

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2370 Accept Finance Report for period ending August 31, 2018

Rick Overgaard gave the following report: General Fund revenues for the month of August were \$650,357. Property tax collections were \$50,703. Sales tax collected and recognized as revenue in August 2018 was \$244,494. Sales tax in the fourth quarter continued an upward trend compared to last fiscal year but the significant increase in August is likely due to the timing of remittance from individual businesses to the State of Texas. Total Franchise Fees for August were \$69,387, and revenue from Charges for Services were \$69,495. Additional franchise fee payments are anticipated prior to the end of the fiscal year. General Fund revenues collected through the end of August were \$17,120,777 or 90 percent of the budget.

General Fund expenditures for the month of August were \$3,229,232, which is higher than last August because of the planned transfer from General Fund reserves to other funds of \$2,000,000. Last year, transfers of \$1,370,000 were made in February 2017. Expenditures through the end of August were \$17,684,325 or 86 percent of the adopted budget.

For the 2017-18 fiscal year-to-date, total General Fund expenditures of \$17,684,325 exceeded General Fund revenues of \$17,120,777 by \$563,548. The

FY 2017/2018 budget called for a planned draw down of general fund reserves, with expenditures (including transfers) to exceed revenues by \$1,564,917. The budgeted use of General Fund Reserves is for capital projects including the animal shelter (\$1,000,000), capital asset replacement fund to save for a new fire engine (\$500,000), and capital facilities fund to begin saving for facility upgrades to the police station and city hall (\$500,000).

Debt Service revenues for the month of August totaled \$1,072,743; all revenue was from the annual transfers from other funds. There were no expenditures for August. Total revenues for 2017-18 in the amount of \$1,578,446 exceeded total expenditures of \$1,519,299 by \$59,147.

EDC revenues as of August 31, 2018, were \$ 1,154,553. Revenue was from the EDC's portion of sales tax and interest on investments. EDC expenditures through the end August were \$2,540,213, with \$1,161,729 for land acquisition. Total expenditures exceeded total revenues by \$1,385,660.

Total revenues received through August 31, 2018 were \$3,829,581 from Stormwater Utility fees, TIF income, mineral lease revenue, interest earnings, and a transfer in of \$1,500,000 from other funds in August. Total expenditures for the Capital Projects Fund were \$5,701,329 through the end of August 2018. August expenditures, in the amount of \$1,446,822, were for the following projects: Plantation West Drainage, Animal Shelter, Clear Fork Emergency Access Bridge, and transfers out of \$1,070,467 to the Debt Service fund for debt service. Total expenditures exceeded total revenues by \$1,871,748. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On August 31, 2018, the City had \$19,855,487 invested at varying interest rates; the EDC had \$4,833,749 available.

Motion by Mr. Washburn, seconded by Mr. Wilson to accept the finance report for the period ending August 31, 2018.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2371 Adopt Ordinance approving budget figures for Fiscal Year 2018-2019

Motion by Dr. Marshall, seconded by Ms. Franklin to adopt Ordinance No. 1431 approving budget figures for Fiscal Year 2018-2019.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1431 being **“AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, APPROVING BUDGET FIGURES FOR THE FISCAL YEAR 2018 THROUGH 2019; APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, 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.”**

G-2373 Adopt Ordinance fixing and levying Ad Valorem Tax for 2018

Motion by Ms. Franklin, seconded by Mr. Allison to adopt Ordinance No. 1432 fixing and levying Ad Valorem Tax for 2018.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1432 being **“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, 2018 AND ENDING SEPTEMBER 30, 2019, AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED, AT THE RATE OF \$0.6400 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, 2018, 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.”

G-2373 Ratify property tax revenue reflected in the 2018-2019 budget

Motion by Mr. Wilson, seconded by Mr. Sauma to ratify the property tax revenue reflected in the 2018-2019 budget.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

G-2374 Adopt Resolution approving a negotiated settlement between Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the 2018 Rate Review Mechanism Filings

Sherri Newhouse gave the following report: The City of Benbrook, along with 171 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members earlier this year. On or about April 1, 2018, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2017, entitled it to additional system-wide revenues of \$42.0 million. Application of the standards set forth in ACSC’s RRM Tariff required Atmos to reduce its request to \$27.4 million. After review of the consultants’ report, the Company offered to settle

for a system-wide increase of \$25.9 million. Following further negotiations, ACSC's Executive Committee agreed to recommend a system-wide rate increase of \$24.9 million. That increase when allocated to ACSC members results in an increase of \$17.8 million. The Effective Date for new rates is October 1, 2018. ACSC members should take action approving the Resolution before the end of September.

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

Motion by Dr. Marshall, seconded by Mr. Wilson to adopt Resolution 2018-07 approving negotiated settlement between Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex regarding 2018 Rate Review Mechanism.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Resolution 2018-07 being "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE

RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

B. CONTRACT

C-318 Approve contract with All City Management Services for Crossing Guard Services

David Babcock gave the following report: Historically, the police department has administered eight (8) school crossing guard positions. Over the last several years, it has become increasingly difficult to fill these positions despite constant recruiting efforts. As a result, sworn and non-sworn department personnel must cover the unfilled positions, losing hours of productivity each day.

The elevated risk associated with crossing guard duties cause Workers Compensation Insurance costs for these positions to be among the highest in the City. Outsourcing the crossing guard program improves the efficiency of the department and reduces Workers Compensation obligations.

The 2018/2019 budget allocates funding to contract with All City Management Services Inc. to provide crossing guard services at eight (8) locations for the 2018/2019 Fort Worth ISD school year. With a projected start date of October 22, 2018, the cost is approximately \$54,583.

Motion by Mr. Wilson, seconded by Mr. Allison to approve a contract with All City Management Services for crossing guard services.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.


VI. INFORMAL CITIZEN COMMENTS

VII. COUNCIL MEMBER AND STAFF COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 8:00 p.m.

APPROVED:



Jerry B. Dittrich, Mayor

ATTEST:



Joanna King, City Secretary