



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, MARCH 16, 2006**

The regular meeting of the Benbrook City Council was held on Thursday, March 16, 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
David Gattis, Assistant City Manager
Andy Wayman, Assistant City Manager
Shawna Cortez, Assistant to City Manager
David Ragsdale, Comptroller
Phyllis Wolfe, IT Coordinator
Donna Savage, Assistant to City Secretary

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Valerie Stowe
Daniel Tully
Robert Loritz
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 was given by Mr. Ryan Justice with Trinity Hills Baptist Church
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the regular meeting held March 2, 2006

Motion by Mr. Allison, seconded by Mr. Bailey to approve the minutes of the March 2, 2006 regular meeting.

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. PRESENTATION BY PLANNING AND ZONING COMMISSION

V. REPORTS OF CITY MANAGER

A. GENERAL

G-1614 Comprehensive Annual Financial Report for 2004-2005

Mr. Ragsdale gave the following report: This is the City's second report that conforms to the GASB 34 reporting requirements. This is also the second time the report was prepared for on-line distribution.

The Financial Section contains the Auditor's Opinion, the Management Discussion and Analysis, the Basic Financial Statements, the Required Supplementary Information, and the Combining and Individual Fund Statements.

The Statistical Section contains tables reflecting social and economic data, financial trend data, and information on the City's fiscal capacity.

One of the main themes behind the new reporting requirement was to force cities to look at the long-term financial picture. In prior years, we would have looked at Deposits & Investments. The new reporting format requires the City to list Capital Assets (buildings, roads, bridges, parks, etc.) and then depreciate them. Capital Assets total \$91.5 million, but more than \$41 million of those assets have been depreciated. The theory is that the greater the depreciation number the more critical that the government invest in the replacement of Capital Assets. Investment in Capital Assets presents the total Capital Assets less depreciation less any debt still outstanding on those assets.

The Statement of Activities presents the cost for each operational area less any revenue produced by that area. No area of the City's operations pays for itself. This statement clearly demonstrates that the City could not operate without the other "General Revenues".

The spreadsheets found on pages 10 and 12 of the audit are more traditional presentations. After each of these spreadsheets, there is a reconciliation providing direction to the two new presentations.

Motion by Mr. Vander Pan, seconded by Mr. Schull to accept the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2005 and authorize the staff to make payment of \$21,500 to Weaver and Tidwell, L.L.P. from account 01-21-01-5216.

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.

G-1615 Financial Report for Month Ending February 28, 2006

Mr. Conklin gave the following report: the General Fund Revenues for the month of February totaled \$1,399,201. Most of this amount came from Property Taxes. The only other significant revenues came from Sales Taxes and Other Taxes, and Franchise Taxes.

February General Fund Expenditures totaled \$723,368. At the end of February, revenues exceeded expenditures by \$3,296,442.

Economic Development Corporation revenues were \$82,482 while expenditures were \$96,227. For the year, expenditures exceed revenues by \$244,574.

The City's investments were \$11,248,688 at February 28, 2006. This entire amount is available immediately if needed.

Motion by Mr. Stowe, seconded by Mr. Sauma to accept the financial report for the month ending February 28, 2006.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1616 Special Narcotics Investigator Funding

Chief Sam Horan gave the following report: The Benbrook Police Department has participated in the Narcotics Enforcement Program with Tarrant since 1989. Currently, the City has one grant-funded officer assigned to the Narcotics Task Force. Due to legislative changes, Benbrook was awarded individual grant funding for the program through the Federal Byrne Grant. On October 20, 2005, City Council was advised that the Byrne Grant would end on March 31, 2006. Cities that desire continued participation in the Narcotics Task Force are responsible for all funds necessary to support the position.

The Police Department's budget includes funding for the City's' matching portion of a COPS grant position. In February, the city received notification that the COPS grant is closing and COPS grant funding will not be provided. Since the COPS grant position will not be filled, staff recommends utilizing the COPS matching funds for the Special Narcotics Investigator position. The funding is sufficient for participation in the Narcotics Task Force for the remainder of the fiscal year. For FY 2006/2007, the Police Department will evaluate continued participation in the Narcotics Task Force and make a recommendation through the budget process.

Following discussion, motion by Mr. Allison, seconded by Mr. Schull to approve the deletion of the COPS grant position and allocate the funding to support the Special Narcotics Investigator position.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

G-1617 Resolution Authorizing the Execution of the Gas Standing Steering Committee Participation Agreement

Shawna Cortez gave the following report: In 1996, approximately 30 cities formed the Gas Cities Steering Committee in response to a gas rate filing by Lone Star Gas Company. The gas distribution systems have been consolidated, and the gas company has filed rate cases annually. With the passage of the Gas Reliability Infrastructure Program (GRIP) statute, frequent fillings will likely continue. The current Steering Committee has recommended the establishment of the Gas Standing Steering Committee, which will have a more formal organizational structure. This structure will enable a faster response to these frequent fillings, and is similar to the Electric Standing Steering Committee, of which Benbrook is a member. The GSSC will have the authority to act for members with each member retaining the ability to opt out of any proposed rate case action.

An initial participation fee of five cents per capita is being assessed for legal and consulting fees for current and upcoming gas utility regulatory and rate-making cases to preserve cities' authority and reduce gas costs. Benbrook's participation fee is approximately \$1,100.

Motion by Mr. Stowe, seconded by Mr. Sauma to adopt Resolution No. 2006-03 authorizing execution of the Gas Standing Steering Committee Participation Agreement and payment of a five-cent per capita participation fee of \$1,100 from account 01-15-01-5219.

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.

Resolution No. 2006-03 being **“A RESOLUTION AUTHORIZING THE EXECUTION OF THE GAS STANDING COMMITTEE PARTICIPATION AGREEMENT”**

VI. OTHER MATTERS OF BUSINESS

VII. INFORMAL CITIZEN PRESENTATION

VIII. EXECUTIVE SESSION – Pursuant to the Texas Government Code

- 1. Section 551.071 – Consultation with City Attorney Regarding Settlement Offer from Charter Communications**
- 2. Section 551.072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4020 Tara Drive**
- 3. Section 551.072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4100 Tara Drive**

Mayor Dittrich recesses the regular meeting at 7:56 p.m. to conduct an Executive Session.

IX. RECONVENE FROM EXECUTIVE SESSION –Take any necessary action

Mayor Dittrich called the regular meeting back to order at 8:40 p.m.

- 1. Section 551.071 – Consultation with City Attorney Regarding Settlement Offer from Charter Communications**

Motion by Mr. Schull, seconded by Mr. Sauma to authorize the City Manager to sign the proposed Settlement Agreement with Charter Communications on behalf of the City of Benbrook.

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

2. Section 551.072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4020 Tara Drive

Motion by Mr. Vander Pan, seconded by Mr. Bailey to approve total compensation for the land and improvements at 4020 Tara Drive in the amount of \$17,543.50.

Vote on the Motion:

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

Noes: Mr. Stowe, Mr. Sauma

Motion carries 5-2.

3. Section 551.072 – Deliberation Regarding Real Property – Consider Counter Offer for Drainage Easement at 4100 Tara Drive

Motion by Mr. Schull, seconded by Mr. Sauma to accept the counter-offer from Jack Chaney at 4100 Tara Drive as presented.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

X. ADJOURNMENT

Meeting adjourned at 8:47 p.m. followed by a worksession to discuss wireless project.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary