



**MINUTES
OF THE MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY,
OCTOBER 1, 2009**

The regular meeting of the Benbrook City Council was held on Thursday, October 1, 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
James Mills, Police Chief
David Babcock, Assistant Police Chief

Others Present:

Ed Gallagher, City Planner
Karen Barber, Benbrook News
Bill Smith
Dan Tully
Jess Jordan
Robert Earley
Gary Terry

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 September 17, 2009

Motion by Mr. Allison, seconded by Mr. Sauma to accept the minutes of the regular meeting held September 17, 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. Robert Earley, President/CEO John Peter Smith Hospital – Overview of JPS Operations

Mr. Robert Earley, President and CEO of John Peter Smith Hospital gave a brief overview of the JPS operations and plans for the future. Mr. Earley encouraged City Council to contact him if they should have any concerns or questions.

V. PRESENTATION BY MAYOR AND MEMBER OF CITY COUNCIL

CC-2009-15 Nomination to Tarrant Appraisal District Board of Directors

No action taken on this item.

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1874 Second Public Hearing and adopt ordinance continuing Minor Curfew

Chief Mills gave the following report: 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 effect 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.

City Council held its first public hearing on September 17, 2009. A second public hearing is required prior to City Council consideration.

The Benbrook Police Department believes that the curfew ordinance has assisted in the department in late night crime prevention. Benbrook police officers have issued the following citations for curfew violations in the past three years.

Year	No. of Citations
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:

Year	No. of Arrests
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.

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.

Mayor Dittrich opened the public hearing at 7:44 p.m. No one spoke to the item. Mayor Dittrich closed the public hearing at 7:45 p.m.

Motion by Mr. Washburn, seconded by Mr. Sauma to adopt Ordinance No. 1296 continuing the minor curfew.

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. 1296 being **“AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS; SETTING FORTH DEFINITIONS, CREATING OFFENSES FOR MINORS, PARENTS, AND GUARDIANS OF MINORS, AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF**

JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.”

**SECTION 5
Penalty Clause**

1. A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.
2. When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Section 2(1) of this ordinance and shall refer the minor to the juvenile court.

**SECTION 12
Effective Date**

This ordinance shall take effect at midnight on October 15, 2009, after its passage and publication as required by law, and it is so ordained.

G-1875 Authorize Interlocal Agreement with City of Fort Worth for Animal Head Testing

David Babcock gave the following report: In 1999, the City of Benbrook entered into an agreement with the City of Fort Worth for processing, shipping and testing of suspected rabid animals. When services are needed, specimens are transported to the City of Fort Worth Animal Control Office for the packing and shipping of the specimen to the laboratory. The results are returned directly to the Benbrook Animal Control Officer. The annual Interlocal Agreement is written on a per case basis with no additional costs. The 2009-2010 contract fee is \$100 per animal/

Motion by Mr. Wilson, seconded by Mr. Anderson to approve the 2009-2010 Interlocal Agreement between the City of Benbrook and the City of Fort Worth for rabies control and testing.

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-1876 Consider appointment to Boards and Commissions

Joanna King gave the following report: The odd numbered positions on the City's various Boards and Commissions will expire on October 31, 2009.

The City advertised a formal notice to accept applications for Boards and Commission appointments in the Benbrook News and the Fort Worth Star Telegram. The announcement was also placed on the City Channel of Charter Communications, the City Home Page, the City's Facebook and the quarterly Newsletter.

City Council has been provided a copy of the applications received from both current members and other citizens wishing to service the City. Staff is recommending that City Council determine the process for application evaluations or made the necessary appointments to the various Boards and Commissions for a term to expire October 31, 2011.

Motion by Mr. Sauma, seconded by Mr. Wilson to set interview dates for applicants for the various Boards and Commissions for Wednesday October 7, 2009 at 7:00 p.m. and Thursday October 8, 2009 at 6:00 p.m.

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. CONTRACT

C-252 Award contract for Employee Dental Insurance

Sherri Newhouse gave the following report: Since November 2003, Metropolitan Life Insurance Company (MetLife) has provided dental insurance to City employees and their dependents. The current rates are \$22.83 per month per employee. Dependent premiums are available on a three-tier system and currently cost an additional \$51.91 for family coverage, \$26.12 for spouse coverage, and \$26.84 for children coverage; the dependent rates do not include the employee premium.

The City has an indemnity plan with MetLife that allows employees and dependents to be treated by the dentist of their choice. There is also a Preferred Dentist Program offering discounts ranging from 10% to 35%. Four Benbrook dentists participate in this program.

In August 2009, MetLife notified the City that monthly dental insurance premiums would not increase; the current premium rates for employees and dependents would remain in effect until December 1, 2010. These rates reflect no change in benefits from the current plan.

The 2009-2010 Budget includes \$34,656 for dental insurance premiums for one hundred-ten employees and \$7,172 for the subsidy for family premiums; this allocation was based on a 15% increase in rates. The total allocation for dental insurance for 2009-2010 is \$41,828.

Based upon MetLife's proposed renewal, the City's total annual cost for dental insurance for 2009-2010 is estimated to be \$36,372. The City's projected costs are approximately \$5,456 below the 2009-2010 Budget allocation for group insurance.

Motion by Mr. Anderson, seconded by Mr. Allison to renew the dental insurance with MetLife at an estimated annual cost of \$30,136 for premiums for the one-hundred-ten employees included in the 2009-2010 budget, effective November 1, 2009 and to continue the dependent subsidies at the current levels of \$6,236.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. INFORMAL CITIZEN COMMENTS

VIII. ADJOURNMENT

Meeting adjourned at 7:55 P.M.

APPROVED

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary