



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, OCTOBER 16, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, October 16, 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

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
Cathy Morris, Public Involvement Director
David Ragsdale, Comptroller

Others Present:

Lynn Dalton, Benbrook News
Ed Gallagher, City Planner
Walter Shumac, Director Public Service
Pat Taber
Ron Rainey
Bill Smith
Jim Wilson
Charlie Anderson
Peter Kau
Tammi Cauthen
Felix and Maggie Hebert
Bea Romanoff
Joel Peel
Karen Barber
Pam Brandenburg
Dennis Lindgron
Julie Wilson
Mercedes Bolin
and 3 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 Dr. Larry Sanders with Trinity Hills Baptist Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held October 2, 2008

Motion by Mr. Sauma, seconded by Mr. Washburn to approve the minutes of the regular meeting held October 2, 2008 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PROCLAMATION/RECOGNITION/AWARDS/INTRODUCTION

1. Proclamation – Susan G. Komen Race for the Cure Pink Sunday

Mayor Dittrich presented Bea Romanoff with a proclamation proclaiming October 2008 as Breast Cancer Awareness Month in the City of Benbrook and designating Sunday October 26, 2008 as Pink Sunday.

2. Chesapeake Presentation to City of Benbrook benefitting the Benbrook Community Center/YMCA

Julie Wilson, Vice President of Chesapeake Energy stated that in April 2008 Chesapeake became aware of the plans to expand the Benbrook Community Center/YMCA. During meetings with Mayor Dittrich and Andy Wayman, Chesapeake staff learned what a unique and vital role the Center plays in the community.

Ms. Wilson stated that because of the importance of the Benbrook Community Center/YMCA to the citizens Chesapeake Energy is pleased to pledge \$500,000 toward the expansion of the critical areas of the facility.

On behalf of Chesapeake Energy CEO and employees, Ms. Wilson presented Mayor Dittrich with the first installment of \$100,000 to help get started with the expansion.

Mayor Dittrich thanked Ms. Wilson and Chesapeake Energy Board for their investment to the community.

V. STAFF BRIEFING

1. Receive & Review 2008 Citizen Survey results

Mr. Raymond Turco with Raymond Turco & Associates provided City Council with an overview of the 2008 periodic Citizen Attitude Citizen Survey results. Mr. Turco stated that the survey is a scientifically accurate telephone poll examining the attitudes of city residents about city services and various initiatives under consideration. Questions focused on issues related to types of restaurants and businesses most desired by residents. Other items studied by way of question development concentrated on parks and recreation, transportation and education.

The information gathered in the report will allow council members, city staff and concerned individuals to better understand how Benbrook residents view the issues surrounding these subjects.

The survey is an attitudinal “snap-shot” of the community during the time of survey implementation and has not been influenced by either positive or negative publicity. The telephone survey included the responses of 400 individuals, which equates to an overall error rate of $\pm 5\%$, at a 95% confidence level.

VI. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2008-12 Adopt Ordinance amending the Comprehensive Zoning Ordinance No. 808, Section 27-Landscape and Buffer Requirements by readopting the subsection on plant material

Dave Gattis gave the following report: City Council adopted Ordinance No. 1271 on September 18th which amended the zoning regulations regarding tree canopy coverage in Section 27-Landscape and Buffer Requirements. Because of an error in drafting the Ordinance, it inadvertently repealed Paragraph F regarding Plant Materials. It was not the intent of the Staff or Planning and Zoning Commission to repeal that subsection.

The proposed Ordinance readopts the subsection on plant materials and renumbers the subsections on Landscape/Irrigation Plan Requirements and Maintenance. There are no substantive changes in the Ordinance.

Motion by Mr. Sauma, seconded by Mr. Tully to adopt the ordinance correcting Ordinance No. 1271 regarding plant material.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1275 being “**AN ORDINANCE AMENDING ORDINANCE NO. 808, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF BENBROOK, BY AMENDING SECTION 27-LANDSCAPE AND BUFFER REQUIREMENTS TO CORRECT AN INADVERTENT ERROR IN ORDINANCE NO. 1270; 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 4

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 of this Ordinance. Any date that a violation is permitted to exist shall constitute a separate offense.

SECTION 8

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

VII. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

EDC-2008-01 Ratify Benbrook Economic Development Budget for FY2008-09

Mr. Rainey gave the following report: On October 2, 2008, City Council voted to direct the BEDC Board of Directors to present a revised budget with the elimination of a 2% Executive Director merit raise as well as the elimination of the purchase of a new BEDC staff vehicle. The revised budget was to be prepared by October 10, 2008 for inclusion in the City Council’s October 16th meeting materials.

The BEDC Board conducted a Special Meeting on October 6 to take action toward the City Council mandated revisions. The action resulted in the elimination of plans to replace the 2004 Ford Expedition as well as the elimination of a 2% merit raise for the Executive Director. The Board made additional changes that included the removal of \$194,000 in planned Capital Outlay and the transfer of \$194,000 to Loan Principal Reduction for a 5% reduction in a loan from First Bank.

Motion by Mr. Tully, seconded by Mr. Washburn to ratify the Benbrook Economic Development budget for FY2008-09 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

EDC-2008-02 Employment Contract for Executive Director

Motion by Mr. Tully, seconded by Mr. Sauma to return the present contract that had been submitted to Council for consideration to the Benbrook Economic Development Corporation Board of Directors for revision as follows: 1. To conform to the standard terms and conditions of the City of Benbrook contract for which they obtain City Manager services; 2. for a term of one year to coincide with the Benbrook Economic Development Corporation and City of Benbrook fiscal budget years; 3. financial terms are to be in accordance with the BEDC approved budget as approved by the City Council this evening; 4. inclusion of the City of Benbrook public vehicle use policy for the Benbrook Economic Development Corporation vehicle. Upon completion of a revised contract based on the above requirements, re-present the contract to the City of Benbrook City Council for review and approval. Upon the approval of the contract by the City of Benbrook City Council, in its new revised state the Benbrook Economic Development Corporation Board should consider the contract for approval and execution. Till such time as a revised executed contract is in place the Executive Director shall continue as an employee-at-will and be compensated at the rate of pay and benefits as included in the City of Benbrook Council approved Benbrook Economic Development Corporation budget for fiscal year 2008 & 2009.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

EDC-2008-03 Financial report for year ending September 30, 2008

Mr. Rainey gave the following report: Income Revenue for FY2007/08 was \$1,082,422.13. Sales tax collections were \$846,512.08; interest earned was \$8,447.78; sign rental fees were 1,350.00; land sales were 161,314.58 and lease/note payments were \$64,797.59.

Expenses for FY2007/08 were \$1,327,101.33. Expenses included personnel expenses in the amount of \$223,768.42; supplies & materials 3,961.93; contractual services \$642,278.17; repairs and maintenance \$3,252.38; capital outlay (land) \$75,520.83; other professional services \$377,957.57 and reconciliation discrepancies \$362.03.

The total net income/expenses for FY2007/08 were (\$244,679.20).

Motion by Mr. Tully, seconded by Mr. Bailey to accept the financial report for the Benbrook Economic Development Corporation as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VIII. REPORT OF CITY MANAGER

A. GENERAL

G-1810 Financial Report for month ending September 30, 2008

David Ragsdale gave the following report: General Fund revenue totaled \$12,721,874. At year end, total collections were \$56,310 more than the amount budgeted.

General Fund expenditures were \$11,951 or 95.73% of the original budget. At September 30, 2008 revenues exceeded expenditures by \$796,923.

Debt Service revenues amounted to \$1,258,877 while expenditures were \$1,036,852.

Capital Projects Fund revenues were \$2,404,366. Total expenditures were \$1,607,581.

Investments at September 30, 2008 were \$12,219,420.

Motion by Mr. Sauma, seconded by Mr. Bailey to accept the financial report for the month ending September 30, 2008.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1811 Hotel/Motel Occupancy Tax report for period ending September 30, 2008

David Ragsdale gave the following report: Total collections for Hotel/Motel Occupancy Tax for the period ending September 30, 2008 was \$172,617. Bed tax made up \$130,862 of this amount.

The Marketing and Visitor Center had charges of \$26,166 for salaries, office items, supplies and travel/training expenses. The City also had expenses of \$8,422 for Heritage Fest 2008. The Hotel/Motel Occupancy Tax Fund ended the year with a balance of \$413,007.

Motion by Mr. Bailey, Seconded by Mr. Washburn to approve the Hotel/Motel Occupancy Tax report for the period ending September 30, 2008.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1812 Hotel/Motel Occupancy Tax allocations for F2008-09

David Ragsdale gave the following report: Each year the City solicits applications for the use of Hotel/Motel Occupancy Tax funds. This year the City received proposals from the Marketing & Visitor's Bureau, the Heritage Festival, Motel 6, Best Western, Comfort Suites, VSA and RalphCreative.

The total requests were:

<u>Organization</u>	<u>Funding Amount</u>	<u>Purpose</u>
Marketing & Visitor Bureau	\$89,160	Tourism Director & Center
Heritage Fest 08	\$3,000	2008 over runs (if any)
Heritage Fest 09	\$5,000	2009 over runs (if any)
VSA	\$4,040	Art workshop & displays
RalphCreative	\$8,675	History Video

Last year, City Council authorized the production of a Benbrook History Video by RalphCreative to be paid from Hotel/Motel Occupancy Funds. Mr. Bissey has nearly completed the project and anticipates product delivery by December 31, 2008.

Because a new fiscal year has begun, funding for the project must be reauthorized by City Council for the project to be completed. The cost of the project is unchanged, at a maximum of \$8,375. Payment is due upon completion of the project and Mr. Bissey has not been compensated for his work.

The total requested for all organizations amounted to \$109,875. After amending the VSA request, all requests meet State guidelines. If City Council approves all of the requested funding, an additional \$15,701 would be to be allocated to hotels for advertising. Based on the percent of revenue produced, the hotels would receive the following amounts:

<u>Organization</u>	<u>Funding Amount</u>	<u>Purpose</u>
Motel 6	\$7,978	Advertising
Best Western	\$7,723	Advertising

Comfort Inn & Suites made a request; however, based on the prior year's funding formula they should not receive any funds.

Motion by Mr. Sauma, seconded by Mr. Tully to approve the Hotel/Motel Tax allocations as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1813 Adopt Ordinance approving an Electric Power Contract with Cities Aggregation Power Project, Inc. for Electric Capacity and Energy

Mayor Dittrich stated this item was being removed for a worksession scheduled for 6:00 p.m. October 21, 2008 followed by a Special Council Meeting at 7:30 p.m.

G-1814 Adopt Resolution denying Oncor Electric Company's requested increase to its electric transmission and distribution rates

David Ragsdale gave the following report: Oncor Electric Delivery Company filed an application on or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. The Company asks the City to approve a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer. Oncor's request has been assigned Public Utility Commission Docket No. 35717.

The proposed resolution denies the Company's requested rate increase and requires that the Company's current rate be maintained for all customers within the City.

The action taken by the City to deny Oncor's rate increase will be appealed by the Company to the Public Utility Commission of Texas. The appeals of all individual City actions will be consolidated into the current proceeding at the PUC, Docket No. 35717. The Steering Committee is already actively involved in Docket No. 35717 and will file testimony challenging the Company's support of a rate increase. In an effort to avoid litigation if at all possible, parties to the proceeding have scheduled meetings with the Company to investigate the possibility of settlement.

Motion by Mr. Tully, seconded by Mr. Bailey to adopt the staff's recommendation to deny this as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2008- being **“A RESOLUTION OF THE CITY OF BENBROOK, TEXAS FINDING THAT ONCOR ELECTRIC COMPANY’S REQUESTED INCREASES TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY’S REASONABLY RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSES IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.”**

G-1815 Consider Partnership with North Texas Green & Go Clean Taxi Program

Cathy Morris gave the following report: North Central Texas does not meet federal air quality standards. Vehicle emissions are part of the problem. The North Texas Green & Go Clean Taxi Partnership program encourages traveling citizens to hail low-emitting “Green” Taxicabs.

High demand plus new grants equal incentives to taxicab companies, eventually replacing local fleets.

The Partnering Organizations will:

- Encourage traveling residents to use low-emitting “green” taxis when possible
- Place the program logo on relevant printed material
- Provide a link to the official program website

North Texas Green & Go Clean Taxi Program will:

- Place the City’s name on official program website
- Recognize the City as a regional partner
- Provide program logo and material
- Provide contact list of participating Taxi companies
- Share results of annual surveys

Motion by Mr. Washburn, seconded by Mr. Sauma to accept the invitation to become a partner in the North Texas Green & Go Clean Taxi Partnership.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1816 Gas Lease Agreement with XTO Energy, Inc. for mineral acquisition of 2.3598 acres in Mont Del Estates

Cathy Morris gave the following report: XTO Energy, Inc. proposes a Gas Lease for 2.3598 acres in Mont Del Park.

The lease terms are:

- Primary term of three (3) years, two (2) year option
- Lessor's royalty of twenty-five (25) percent
- No surface use clause
- Bonus payment totaling \$53,095.50

Staff recommends that the City Council authorize the Gas Lease agreement with XTO Energy, Inc. for mineral acquisition of 2.3598 acres in Mont Del Estates with proceeds to be placed in the Core Value Fund.

Motion by Mr. Tully seconded by Mr. Washburn to accept the gas lease agreement as presented by staff.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1817 Make necessary appointments to Boards and Commissions

Joanna King gave the following report: The even numbered positions on the City's various Boards and Commissions will expire on October 31, 2008.

The City advertised a formal notice to accept applications in the Benbrook News, the Fort Worth Star Telegram, the City Channel of Charter Communications, the City Home Page and the quarterly Newsletter.

City Council was provided a copy of the application received from both current members and other citizens wishing to serve the City at their October 2nd regular meeting and scheduled interviews with those applicants.

City Council conducted the interviews on October 9 and 10, 2008.

Motion by Mr. Bailey, seconded by Mr. Washburn that Ron Sauma be appointed to the vacant position in Place 2 of the Benbrook Economic Development Corporation Board of Directors effective October 17, 2008.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Motion by Mr. Bailey, seconded by Mr. Washburn that the following appointments be made to serve a two year term beginning November 1, 2008:

Planning & Zoning Commission

Place 2	Brandon O'Donald
Place 4	John Dawson
Place 6	Joseph Hughes
Place 8	Larry Marshall

Zoning Board of Adjustment/Appeals Commission

Place 2	Connie Gotcher
Place 4	William Collins
Alternate B	Sam Ousley
Alternate C	Betty Culbertson

Park & Recreation Board

Place 2	Steven Cook
Place 4	Karen Henderson
Place 6	Donna Mayes

Tax Increment Financing Board

Place 2	Dave Gattis
Place 4	Teresa Robinett

Benbrook Economic Development Corporation Board

Place 2	Ron Sauma
Place 4	Sandy Davis
Place 6	Carroll Crombie

further move that the following appointments be made to serve a one year unexpired term beginning November 1, 2008:

Zoning Board of Adjustment/Appeals Commission

Place 3	Kyle Carr
Alternate A	Renee Kimbrell
Alternate D	Lakshmi Krishnamurthy

Benbrook Economic Development Corporation Board

Place 5 Janet Powers

and to direct the City Secretary to do all things necessary in notifying the appointees and providing necessary materials for that appointment.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IX. INFORMAL CITIZEN COMMENTS

X. ADJOURNMENT

Meeting adjourned at 8:57 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary