



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JANUARY 18, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, January 18, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

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

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
David Ragsdale, Comptroller
Sam Horan, Police Chief

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Charles Staples
Carroll Larson
John Midgley
David O'Connell
Rick Mounce
Doug Moore
Bill Smith
Daniel Tully
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 Mr. Bill Smith.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held December 21, 2006

Motion by Mr. Allison, seconded by Mr. Sauma to approve the minutes of the regular meeting held December 21, 2006 as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

2. Minutes of the regular meeting held January 4, 2007

Motion by Mr. Stowe, seconded by Mr. Schull to approve the minutes of the regular meeting held January 4, 2007.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. PROCLAMATION, AWARDS, RECOGNITION

1. Proclamation – Nurse Anesthetist Week

Mayor Dittrich read a proclamation establishing January 21-27, 2007 as Nurse Anesthetist Week.

V. CITIZEN PRESENTATION

1. Charles Staples – Request for New Storm Drainage System inside the Corps of Engineers Property on the North Side of Winscott Road

Mr. Charles Staples, 1100 Mildred Lane spoke on behalf of residents living along Mildred Lane. Mr. Staples showed City Council a slide presentation of recent flooding to several homes along Mildred Lane. He stated the residents are requesting the City Council meet with the Corps of Engineers, the Tarrant Regional Water District to develop a storm drainage system on the Corps of Engineers property located on the North Side of Winscott Road to control the water runoff.

Mr. Gattis recommended that City Council allow City staff to evaluate the drainage situation in the area and bring back options for City Council review.

Discussion followed with consensus that City staff work with the Corps of Engineers and Tarrant Regional Water District to find a solution to the flooding.

V. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

1. Adopt Resolution Calling May 12, 2007 General Election

Joanna King gave the following report: The resolution before City Council is required by State law and the Benbrook Home Rule Charter to conduct an election for the positions of Mayor, Place 1; Member of the Council, Place 3; Member of the Council, Place 5; and Member of the Council, Place 7. The election is scheduled for May 12, 2007 and the resolution sets forth the election precinct polling places, provides for Election Judges and set the requirements for early voting both in person and by mail.

It should be noted that staff has become aware that Tarrant County may also be holding an election on May 12, 2007. Staff believes that this is a contracted election for the Fort Worth Independent School District. If that is the case, staff will be in contact with Tarrant County Elections Administrator for information in joining the election. Joint elections are a way to provide cost savings to citizens as well as limiting the number of polling places a voter may need to visit on Election day. Staff will keep City Council informed of any information received.

Motion by Mr. Vander Pan, seconded by Mr. Schull to adopt Resolution No. 2007-01 calling the May 12, 2007 General Election.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

Resolution 2007-01 being

2. Confirmation of Appointment to Police Chief

Mr. Wayman advised City Council that Police Chief Sam Horan has made the decision to retire from the City of Benbrook. When this announcement, it became necessary to make a new appointment to the position. He stated he has appointed James Mills, Assistant Police Chief with the Benbrook Police Department to fill this vacancy and asked that City Council confirm the appointment.

Motion by Mr. Allison, seconded by Mr. Stowe to confirm the appointment of Mr. James Mills as the Police Chief.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. PRESENTATION BY PLANNING AND ZONING COMMISSION

VIII. REPORTS OF CITY MANAGER

A. GENERAL

G-1677 Financial Report for Quarter Ending December 31, 2006

David Ragsdale and Joanna King gave the following report: General Fund revenues through the end of the first quarter totaled \$2,768,669 or 23% of budget. Property tax produced almost 72% of total revenues.

Revenues collected through the end of the first quarter were \$652,005 less than the amount received during the same period in the prior year. All this decrease is due to the timing of property tax receipts.

General Fund expenditures through the end of the quarter totaled \$2,867,323 or 24% of budget. No departments are over expended at this time. Expenditures exceed revenues by \$98,654.

Debt Service Fund revenues received through the end of the quarter totaled \$346,031. There were no expenditures during the quarter.

Benbrook Economic Development Corporation revenues were \$172,418, with most of this amount coming from sales tax. EDC expenditures were \$174,483 with the largest expenditures going toward salaries and interest on outstanding loans.

Capital Projects had no revenues. Capital Projects expenditures were \$150,788.

There were no Special Assessments revenues and expenditures were \$38,720. This entire amount was for refunds of escrow deposits held by the City.

At December 31, 2006, the City had \$10,350,783 invested at varying interest rates.

Motion by Mr. Stowe, seconded by Mr. Vander Pan to accept the quarterly financial report for the quarter ended December 31, 2006.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1678 Quarterly Hotel/Motel Tax Report

Joanna King gave the following report: Revenue collections for the period ending December 31, 2006 amounted to \$34,962. Bed tax made up \$33,137 of this amount and interest provided \$1,825.

The Benbrook Chamber submitted \$11,555 in expenses. Expenses included the visitor center salary of \$8,328, overhead charges of \$1,254 and event advertising of \$1,973.

VSA submitted a report without any documentation to support their expenses. Staff informed VSA of the problem and reimbursement will only be made after all supporting documentation is submitted.

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

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1679 Amendments to City Council Rules and Procedures

Joanna King gave the following report: On January 10, 2007, City Council met in worksession to discuss amendments to City Council Rules and Procedures. After receiving comments from City Council, staff made the requested changes as proposed in Administrative Regulation CC-1.

The proposed changes can be found in:

Section 4.2.1 Information Required for Citizen Presentation. Information has been added allowing the City Manager to either grant or deny the request based on information provided by the requestor. In the event a request is denied, the City Manager shall provide written notice to the requestor stating the reason for the denial.

Section 6. Citizen Presentation. The amendment limited the presentation to not more than ten minutes. However, additional time may be extended by a majority of Councilmembers.

Section 7. Enforcement of Decorum. Prior to information regarding warnings and removal, verbiage has been added to the procedures outlining what is expected of persons in attendance at City Council meetings. Those procedures state:

Persons in attendance of City Council meetings shall:

1. Respect that the City Council represents all Benbrook citizens.
2. Observe written rules of order.
3. Wait until recognized by the Presiding Officer to speak.
4. Listen with an open mind when others are speaking.
5. Address the merits of the issue.
6. Avoid personal attacks on members of City Council, City staff and others in the audience.

Motion by Mr. Sauma, seconded by Mr. Vander Pan to approve the revised City Council Rules and Procedures Administrative Regulation CC-1.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**G-1680 Public Hearing and Determination on 33rd Year
Community Development Block Grant Application**

Dave Gattis gave the following report: Benbrook has received over \$2,900,000 in Community Development Block Grant funds since 1975. The funds must be used to benefit low or moderate income residents, senior citizens or the handicapped.

The 31st year funds were used to construct sidewalks on Del Rio and San Saba. The 32nd year funds will be used to construct a larger culvert on Timber Creek at Childers. Funding is approximately \$95,000 and must result in a usable project at the end of the year.

Potential projects for the 33rd year project include:

1. Enlarge channel between Childers Avenue and Wade Hampton
2. Enlarge culvert at Wade Hampton Street
3. Enlarge culvert at Usher Street
4. Use to pay for elderly and handicapped transit services
5. Construct additional sidewalks in target area
6. Pave alley between Mercedes and Cozby North Street

City Council tentatively designated Childers channel as the 33rd Year project. However, Tarrant County now says that flood protection is not a valid objective of the CDBG program.

Staff is recommending that City Council designate construction of additional sidewalks in the target area as the 33rd Year project.

Mayor Dittrich declared the public hearing open at 8:23 p.m. No one spoke to the item. Mayor Dittrich closed the hearing at 8:24 p.m.

Motion by Mr. Stowe, seconded by Mr. Vander Pan to designate construction of additional sidewalks in the target area, pending results of staff survey, as the 33rd Year project and authorize staff to prepare application.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1681 Approve Settlement with Don Musgrove for Drainage Easement for Plantation West Creek Project

Mr. Gattis gave the following report: The Plantation West Creek project required 17 additional easements from property owners to be able to construct the drainage improvements. As of December, the City had obtained all but one of the required easements.

Condemnation proceedings were initiated against Don Musgrove, 4304 Twilight Drive South, to obtain the final easement. Mr. Musgrove had rejected our best and final offer of \$10,400, based on a property appraisal. The hearing was originally scheduled for December 7, 2006, but was postponed until January 8, 2007 at the request of Mr. Musgrove's attorney. In the week prior, Musgrove's attorney and the City Attorney began discussing a possible settlement to avoid proceeding to condemnation.

The agreement reached includes a financial offer of \$15,000 in return for the signed drainage easement and a right-of-entry agreement to allow work to continue until all the paper work is completed. Agreeing to the settlement will provide some savings to the City in court costs, attorney fees and expert witness expenses.

Staff plans to open bids on the project on January 31, 2007 with construction to start in March.

Motion by Mr. Schull, seconded by Mr. Allison to ratify the settlement agreement with Don Musgrove for the drainage easement.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IX. OTHER MATTERS OF BUSINESS

X. INFORMAL CITIZEN COMMENTS

The following citizens spoke regarding the drainage system request on Mildred Lane urging City Council to proceed with the project:

John Midgley, 1208 Mildred Lane
David O'Connell, 1204 Mildred Lane
Rick Mounce, 1206 Mildred Lane
Doug Moore, 1207 Mildred Lane

XI. ADJOURNMENT

Meeting adjourned at 8:49 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary