

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, MARCH 16, 2006
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**



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

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

I. CALL TO ORDER

**II. INVOCATION –Dr. Larry Sanders with Trinity Hills Baptist Church
PLEDGE OF ALLEGIANCE**

III. MINUTES

1. Minutes of the regular meeting held March 2, 2006

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

V. REPORTS OF CITY MANAGER

A. GENERAL

- G-1614 Comprehensive Annual Financial Report for 2004-2005
- G-1615 Financial Report for Month Ending February 28, 2006
- G-1616 Special Narcotics Investigator Funding
- G-1617 Resolution Authorizing the Execution of the Gas Standing Steering Committee Participation Agreement

VI. OTHER MATTERS OF BUSINESS

VII. INFORMAL CITIZEN COMMENTS

VIII. EXECUTIVE SESSION – Pursuant to the Texas Government Code

1. Section 551.071 – Consultation with City Attorney Regarding Settlement Offer from Charter Communications
2. Section 551-072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4020 Tara Drive
3. Section 551-072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4100 Tara Drive

IX. RECONVENE FROM EXECUTIVE SESSION – Take any necessary action

X. ADJOURNMENT

Worksession

1. Discuss Wireless Project



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MARCH 2, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, March 2, 2006 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Rickie Allison
Keith Bailey
John Vander Pan
Ron Sauma
James Schull
Larry Stowe

Also Present:

Cary Conklin, City Manager
Joanna King, City Secretary
David Gattis, Assistant City Manager
Donna Savage, Assistant to City Secretary

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Ron Rainey
Bill Smith
Tammi Cauthen
Sam Balkum
Charlie Anderson
Daniel Tully
Perry and Rita Stokes
M. B. Lee
Lydia O'Brien
Pat Dunkin
Jack Bostick
and 6 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 Todd Pylant with First Baptist Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held February 16, 2006

Motion by Mr. Vander Pan, seconded by Mr. Stowe to approve the minutes of the February 16, 2006 regular meeting as corrected.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PROCLAMATION/RECOGNITION/AWARDS

1. Employee Recognition Ron Rainey – Benbrook Economic Development Corporation – 10 Years Service

Mayor Dittrich presented Mr. Ron Rainey with a Certificate of Appreciation for his 10 years of service to the Benbrook Economic Development Corporation.

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Councilmember Ron Sauma – Consider Policy Change for Hotel/Motel Tax Funding Reimbursements

Councilmember Sauma stated he is asking City Council to consider a change in Hotel/Motel Tax reimbursements. He advised that at present there are no guidelines or restrictions once the monies are approved by City Council. Mr. Sauma reminded City Council that at the February 2, 2006 meeting he was upset over a hotel bill charged and paid in the City of Azle. He advised that Benbrook has three fine hotels in the City and if the money is coming from Benbrook hotels, folks coming in for whatever organization should stay within the City.

Motion by Mr. Sauma, seconded by Mr. Vander Pan for individuals, groups, or entities visiting the immediate Benbrook area, the following policy shall apply: The City of Benbrook will not consider Hotel/Motel Tax reimbursement requests based on hotel/motel expenses originating outside the City limits of Benbrook when adequate vacancies exist within our City.

Mr. Sauma stated this guideline would be helpful to organizations receiving Hotel/Motel Tax Funds to know the ground rules and assist them in knowing how the funds are to be spent. He advised that this guideline is not directed at any one organization. Mr. Schull offered a friendly amendment to include "subject to special needs." Mr. Sauma and Mr. Vander Pan agreed to the amendment. Discussion on the motion continued. Amendment was clarified

as “special physical needs”. Motion to read “For individuals, groups, or entities visiting the immediate Benbrook area, the following policy shall apply: The City of Benbrook will not consider Hotel/Motel Tax reimbursement requests on hotel/motel expenses originating outside the City limits of Benbrook when adequate vacancies exist within our City and capability of providing special physical needs.”

Vote on the motion:

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

Noes: None

Motion carries unanimously.

2. Resolution Calling City of Benbrook General Election and Adopt Agreement for Tarrant County Elections Administrator to Conduct a Joint Election on May 13, 2006

Joanna King gave the following report: The regular election for council members in Places 2, 4 and 6 is scheduled for Saturday, May 13, 2006.

Tarrant County Commissioner’s Court will be calling a Special Bond Election for the same date. In order to guarantee the availability of election equipment to all entities holding elections on this uniform election date, the Interim Election Administrator is requesting entities to enter into a joint election agreement.

The Advantages of the Joint Election include:

- Expanded early voting polling places. Tarrant County provides twenty-eight early voting polling places within the County. Benbrook residents would be able to vote early at any of these locations and not be restricted to voting only in the City of Benbrook.
- Election Cost. The City’s cost for the election would be \$6,453. This cost represents a twenty-five percent (25%) reduction from the cost of the May 2005 regular election.
- Voting equipment, election officials and polling places. Beginning January 1, 2006, one of the requirements of the Help America Vote Act is that at least one Direct Recording Electronic (DRE) machine be present at each polling place. This equipment is intended for use by the handicapped. Without the ability to lease the equipment from Tarrant County, the City would be required to either purchase four DRE machines or lease the equipment from another vendor. Any purchase cost would not include the programming necessary to read the ballots.
- Tarrant County will provide all necessary voting equipment, obtain all polling places, and train all election. In providing the equipment, the

necessity of leasing the equipment from another vendor or making an outright purchase would be eliminated resulting in significant savings.

Motion by Mr. Sauma, seconded by Mr. Vander Pan to adopt Resolution No. 2006-02 entering into Joint election with Tarrant County for May 13, 2006.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2006-02 being **"A RESOLUTION ESTABLISHING PROCEDURES FOR A JOINT ELECTION IN BENBROOK, TEXAS BETWEEN THE CITY OF BENBROOK AND TARRANT COUNTY."**

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

VII. REPORTS OF CITY MANAGER

A. GENERAL

G-1613 Consider Status of Plantation East Creek Project (postponed from 2-16-06)

Mr. Gattis gave the following report: This project was included in the 2004 bond program was the enlargement of the Plantation East Creek channel behind Tara Drive. The project will remove at least 20 homes from the 100-year floodplain, including one repetitive loss property. The homes are partially protected by the 1992 drainage project.

Staff has been seeking necessary drainage easements since November 2005. As on March 2, 2006, staff has 11 of the 21 drainage easements necessary to build the project.

The options available to the City Council include:

- Authorize staff to proceed with condemnation to obtain the remaining 10 easements;
- Postpone any action for another 2 weeks or a month to allow neighborhood to obtain the easements; or
- Postpone the project and reconsider the project again at a future date as part of another bond program. Unexpended funds could be used for other drainage projects.

Staff's concern with the first option is the expense of condemnation on the 10 properties would be in excess of the budget just in legal fees.

Following discussion, motion by Mr. Stowe, seconded by Mr. Schull to postpone action on the project until April 6, 2006.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

IX. INFORMAL CITIZEN PRESENTATION

Mr. Jack Bostick and Mrs. Lydia O'Brien address City Council regarding the Plantation East Creek Project.

Mrs. Pat Dunkin stated she is unaware of the outcome from a worksession regarding liability insurance for 4-PAWS and Benbrook Sister Cities, Inc. She asked that City Council schedule that worksession if it had not already taken place.

X. ADJOURNMENT

Meeting adjourned at 8:15 p.m. followed by an Open Meetings Training worksession.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/16/06	REFERENCE NUMBER: G-1614	SUBJECT: Comprehensive Annual Financial Report for 2004-2005	PAGE: 1 of 2
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Attached for City Council's information and consideration is the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2005. The Finance Department prepared the report which has been reviewed and approved by Weaver and Tidwell, L.L.P., the City's independent auditor. The Auditor's Opinion is included on pages 1 – 2 of the CAFR.

As presented in previous years, the Comptroller has prepared the CAFR, which includes the basic audit as well as other related and more detailed information. Staff anticipates the current CAFR will meet all requirements for the City to receive a Certificate of Achievement for Excellence in Financial Reporting for the twenty-second year.

REPORT CONTENT

This is the City's second report that conforms to the GASB 34 reporting requirements. It is also the second time the report was prepared for on-line distribution, and as such, will have only a few hard copies. The Introductory Section of the report will look about the same as previous years.

Financial Section

This section contains the Auditor's Opinion on pages 1 – 2, the Management Discussion and Analysis (MD&A) on pages 3 – 7, the Basic Financial Statements on pages 8 – 25, the Required Supplementary Information on pages 26 – 28, and the Combining and Individual Fund Statements on pages 29 – 37. The key to the entire report can be found in the MD&A. Most, if not all questions, can be answered in this five page summary.

Statistical Section

As in previous years, staff has prepared the Statistical Section (pages 38 – 57) containing tables reflecting social and economic data, financial trend data, and information of the City's fiscal capacity.

NEW THIS YEAR

While most of the spreadsheets look similar to previous reports, they are required to include slightly different information. However, the Statement of Net Assets (page 8) and the Statement of Activities (page 9) along with the reconciliations on pages 11 and 13 are very different.

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

DATE: 03/16/06	REFERENCE NUMBER: G-1614	SUBJECT: Comprehensive Annual Financial Report for 2004-2005	PAGE: 2 of 2
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Statement of Net Assets

One of the main themes behind the new reporting requirements was to force cities to look at the long-term financial picture. In prior years, we would have looked at Deposits & Investments. The new reporting format requires the City to list Capital Assets (buildings, roads, bridges, parks, etc) and then depreciate them. Capital Assets on page 8 total \$91.5 million, but more than \$41 million of those assets have been depreciated. The theory is that the greater the depreciation number the more critical that the government invest in the replacement of Capital Assets. Investment in Capital Assets presents the total Capital Assets less depreciation less any debt still outstanding on those assets. In other words, these assets are ours.

Statement of Activities

This statement presents the cost for each operational area less any revenue produced by that area. As you may note, no area of the City's operations pays for itself. This statement clearly demonstrates that the City could not operate without the other "General Revenues" presented on page 9.

Reconciliations

The spreadsheets on pages 10 and 12 are more traditional presentations. After each of these spreadsheets, there is a reconciliation providing direction to the two new presentations.

RECOMMENDATION

Staff recommends that City Council accept the CAFR for the fiscal year ended September 30, 2005 and authorize the staff to make payment of \$21,500 to Weaver and Tidwell, L.L.P. from account 01-21-01-5216.



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/16/06	REFERENCE NUMBER: G-1615	SUBJECT: Financial Report for Month Ending February 28, 2006	PAGE: 1 of 1
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Attached for City Council's information and consideration is the monthly financial report for February 2006.

GENERAL FUND REVENUES (Chart)

Revenues for the month of February totaled \$1,399,201. More than 70% of this amount came from Property Taxes (\$980,987). The only other significant revenues came from Sales Taxes and Other Taxes (\$164,274) and Franchise Taxes (\$110,704).

GENERAL FUND EXPENDITURES (Chart)

February expenditures totaled \$723,368. At the end of February, revenues exceeded expenditures by \$3,296,442.

EDC REPORT

EDC revenues were \$82,482 while expenditures were \$96,227. For the year, expenditures exceed revenues by \$244,574.

INVESTMENTS

Investments were \$11,248,688 at February 28, 2006. This entire amount is available immediately if needed.

RECOMMENDATION

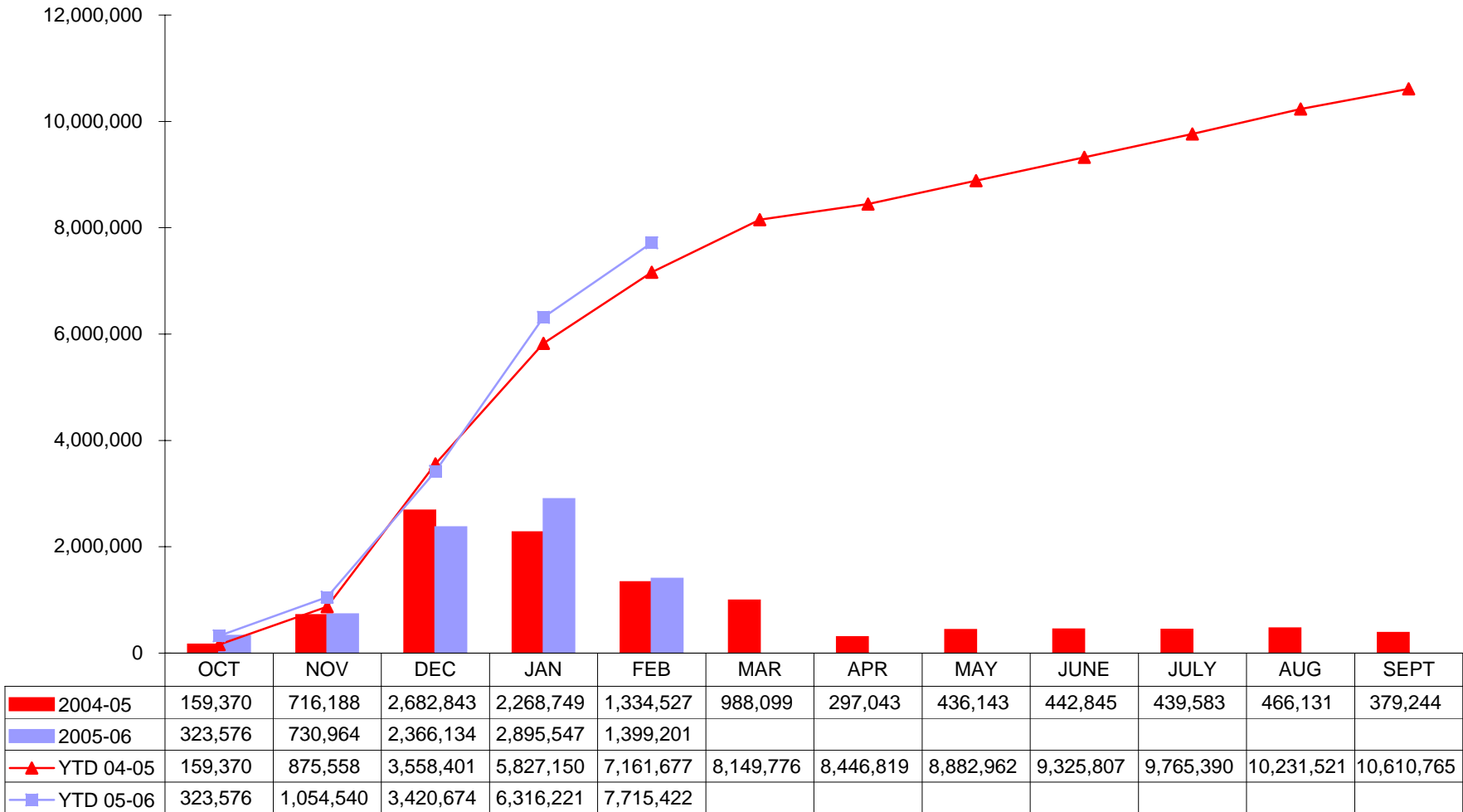
City staff recommends that City Council accept the monthly financial report for the month of February 2006.

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

CITY OF BENBROOK, TEXAS
 FINANCIAL REPORT - GENERAL FUND
 February, 2006

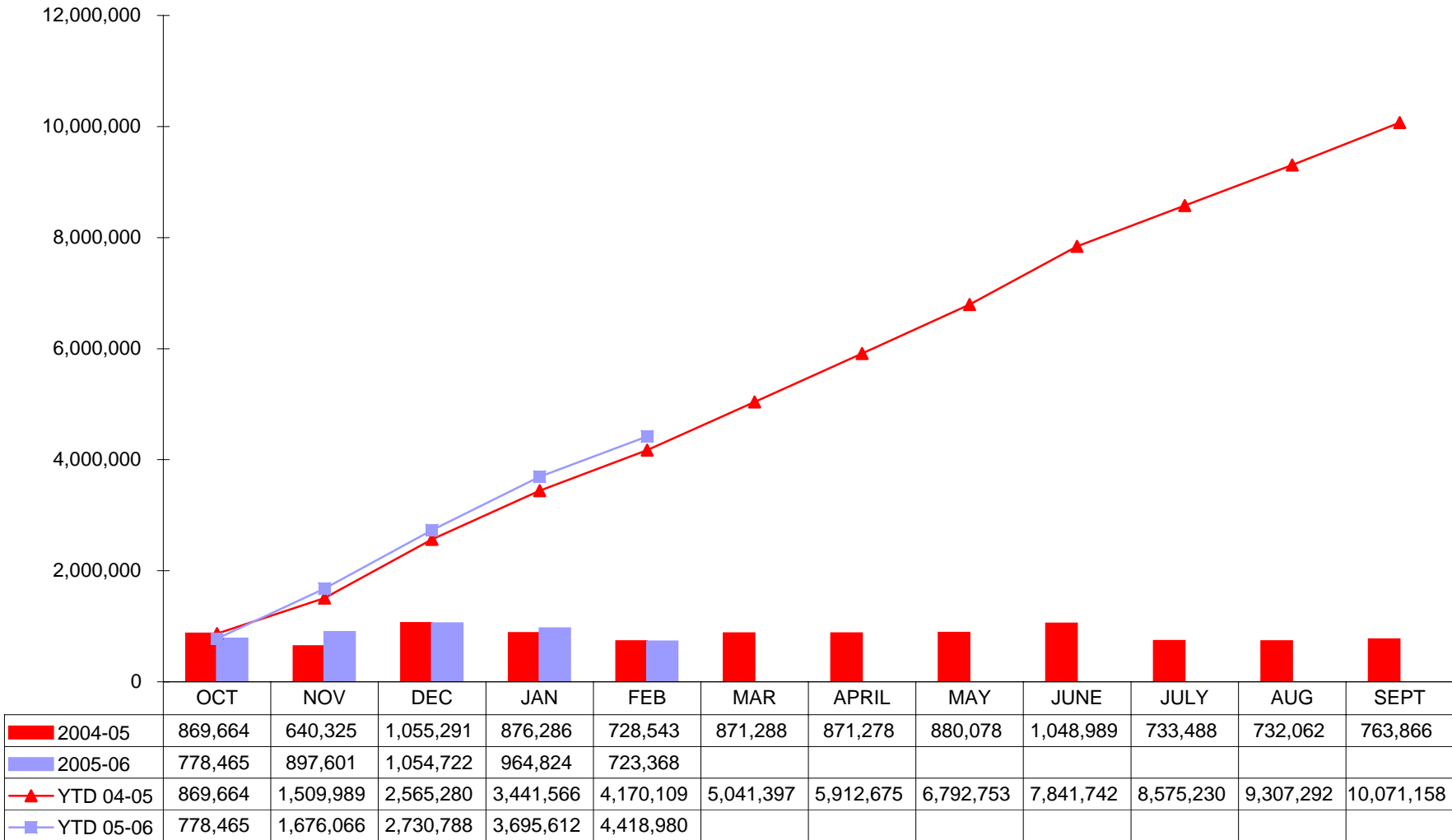
	CURRENT YEAR ANNUAL BUDGET					PRIOR YEAR COMPARISON	
	ANNUAL	CURRENT	YEAR-TO-DATE	VARIANCE	PERCENT	YEAR-TO-DATE	VARIANCE
<u>REVENUE ACCOUNTS</u>	<u>BUDGET</u>	<u>REV/EXP</u>	<u>REV/EXP</u>	<u>PLUS</u>	<u>COLLECTED</u>	<u>REV/EXP</u>	<u>PLUS</u>
				<u>(MINUS)</u>			<u>(MINUS)</u>
Ad Valorem Taxes	6,714,392	980,987	6,315,678	(398,714)	94.06%	5,873,575	442,103
Franchise Taxes	1,220,500	110,704	249,234	(971,266)	20.42%	230,442	18,792
Sales & Other Taxes	1,404,215	164,274	519,905	(884,310)	37.02%	462,177	57,728
TOTAL TAXES	9,339,107	1,255,965	7,084,817	(2,254,290)	75.86%	6,566,194	518,623
Licenses	37,300	5,587	19,422	(17,878)	52.07%	11,039	8,383
Permits & Filing Fees	361,950	33,453	122,590	(239,360)	33.87%	115,632	6,958
LICENSES PERMITS & FEES	399,250	39,040	142,012	(257,238)	35.57%	126,671	15,341
FINES & FORFEITURES	292,000	30,205	116,991	(175,009)	40.07%	99,419	17,572
USE OF MONEY & PROPERTY	154,000	13,190	71,926	(82,074)	46.71%	70,811	1,115
REV FROM OTHER AGENCIES	283,000	5,698	59,617	(223,383)	21.07%	65,717	(6,100)
Citizen Services	343,200	47,210	180,815	(162,385)	52.69%	138,926	41,889
Recreation Services	41,100	1,773	14,425	(26,675)	35.10%	27,692	(13,267)
Sale of Goods	38,350	4,430	14,955	(23,395)	39.00%	27,345	(12,390)
SERVICE CHARGES	422,650	53,413	210,195	(212,455)	49.73%	193,963	16,232
OTHER REVENUES	63,300	1,690	29,864	(33,436)	47.18%	38,902	(9,038)
TOTAL REVENUES	10,953,307	1,399,201	7,715,422	(3,237,885)	70.44%	7,161,677	553,745
<u>EXPENDITURE ACCOUNTS</u>							
City Council	24,358	4,703	11,052	13,306	45.37%	6,907	4,145
City Manager	266,377	18,736	114,229	152,148	42.88%	106,834	7,395
City Secretary	226,079	13,471	85,932	140,147	38.01%	74,827	11,105
Non-Departmental	507,850	25,926	196,742	311,108	38.74%	179,220	17,522
GENERAL GOVERNMENT	1,024,664	62,836	407,955	616,709	39.81%	367,788	40,167
Finance	347,962	18,083	137,360	210,602	39.48%	133,492	3,868
Information Services	127,875	6,021	66,177	61,698	51.75%	29,723	36,454
Personal Services	18,700	118	4,398	14,302	23.52%	5,753	(1,355)
Budget & Research	120,678	8,095	49,127	71,551	40.71%	49,294	(167)
STAFF SERVICES	615,215	32,317	257,062	358,153	41.78%	218,262	38,800
Police	4,387,758	287,924	1,824,746	2,563,012	41.59%	1,761,441	63,305
Fire & Ambulance	1,779,261	143,782	746,770	1,032,491	41.97%	689,015	57,755
Municipal Court	162,196	9,256	65,528	96,668	40.40%	63,134	2,394
PUBLIC SAFETY	6,329,215	440,962	2,637,044	3,692,171	41.66%	2,513,590	123,454
Community Services	259,271	24,262	79,513	179,758	30.67%	60,758	(18,755)
Streets	1,155,389	63,224	341,826	813,563	29.59%	337,453	(4,373)
Parks & Recreation	576,674	37,504	221,775	354,899	38.46%	199,670	(22,105)
Support Services	381,211	25,945	157,546	223,665	41.33%	150,932	(6,614)
COMMUNITY SERVICES	2,372,545	150,935	800,660	1,571,885	33.75%	748,813	(51,847)
Community Development	283,603	28,023	108,900	174,703	38.40%	100,283	(8,617)
Planning & Zoning	176,194	11,935	73,514	102,680	41.72%	70,963	(2,551)
City Inspection	298,754	18,820	120,294	178,460	40.27%	122,828	2,534
COMMUNITY DEVELOPMENT	758,551	58,778	302,708	455,843	39.91%	294,074	(8,634)
TOTAL GENERAL FUND	11,100,190	745,828	4,405,429	7,745,395	39.69%	4,142,527	141,940
EDC	0	(22,287)	12,362	(12,362)	0.00%	26,185	13,823
Library	0	(173)	1,189	(1,189)	0.00%	1,397	208
TOTAL EXPENDITURES	11,100,190	723,368	4,418,980	7,731,844	39.81%	4,170,109	155,971
ENDING BALANCE	(146,883)	675,833	3,296,442	(3,443,325)		2,991,568	397,774

Revenue Trend Comparison



2004-05 2005-06 YTD 04-05 YTD 05-06

Expenditure Trend Comparison



■ 2004-05
 ■ 2005-06
 ▲ YTD 04-05
 ■ YTD 05-06



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 03/16/06	REFERENCE NUMBER: G-1616	SUBJECT: Special Narcotics Investigator Funding	PAGE: 1 of 1
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BACKGROUND

The Benbrook Police Department has participated in the Narcotics Enforcement Program (Narcotics Task Force) with Tarrant County since 1989. Currently, the City has one grant funded officer (Special Narcotics Investigator) assigned to the Narcotics Task Force. Due to legislative changes, Benbrook was awarded individual grant funding for the program through the Federal Byrne Grant. On October 20, 2005, City Council was advised that the Byrne Grant would end on March 31, 2006. Cities that desire continued participation in the Narcotics Task Force are responsible for all funds necessary to support the position.

ALTERNATE FUNDING

The Police Department's budget includes funding for the City's matching portion of a COPS grant position. In February, the City received notification that the COPS grant is closing and COPS grant funding will not be provided. Since the COPS grant position will not be filled, staff recommends utilizing the COPS matching funds for the Special Narcotics Investigator position. The funding is sufficient for participation in the Narcotics Task Force for the remainder of the fiscal year. For FY 2006/2007, the Police Department will evaluate continued participation in the Narcotics Task Force and make a recommendation through the budget process.

RECOMMENDATION

Staff recommends that the City Council approve the deletion of the COPS grant position and allocate the funding to support the Special Narcotics Investigator position.

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: 03/16/06	REFERENCE NUMBER: G-1617	SUBJECT: Resolution Authorizing the Execution of the Gas Standing Steering Committee Participation Agreement	PAGE: 1 of 1
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BACKGROUND

Several years ago, approximately 30 cities formed the Gas Cities Steering Committee in response to a gas rate filing by Lone Star Gas Company (predecessor to TXU Gas and Atmos Energy). Over the past six years, the gas distribution systems have been consolidated, and the gas company has filed rate cases annually. With the passage of the Gas Reliability Infrastructure Program (GRIP) statute, frequent filings will likely continue. The current Steering Committee has recommended the establishment of the Gas Standing Steering Committee (GSSC), which will have a more formal organizational structure. This structure will enable a faster response to these frequent filings, and is similar to the Electric Standing Steering Committee, of which Benbrook is a member. The GSSC will have the authority to act for members with each member retaining the ability to opt out of any proposed rate case action.

FISCAL INFORMATION

An initial participation fee of five cents per capita (for a one-year period) is being assessed for legal and consulting fees for current and upcoming gas utility regulatory and rate making cases to preserve cities' regulatory authority and reduce gas costs. Benbrook's participation fee is approximately \$1,100.

RECOMMENDATION

City staff recommends approval of the proposed resolution authorizing the execution of the Gas Standing Steering Committee Participation Agreement and payment of a five-cent per capita participation fee of \$1,100 to be charged to Account # 01-15-01-5219.

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