



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, AUGUST 17, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, August 17, 2006 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Rickie Allison
Keith Bailey
John Vander Pan
Ron Sauma
James Schull
Larry Stowe

Also Present:

Cary Conklin, City Manager
Joanna King, City Secretary
Dave Gattis, Assistant City Manager
Andy Wayman, Assistant City Manager
David Ragsdale, Comptroller

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Sue Clark
Valerie Stowe
F.T. "Bear" Hebert
Robert Clark
Daniel Tully
Bill Smith
Ed Wilsberg
Rodney Dryden
Ron Rainey
Patty Bissey
Jackie Messer
Joel Peel
Larry Ellis
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 Elder Carl Robert, Sr. with Tabernacle of Praise
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held August 3, 2006

Motion by Mr. Schull, seconded by Mr. Sauma to approve the minutes of the regular meeting held August 3, 2006 as presented.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

IV. PROCLAMATION/AWARDS/RECOGNITION

1. Proclamation – National Alcohol and Drug Addiction Recovery Month

Mayor Dittrich read and presented Larry Ellis, Tarrant County Challenge, with a proclamation proclaiming the month of September 2006 as National Alcohol and Drug Addiction Recovery Month.

V. MAYOR AND CITY COUNCILMEMBER PRESENTATION

1. Councilmember Keith Bailey – Authorize Staff to begin Process for Street Name Change – Vista Way

Mr. Gattis presented the following information regarding the process for street name changes: City Council directs staff to prepare an ordinance and schedule public hearings. The hearing should be at least 30 days after initial direction.

Staff notifies all affected residents, landowners, utility companies and government offices of the intent to change the street name. A public hearing is held and the ordinance is adopted. The effective date of the ordinance should be 3 to 6 months after adoption in order to allow for stationary, checks, drivers licenses and change of address.

Upon the effective date, staff files the ordinance with Tarrant County and notifies all affected parties with a copy of the effective ordinance. The post office will forward mail for 6 months.

City Council should direct staff as to which street or park is to be remained, the proposed name, geographic limits of the name change, a date for the public hearing and a tentative effective date.

Motions by Mr. Bailey, seconded by Mr. Schull to direct staff to draft an ordinance renaming the entirety of Bluestem Drive to Veterans Parkway, schedule a public hearing, and notify all affected property owners and other affected parties of the proposed change.

Vote on the Motion:

Ayes: Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull

Noes: None

Motion carries unanimously.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1649 Financial Report for Month Ending July 31, 2006

Mr. Conklin gave the following report: General Fund revenues for the month of July totaled \$396,313. Through July, total collections were \$10,378,441 or 95% of the amount budgeted.

General Fund expenditures for July totaled \$867,809. Through July, total expenditures were \$9,061,325 or 82% of the original budget. At July 31, 2006 revenues exceeded expenditures by \$1,317,116.

July revenues for Benbrook Economic Development Corporation were \$56,391 with expenditures totaling \$55,626. Through the end of July, expenditures exceed revenues by \$446,847.

The City has investments in the amount of \$10,679,404 at July 31, 2006.

Motion by Mr. Stowe, seconded by Mr. Allison to accept the financial report for the month ending July 31, 2006 as presented.

Vote on the Motion: Mr. Allison, Mayor Dittrich, Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey

Noes: None

Motion carries unanimously.

G-1650 Adopt Ordinance Prohibiting Smoking in Public Places

Mr. Conklin gave the following report: In April 1991, City Council adopted Ordinance No. 896, which regulates smoking in public places. The ordinance allows the owner to establish all or part of a facility as non-smoking. The ordinance requires food establishments seating 25 or more patrons to establish dining areas for non-smoking. Ordinance No. 896 allows workplaces to establish any or all of the building as non-smoking.

In the past months, City Council has met in worksessions to discuss a more aggressive smoking ordinance for the City of Benbrook. From a Surgeon General released report on June 28, 2006, City Council weighed the following findings versus the rights of private citizens to smoke:

- Secondhand smoke effects more pervasive than medical community previously thought.
- Secondhand smoke is a serious health hazard.
- Secondhand smoke exposure increases risk of heart disease and cancer by 20 to 30 percent.
- Technical approaches cannot control secondhand smoke.
- Nonsmokers need protection in public and work places.

The proposed ordinance makes it unlawful to perform the following acts in a public building:

1. Smoke
2. Carry a lighted tobacco product; or
3. Light a tobacco product

Public building is any building other than a private residence.

The proposed ordinance makes it unlawful for an owner or operator of any public building to display:

1. Ashtrays
2. Smoking paraphernalia; or
3. Signs that indicate smoking is permitted.

A food establishment must post signs that say:

1. No Smoking; or
2. The international symbol depicting No Smoking.

Staff recommends that City Council determine the appropriate action for the proposed ordinance.

Motion by Mr. Allison, seconded by Mr. Schull to adopt Ordinance No.1214 prohibiting smoking in public places with the distance from any entrance or exit to

such buildings being twenty-five feet (25') and establishing an effective date as November 1, 2006.

Following discussion, vote on the Motion:

Ayes: Mayor Dittrich, Mr. Vander Pan, Mr. Schull, Mr. Bailey, Mr. Allison

Noes: Mr. Stowe and Mr. Sauma

Motion carries 5-2

Ordinance No. 1214 being **“AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 8.48 – REGULATIONS OF SMOKING OF THE BENBROOK MUNICIPAL CODE (1985) TO PROHIBIT SMOKING IN ALL PUBLIC BUILDINGS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.”**

SECTION 5

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for all violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8

This ordinance shall be in full force and effect on November 1, 2006 and it is so ordained.

G-1651 Benbrook Community Center/YMCA Expansion Study

Mr. Wayman gave the following report: In 1997, the citizens of Benbrook approved funding for construction of the Benbrook Community Center/YMCA. The project was a collaboration of the City of Benbrook, Corps of Engineers, Texas Parks and Wildlife and the YMCA of Metropolitan Fort Worth. The 32,000 square foot facility opened in May 2000.

The overwhelming positive response to the BCC/YMCA has created a problem with overcrowding. As a result, the City initiated a conceptual expansion study. The study facilitators were Hahnfeld, Hoffer, and Stanford, Inc. Input and participation was from City staff, BCC/YMCA staff, the U.S. Army Corps of Engineers, the BCC/YMCA Board of Directors, the Benbrook Parks and Recreation Board and facility users. Key recommended facility enhancements, all intended to meet current and future facility needs are:

1. Expand the fitness (equipment) area.
2. Expand the childcare area.
3. Add office space.
4. Add an outdoor water park.
5. Add a teen center.
6. Add a locker room.
7. Add an aerobic room.
8. Add an outdoor skate park.

The proposed building expansion is approximately \$13,500 square feet and would increase the “under roof” facility size to approximately 45,500 square feet.

Both the BCC/YMCA Board of Directors and the Benbrook Parks and Recreation Board has reviewed and approved the facility expansion study, subject to final action by the Benbrook City Council.

Motion by Mr. Allison, seconded by Mr. Stowe to approve the conceptual expansion study for the Benbrook Community Center/YMCA.

Vote on the Motion:

Ayes: Mr. Vander Pan, Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich

Noes: None

Motion carries unanimously.

B. CONTRACT

C-219 Approve Contract with Wellspring Insurance Agency, Inc. – Implementation of Tax Exemption with City’s Insurance Providers

Ms. Newhouse gave the following report: In August 2005, the City of Benbrook joined the North Texas Government Benefit Alliance (NTGBA) to explore the feasibility of collectively purchasing comprehensive medical benefits. The Wellspring Insurance Agency, Inc. serves as the advisor for this consortium of municipalities.

Wellspring determined that Texas insurance laws allowed exemption from premium tax to the State of Texas. Wellspring informed the City of eligibility of exemption for health, dental and life insurance.

Wellspring will provide the City with documentation to implement the tax exemption and will work with the City’s insurance providers to execute the exemptions. Wellspring will request and verify that insurance carriers provide confirmation of removal of applicable premium taxes. Wellspring’s fee for providing these services

is \$2,500. Funds are available in Non-Departmental account number 01-1501-5219.

Motion by Mr. Schull, seconded by Mr. Vander Pan to authorize the Wellspring Insurance Agency, Inc. to perform the scope of services outlined in their proposal for a cost of \$2,500.

Vote on the Motion:

Ayes: Mr. Stowe, Mr. Sauma, Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Vander Pan.

Noes: None

Motion carries unanimously.

VIII. OTHER MATTERS OF BUSINESS

Public Hearing on 2006 Property Tax Rate

Mr. Ragsdale gave the following report: Cities must hold two (2) public hearings to receive citizen input on the tax rate. The dates for the hearings are August 17 and September 7, 2006. City Council will adopt the tax rate on September 21 when the fiscal budget for 2006-2007 is adopted.

Mayor Dittrich declared the public hearing open at 8:31 p.m. No one spoke on the item. Mayor Dittrich closed the public hearing at 8:32 p.m.

IX. INFORMAL CITIZEN PRESENTATION

Mr. F.T. Hebert spoke in support of the newly adopted smoking ordinance.

Ms. Jackie Messer spoke in support of the expansion plan for the BCC/YMCA.

X. ADJOURNMENT

Meeting adjourned at 8:35 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary