



**MINUTES
OF THE MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
AUGUST 6, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, August 6, 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
Davis Ragsdale, Comptroller
Sherri Newhouse, Budget Director

Others Present:

Ed Gallagher, City Planner
Karen Barber, Benbrook News
Cathy Morris, Public Involvement Director
Walter Shumac, Director Public Service

Jess Jordan
Dan Tully
Kyle Carr
Bill Smith
Joan Chew
Larry Stowe
Symantha Spence
Lynette Spence
Debbie Watson
Jackie Messer
Vincent Brown
Jimmie Scruggs
Paul Brown
9 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 Toni Oliver with Tabernacle of Praise
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held July 16, 2009

Motion by Mr. Anderson, seconded by Mr. Sauma to approve the minutes of the regular meeting held July 16, 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. CITIZEN PRESENTATION

1. Vincent Brown – Code Compliance – Benbrook United Methodist Church

Mr. Vincent Brown addressed City Council on the Code violations of parking on grass at the Benbrook United Methodist Church. Mr. Brown advised his has brought this to the attention of City Staff and has been advised that the City has been in contact with the Church to regarding the violation and need to replace the existing asphalt for parking. He stated that he has also been advised that the City considers this a special situation and a citation will not be issued.

Mr. Brown stated he considers this to be selective enforcement of the City Code and requested City Council to amend the existing ordinance to allow limited parking on grass for all citizens. Mr. Brown stated that if the ordinance is not amending the City will be in violation of its' own ordinance during Harvest Fest and the Fireworks Show.

Mayor Dittrich thanked Mr. Brown of this comments and advised staff would take this into consideration.

2. Whitestone Ranch Homeowners Association – Appreciation for drainage improvements (Jimmie Scruggs presenter)

On behalf of the Whitestone Ranch Homeowners Association, Mr. Jimmie Scruggs made a presentation to City Council in appreciation of the drainage improvements made in their area.

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2009-14 Determine method to fill vacancy on Benbrook Economic Development Corporation Board of Directors

Following discussion, motion by Mr. Washburn, seconded by Mr. Allison to accept staff recommendation to delay appointment to Place 5 on Benbrook Economic Development Corporation Board of Directors until applications have been received for appointments in October, 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.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1857 Accept financial report for month of June 2009

David Ragsdale gave the following report: General Fund Revenues for the month of June were \$463,530. Total collections for \$12,449,748 now amount to 92.70% of the total budget.

General Fund Expenditures were \$1,048,520. Total expenditures through the end of June amounted to \$9,963,892 or 74.31% of the original budget. Revenues exceed expenditures by \$2,485,856.

Debt Service Fund revenues received through June 30, 2009 totaled \$960,423 or 97.55% of the budget. Total expenditures were \$798,163.

Capital Projects Fund revenues amounted to \$1,364,134, with most of this amount coming from TIF contributions and Storm Water Fees. Capital Projects expenditures were \$304,387.

Special Revenues Funds were \$365, while expenditures were \$600.00.

At June 30, 2009, the City had \$15,917,092 invested at varying interest rates.

Motion by Mr. Sauma, seconded by Mr. Anderson to accept the financial report for the month ending June 2009.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1858 Approve quarterly Hotel/Motel Bed Tax report

David Ragsdale gave the following report: Quarterly revenues for the Hotel Motel Occupancy Tax were \$35,681. Year-to-day collections amounted to \$120,124. Bed tax made up \$110,149 of that amount.

Total expenses for the quarter were \$29,453. The Marketing and Visitors Center had charges of \$19,983. VSA requested reimbursement of \$1,897 for four art classes and a public exhibition of the art work. Best Western requested reimbursement for advertising expenses of \$7,531.

Motion by Mr. Anderson, seconded by Mr. Bailey to approve the quarterly Hotel/Motel Bed Tax report for the period ending June 30, 2009.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1859 Adopt Ordinance approving negotiated Resolution between Atmos Cities Steering Committee and Atmos regarding the Atmos Rate Review Mechanism Filing

David Ragsdale gave the following report: The City is a member of the Atmos Cities Steering Committee (ACSC) coalition of more than 150 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos service area.

On March 6, 2009, Atmos Mid-Tex filed an application with the City to increase natural gas rates pursuant to the Rate Review Mechanism (RRM) tariff approved by the City as part of the settlement agreement of Atmos Mid-Tex 2007 Statement of Intent to increase rates.

The Atmos Mid-Tex March RRM filing sought a \$20.2 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. The proposed ordinance and attached RRM tariff are the result of negotiation between ACSC and Atmos to resolve issues raised by ACSC during the review and evaluation of ACSC's RRM filing. The proposed Ordinance and RRM Tariffs approved rates that will increase Atmos revenues by \$2.6 million effective for bills rendered on or after August 1, 2009. The monthly bill impact for the average residential customer will be a \$0.15 increase.

Motion by Mr. Allison, seconded by Mr. Sauma to adopt Ordinance No. 1290 approving rate tariffs and proof of revenues.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1290 being **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, (“CITY”) APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC” OR STEERING COMMITTEE”) AND ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) REGARDING THE COMPANY’S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS’ PROOF OF REVENUES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.”**

G-1860 Accept 2009 Appraisal Roll, Set Anticipated Collection Rate and Appoint Officer to calculate and publish Effective Tax Rate/Rollback Tax Rate

David Ragsdale gave the following report: Staff received the 2009 Certified Appraisal Roll from Tarrant Appraisal District (TAD) on Monday, July 27, 2009. The report “Information on 2008 – 2009 Appraisal Roll” contains State mandated information on appraised value, adjustments, exemptions, and taxable value of property in the City as of January 1, 2009.

To comply with “Truth-in-Taxation” (TNT) requirements, the City Council must accept the Certified Appraisal Roll as presented by TAD, set an anticipated collection rate for next year and appoint an officer to calculate and publish the Effective Tax Rate (ETR) and the Rollback Tax Rate (RTR).

Motion by Mr. Anderson, seconded by Mr. Washburn to accept the 2009 Certified Appraisal Roll as presented; set 100% as the anticipated property tax collection rate for 2009-10, and; appoint the Finance Director to calculate and publish the Effective Tax Rate and Rollback Tax Rate.

Vote on the Motion:

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

Noes: None

Motion carries unanimously,

VII. INFORMAL CITIZEN COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 8:10 P.M. followed by a worksession:

1. Discuss Benbrook Economic Development Corporation/City of Benbrook structural relationship
2. Discuss Benbrook Economic Development Corporation/Visitors Center relocation
3. Discuss 2009-2010 Budget

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary