



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JANUARY 4, 2007**

The regular meeting of the Benbrook City Council was held on Thursday, January 4, 2007 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Keith Bailey
John Vander Pan
Larry Stowe
Ron Sauma

Also Present:

Andy Wayman, City Manager
Joanna King, City Secretary
Dave Gattis, Deputy City Manager
James Mills, Assistant Police Chief

Others Present:

Dorcas Neuman, Benbrook News
Ed Gallagher
Jennifer, Colton, Kathryn and Carson Wayman
Lynda Pierce
Mike, Jana, Hanah and Sarah Taylor
Mary, Jeff, Parker and Laney Barrett
Cary and Carolyn Conklin
Leslie Harris
Phyllis Wolfe
Cathy Morris
Bill Smith
Mr. & Mrs. Harold Evetts
Daniel Tully
Jim Ekert
and 6 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. OATH OF OFFICE – NEWLY APPOINTED CITY MANAGER

The Oath of Office for newly appointed City Manager was administered to Mr. Andrew Wayman by Joanna King, City Secretary.

IV. MINUTES

1. Minutes of the regular meeting held December 7, 2006

Minutes were not available for approval.

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

VI. REPORTS OF CITY MANAGER

A. GENERAL

G-1676 Consider and Adopt Ordinance amending Chapter 9 – Public Peace, Morals and Welfare of the Benbrook Municipal Code by adding Section 9.36 – Residence Restrictions for Sex Offenders

Mr. Wayman gave the following report: The State of Texas and the Tarrant County Sheriffs Office have primary jurisdiction over registered sex offenders in Benbrook. This includes terms and conditions of probation, parole, monitoring and registration. The State has established numerous categories of sex offenders depending on age of victim, severity of offense, number of offense, etc.

Municipal statutory authority is limited. Other municipalities have prohibited registered sex offenders of minors from residing within a prescribed distance of a kid friendly place.

The proposed ordinance before City Council prohibits registered sex offenders of minors from permanently or temporarily residing within 2,000 feet of a kid friendly place. Kid friendly place is defined as:

- A public park
- A library
- A public or private school, (except trade or business schools, colleges or universities)
- A public or semi-public swimming pool
- A licensed day care center
- A studio or facility for arts or sports instruction
- A church
- A video arcade facility
- A public or non-profit recreation facility

Minors are anyone under seventeen (17) years of age. A permanent residence is a place a person lives for fourteen (14) or more consecutive days. A temporary residence is a place where a person lives a total of fourteen (14) or more days in a year of four (4) or more days in any month. If approved, the Benbrook Police Department would have primary jurisdiction over enforcement. The City would also maintain a map of restricted areas.

State Senator Jane Nelson has requested an opinion from the Attorney General to determine whether a municipality has the authority to prohibit registered sex offenders from living in certain locations. The Attorney General's opinion is expected no later than the end of February. The Attorney General could (1) invalidate the ordinances, (2) limit the scope of the ordinances, or (3) find the ordinances valid and sustain municipal authority.

City Council has two options. (1) wait until the Attorney General's opinion to take action or (2) take action now and make future amendments, if needed, based on the AG's opinion.

Staff recommends that City Council wait until the Attorney General's opinion to take formal action.

Motion by Mr. Sauma, seconded by Mr. Stowe to delay action on the proposed ordinance until the Attorney General's opinion has been filed and distributed.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VII. OTHER MATTERS OF BUSINESS

VIII. INFORMAL CITIZEN COMMENTS

Mr. Jim Ekert encouraged City Council to pursue regulations regarding registered sex offenders.

IX. EXECUTIVE SESSION – Pursuant to Texas Government Code

Section 551.072 – Deliberation Regarding Real Property

1. Consider Counter Offer for Drainage Easement at 8520 La Jolla Court

Mayor Dittrich recessed the regular meeting at 7:50 p.m. to conduct an executive session to consider a counter offer for drainage easement at 8520 La Jolla Court.

X. RECONVENE FROM EXECUTIVE SESSION

Necessary Action from Executive Session

Mayor Dittrich reconvened into regular session at 8:05 p.m. and announced that there would be no action taken from Executive Session.

XI. ADJOURNMENT

Meeting adjourned at 8:06 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary