



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JULY 17, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, June 17, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Rickie Allison
Dan Tully
Ron Sauma
Keith Bailey
Mark Washburn
James Schull (Arrived Late)

Also Present:

Andy Wayman, City Manager
Donna Savage, Assistant to City Secretary
Dave Gattis, Deputy City Manager
David Ragsdale,

Others Present:

Ed Gallagher, Planner
Walter Shumac, Community Service Director
David Wasson, BWA
Bill Smith
Boy Scouts, Troop 1140
And 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 given by Dr. Larry Sanders with Trinity Hills Baptist Church
The Pledge of Allegiance was recited.

III. CITIZEN PRESENTATION

1. Linda Elliott – Relay for Life- Presentation to City

Mr. Switlik gave the presentation on behalf of Linda Elliott. He presented the Mayor and the City with a plaque to show their appreciation for our participation Relay for Life.

IV. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2008-08 Ordinance vacating and abandoning 0.094-acre tract of land sometimes known as Sessums Place located in the C. H. Borden Survey, Abstract No. 243 (North of Old Benbrook Road and east of Benbrook Boulevard/US Highway 377)

Dave Gattis gave the following report: The 4.404-acre area is bounded by Old Benbrook Road on the south, Benbrook Boulevard/US Highway 377 on the west, the Union Pacific Railroad on the north, and Z. Boaz Park on the east, includes a narrow 15 foot by 280 foot private access strip sometimes known as “Sessums Place.” The 4.404-acre site includes approximately nine unplatted parcels in addition to the Sessums Place strip.

In 1975 the Benbrook Water Authority purchased the north 2.166 acres for a future ground storage tank and pump station to improve water service to the north Benbrook area. Ownership of the area south of the BWA site continued to include four separate owners and contained three single-family houses. The Sessums Place strip provided access to the BWA site as well as some of the other interior parcels in separate ownership. In the 1980’s the BWA constructed a one-million-gallon ground storage tank and pump station on their property.

In 2002 the Benbrook Economic Development Corporation acquired most of the south portion of the 4.4-acre site to trade to the Benbrook Water Authority for the Authority’s interest in the old City Hall/Water Authority site on Del Rio Avenue. The acquisition of the remaining property enabled the Benbrook Water Authority to plan for expansion of the pump station constructed in the 1980’s.

In 2002, acquisitions by the Benbrook Economic Development Corporation and subsequent conveyance to the Benbrook Water Authority apparently did not include the 0.094-acre strip known as Sessums Place. In preparation for future expansion of the pump facility, the Benbrook Water Authority is in the process of platting the overall 4.404-acre site.

Prior to submitting a plat for the overall 4.404-acre site, the Benbrook Water Authority is attempting to establish clear title to the 0.094-acre Sessums Place parcel. The Benbrook Water Authority is requesting that the City vacate the strip and execute a quitclaim deed for the 0.094-acre property to eliminate any interest the City may have had in the narrow strip. The City never accepted dedication of the 0.094-acre property and never claimed any interest in the property. The

vacation of the strip and execution of a quitclaim deed by the City will assist the Authority in establishing clear title to the strip.

Motion by Mr. Tully, seconded by Mr. Sauma to adopt the Ordinance 1265 vacating and abandoning any interest the City may have in the 0.094-acre strip sometimes known as Sessums Place and authorize the Mayor to execute a quitclaim deed releasing any interest in the property

Vote on Motion:

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

Noes: None

Motion carries unanimously.

Ordinance No. 1265 being **“AN ORDINANCE VACATING AND ABANDONING ANY RIGHT, TITLE OR INTEREST THAT THE CITY OF BENBROOK MIGHT HAVE IN THE UNIMPROVED 0.094 ACRE TRACT OF LAND KNOWN AS SESSUMS PLACE, LOCATED IN THE C.H. BORDEN SURVEY, ABSTRACT NO. 243, BENBROOK, TARRANT COUNTY, TEXAS; DECLARING THAT SUCH LAND IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING TO BENBROOK WATER AUTHORITY ANY RIGHT, TITLE AND INTEREST THAT THE CITY MIGHT HAVE IN SUCH LAND; AND PROVIDING AN EFFECTIVE DATE.**

V. REPORTS OF CITY MANAGER

A. GENERAL

G-1785 Financial report for the month of June 2008

David Ragsdale gave the following report: Year-to-date revenues amounted to \$11,258,810. Almost 66% of this amount came from Property Taxes (\$7,404,011). Other significant revenues were from Franchise Taxes (\$1,214,500) and Sales and Other Taxes (1,129,604). Revenues for the month of June totaled \$518,044. Current revenue collection exceeds the prior year by \$657,768.

Year-to-date expenditures amounted to \$9,321,445. June expenditures totaled \$864,006. At June 30, revenues exceed expenditures by \$1,937,365.

Debt Service collections total \$1,216,563 through June 30 while expenditures for the same period were \$1,002,600.

EDC revenues were \$628,252 with most of this amount coming from Sales Taxes. EDC expenditures amounted to \$1,094,777 through the end of June.

Capital Projects revenues for the year were \$2,090,553 at June 30. Most of this amount came from the Storm water bonds (\$1,000,000) and the storm water fees (\$623,931). Capital Projects expenditures were \$1,208,233 with most of this amount going toward the completion of the Plantation West Creek Channel.

Investments were \$13,637,402 at June 30, 2008. This entire amount is available immediately if needed.

Motion by Mr. Allison, seconded by Mr. Washburn to approve the June 2008 financial report as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1786 Hotel/Motel Tax Report

David Ragsdale gave the following report: Total collections amounted to \$105,479. Bed tax made up \$95,428 of this amount, while interest provided \$7,562 and Green Earth Day sponsorships totaled \$2,490.

The Chamber submitted an invoice for \$2,500 for rent in June. The City was also charged \$12,829 for salaries, office items, supplies, and travel and training expenses. The City had \$2,203 in expenses for Green Earth Day.

Motel 6 submitted expenses of \$4,182.50 for advertising-related expenses.

VSA submitted expenses of \$1,754.07 for three art classes.

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Councilmen Schull arrived at 7:42 p.m.

G-1787 Resolution suspending Oncor rate increase request (2008-05)

David Ragsdale gave the following report: Oncor Electric Delivery Company ("Oncor" or "the 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. (Until last year, Oncor was known as TXU Electric Delivery Company.) The Company has asked 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.

The accompanying resolution suspends the August 8, 2008 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

The City of Benbrook is a member of a 109-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when Cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 20 years.

This filing is the result of a rate investigation started by the Steering Committee in 2004. That year, 20 members of the Steering Committee exercised their original jurisdiction to investigate the transmission and distribution rates charged by TXU. The 2004 rate inquiry was justified by several factors. First, the Company's rates charged had not been fully reviewed by the PUC since the early 1990s. Second, when the PUC "unbundled" the transmission and distribution rates from generation and retail costs during the transition to deregulation in 2002, municipal accounts were grouped within the broader category of commercial services. This led to application of unfair demand ratchets and higher charges for municipal accounts like water pumping. It also led to high charges for street lighting. Third, the Company's earnings monitoring reports required by the PUC revealed that the Company was earning profits in excess of its approved rate of return for monopoly services. Finally, the Company had recently gone through massive reorganization and the hypothetical cost structures the PUC had used to justify current rates were no longer valid.

Motion by Mr. Allison, seconded by Mr. Bailey to suspend Oncor rate increase request

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution No. 2008-05 being **“A RESOLUTION OF THE CITY OF BENBROOK SUSPENDING THE AUGUST 8, 2008, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ONCOR CITIES STEERING COMMITTEE TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.**

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

IX. ADJOURNMENT

Meeting adjourned at 7:46 P.M.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary