



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, SEPTEMBER 4, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, September 4, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Dan Tully
Ron Sauma
Keith Bailey
Mark Washburn
Rickie Allison

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
David Ragsdale, Comptroller
Cathy Morris, Administrative Analyst
Sherri Newhouse, Budget Director

Others Present:

Lynn Dalton, Benbrook News
Ed Gallagher
Richard Schell
Bill Smith
Bob Clark
Valarie Cook
Pamela Brandenburg
Charlie Brandenburg
Luke Brandenburg
Joan Chew
Samantha Spence
Tammie Cauthen
Larry Stowe
John Vander Pan
Charlotte Vander Pan
Nancy Burgard
and approximately 10 other citizens

I. CALL TO ORDER

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

**II. INVOCATION
PLEDGE OF ALLEGIANCE**

Invocation given by Councilmember Mark Washburn.
The Pledge of Allegiance was recited.

III. MAYOR AND CITY COUNCILMEMBERS

1. Receive resignation from James Schull, Member of the Council, Place 2

Motion by Mr. Tully, seconded by Mr. Sauma to accept the resignation from James Schull, Member of the Council, Place 2.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. MINUTES

1. **Minutes of the regular meeting held August 21, 2008**

Motion by Mr. Allison, seconded by Mr. Washburn to approve the minutes of the regular meeting held August 21, 2008 as presented.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

V. PROCLAMATION, AWARDS, RECOGNITION

1. **American Planning Association Texas Chapter Planning Excellence Certificate- Richard Schell, City of Southlake**

Mr. Richard Schell appearing on behalf of the American Planning Association Texas Chapter presented the City with the 2008 Certificate of Achievement for Planning Excellence. Mr. Schell stated that Benbrook is one of only ten cities in the State of Texas to receive the 2008 award for recognizing the professional planning standards demonstrated by the cities planning staff and support of the City Council and Planning and Zoning Commission.

VI. CITIZEN PRESENTATION

1. Valerie Cook, Director Benbrook Sister Cities – Discuss reinstating link between Benbrook, Texas and Ballymoney, Northern Ireland

Valerie Cook, Director of Benbrook Sister Cities made presentation requesting the City Council to reinstate the link between Benbrook, Texas and Ballymoney, Northern Ireland.

Following discussion, motion by Mr. Washburn, seconded by Mr. Allison to reinstate the Sister Cities program for the City of Benbrook.

Vote on the Motion:

Ayes: Mayor Dittrich, Mr. Tully, Mr. Washburn

Noes: Mr. Bailey, Mr. Allison, Mr. Sauma

With the lack of a majority vote in favor of the motion, the motion failed 3-3.

VII. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2008-01 Ratify Benbrook Economic Development Corporation Budget for FY2008-2009

Motion by Mr. Tully, seconded by Mr. Sauma to schedule a work session with the Benbrook Economic Development Corporation Board to discuss their proposed budget for fiscal year 2008-2009 and reschedule item EDC-2008-01 until September 18, 2008. The worksession to be scheduled for Monday, September 15, 2008 at 5:30 p.m.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

VIII. PRESENTATION BY PLANNING AND ZONING COMMISSION

IX. REPORTS OF CITY MANAGER

G-1796 Adopt Ordinance approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp. regarding the rate review mechanism filing

Mr. Ragsdale gave the following report: Benbrook, along with 150 other cities served by Atmos Energy Mid-Tex Division, is a member of the Atmos Cities Steering Committee. On April 14, 2008, Atmos filed an application to increase natural gas rates pursuant to the Rate Review Mechanism (RRM) tariff approved by the City earlier this year.

The RRM was approved by cities as part of the settlement agreement to resolve Atmos' 2007 rate increase case. The RRM process was created collaboratively by the Steering Committee and Atmos as an alternative to the GRIP surcharge process. The RRM process allows for a more comprehensive rate review and annual adjustment that will function as a substitute for future GRIP filings during the three-year trial period specified by the tariff.

The purpose of the Ordinance is to approve rate tariffs that reflect the negotiated rate change pursuant to the RRM process. As a result of the negotiations, ACSC was able to reduce the Atmos requested \$33.5 million RRM increase by more than 35 percent. Approval of the Ordinance will result in rates that implement a \$20 million increase to Atmos' revenue effective October 1, 2008. The monthly bill impact for the average residential customer is \$0.81.

Motion by Mr. Allison, seconded by Mr. Tully to adopt Ordinance No. 1267 approving the negotiated rate settlement.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1267 being "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "THE COMPANY") REGARDING THE COMPANY'S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; 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'S 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 LEGAL COUNSEL.”

G-1797 Interlocal Agreement with City of Fort Worth for Household Hazardous Waste Program

Cathy Morris gave the following report: Fiscal Year 2007-2008 marks the 9th 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 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 also deliver these items to the Fort Worth Environmental Collection Center year-round via a voucher system coordinated through City staff.

The City has annually entered into an Interlocal agreement with the City of Fort Worth to participate in this program. The current contract expires on September 30, 2008. To continue participation in this program, the City must approve and return the annual Interlocal agreement to the City of Fort Worth by October 1, 2008. The proposed agreement is unchanged from last year, with a rate of \$47.00 per household. The new contract term is from October 1, 2008 through September 30, 2009.

Motion by Mr. Bailey, seconded by Mr. Washburn to approve the Interlocal agreement with the City of Fort Worth Environmental Collection Center to FY2008-2009 to continue participating in the Household Hazardous Waste Program.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

G-1798 Ordinance amending Chapter 10.24 of the Benbrook Municipal Code – Speed Limit on Benbrook Boulevard

Mr. Gattis gave the following report: City Council adopted an Ordinance on August 7, 2008 revising the speed limit south of Stephens Drive and other descriptions of location in Chapter 10.24.

To simplify language, staff combined 45 MPH sections of Benbrook Boulevard between Williams Road and San Saba Avenue, even though it included an 800-foot section in Fort Worth's Z. Boaz Park.

This section was included because the segment is zoned for 45 MPH anyway and the City is negotiating with Fort Worth to bring this segment into Benbrook. Benbrook's ordinances do not extend to Fort Worth. However, TxDOT objects to the inclusion and requested the Ordinance be revised.

Motion by Mr. Tully, seconded by Mr. Sauma to adopt Ordinance No. 1268 amending the descriptions of locations of the 45 MPH speed zone along Benbrook Boulevard (U.S. 377).

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1268 being **“AN ORDINANCE AMENDING CHAPTER 10.24 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REVISING THE REFERENCES TO SPEED LIMITS ON BENBROOK BOULEVARD (U.S. HIGHWAY 377) BETWEEN WILLIAMS ROAD AND SAN SABA STREET; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; 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 2
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 Five Hundred Dollars (\$500.00).

SECTION 9
EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

X. OTHER MATTERS OF BUSINESS

- 1. Public hearing on 2008 Property Tax Rate**
- 2. Public hearing on Proposed Budget for Fiscal Year 2008-2009**

Sherri Newhouse gave the following reports for the second public hearing on the 2008 Property Tax Rate and the proposed budget for Fiscal Year 2008-2009: The 2008-09 Proposed Budget is based on General Fund revenues in the amount of \$13,430,009 and Debt Service revenues in the amount of \$984,573; total Operating Fund revenues are \$14,414,582. General Fund expenditures total \$13,400,311, Debt Service Fund expenditures total \$1,039,214, and Operating Funds total \$14,439,525. The variance between revenues and expenditures for the General Fund is \$29,698. The variance between revenues and expenditures for the Debt Service Fund is a negative \$54,641. The net variance between revenues and expenditures for the Operating Funds is a negative \$24,943. The projected ending balance for the General Fund is \$6,168,670; the projected ending balance for the Debt Service Fund is \$786,686; the projected ending balance for the Operating Funds is \$6,955,356.

The 2008-09 proposed budget is based on a property tax rate of \$0.6775 per \$100 valuation. The General Fund property tax rate is \$0.60810 and the Debt Service Fund property tax rate is \$0.06940. The General Fund property tax rate proposed for 2008-09 of \$0.60810 is \$0.00903 more than the current property tax rate of \$0.59907. The Debt Service property tax rate of \$0.06940 is a decrease of \$0.02903 from the current tax rate of \$0.09843. The total proposed tax rate of \$0.6775 is \$0.0200 less than the current property tax rate of \$0.6975.

The 2008-09 Proposed Budget is predicated upon continuation of current services; no program reductions, no employee layoffs, and no service changes are reflected in the Proposed Budget. The Proposed Budget includes: step increases for eligible employees, an up-to fifteen percent increase for employee insurance costs, replacement of five Police vehicles (funding for four from the General Funds and funding for one from the Police Narcotics Fund), continuation of current fee structures, and City Staff organizational changes (Engineering Department under Public Service Director and Code Compliance assigned to Administrative Analyst).

Highlights of the 2008-09 Proposed Budget include a two cent reduction in the property tax rate from \$0.6975 to \$0.6775 (each one cent of the tax rate equals approximately \$142,134) and a three percent cost-of-living adjustment (COLA) for all full-time City employees (each one percent increase costs approximately \$81,796 for a total of \$245,389). The 2008-09 Budget also features the following enhancements and improvements for City services and operations:

- Year Four of Document Imaging Program for City Secretary
- Flu Shots for City Employees
- Improved Conditions for Server Storage
- Telephone System Upgrade

- Replacement of Intoxilyzer for Police Department
- Digital Data Sender (Scanner) for Police C. I. S.
- Promotion of two Fire Lieutenants to Rank of Captain
- Salary Adjustment for ACFSU Members of Fire Department
- Replacement of Ambulance
- Replacement of Truck for Public Works
- Replacement of Wooden Ball Field Light Poles for Parks
- Raw Water Irrigation System for Parks
- Entrance Monument for Highway 377 – North of I 20
- Replacement of City Hall Sign
- Establishment of Fuel Reserve Account
- Funds for Compensation and Classification Study
- Software for Internet Reservations and Payments for City Services
- Mary's Creek Drainage Study (with City of Fort Worth); funded through Stormwater Utility Fund
- Erosion Project at 1425 Timberline Drive – funded through Stormwater Utility Fund
- Five Mobile Video Camera Units for Patrol Cars – funded through Police Narcotics Fund

Ms. Newhouse stated the following will occur at the regular City Council meeting on September 18, 2008:

- Adoption of the 2008-2009 Budget
- Adoption of the 2008 Property Tax Rate
- Ratification of the 2008-2009 Property Tax Revenue

Mayor Dittrich opened the public hearing on the 2008 Property Tax Rate at 8:08 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 8:08 p.m.

Mayor Dittrich opened the public hearing on the proposed budget for Fiscal Year 2008-2009 at 8:09 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 8:09 p.m.

XI. INFORMAL CITIZEN COMMENTS

The following citizens spoke expressing their disappointment that City Council did not reinstate the link between the City of Benbrook and Balleymoney, Northern Ireland:

Pamela Brandenburg, Nancy Burgard, Luke Brandenburg, Samantha Spence and Tammie Cauthen.

The following citizens spoke reminding citizens of the joint worksession scheduled between the City of Benbrook and the Fort Worth ISD Board on Monday, September 8, 2008:

Samantha Spence and Tammie Cauthen.

John Vander Pan spoke on the proposed budget and the slow-down in development trends affecting the City.

XII. ADJOURNMENT

Meeting adjourned at 8:37 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary