

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JUNE 16, 2016
911 WINSCOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**

1. Review and discuss agenda items for regular meeting

**REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation To Be Given By Pastor Lonnie Huett Of Restoration Family Church

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held June 2, 2016

Documents: [CC MINUTES-06-02-16.PDF](#)

IV. INTRODUCTION OF NEW EMPLOYEES

1. Madelyn Schwartz - Accountant

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2247 Accept Finance Report For Period Ending May 31, 2016

Documents: [G-2247 FINANCE REPORT MAY 2016.PDF](#), [G-2247 REVENUE CHART.PDF](#), [G-2247 EXPENDITURE CHART.PDF](#), [G-2247 SALES TAX COMPARISON.PDF](#)

VI. STAFF REPORTS

1. Report On Petition Circulation Regarding The Legal Sale Of Beer And Wine Within The City Limits Of Benbrook

Documents: [STAFF REPORT - LOCAL OPTION ELECTION PETITION.PDF](#)

VII. INFORMAL CITIZEN COMMENTS

State Law Prohibits Any Deliberation Of Or Decisions Regarding Items Presented In Informal Citizen Comments. City Council May Only Make A Statement Of Specific Factual Information Given In Response To The Inquiry; Recite An Existing Policy; Or Request Staff Place The Item On An Agenda For A Subsequent Meeting. The Exception To Informal Comments Is That Once An Election Date Has Been Set By City Council Comments Relative To Elections Will Not Be Broadcast On The City's Cable Channel. However, A Copy Of The Tape Containing Citizens' Comments Will Be Available At City Hall For Review

Or Purchase By Interested Citizens

VIII. COUNCIL MEMBER AND STAFF COMMENTS

Announcements From City Councilmembers And City Staff May Be Made For Items To Include: Expression Of Thanks; Congratulations; Condolence; Recognition Of Public Officials, Employees Or Citizens; Information Regarding Holiday Schedules; Reminders Of Community Events Or Announcements Involving An Imminent Threat To The Public Health And Safety Of The Municipality That Has Arisen After The Posing Of The Agenda. No Discussion Or Formal Action May Be Taken On These Items At This Meeting.

IX. ADJOURNMENT



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 2, 2016**

The regular meeting of the Benbrook City Council was held on Thursday June 2, 2016 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Renee Franklin
Larry Marshall
Rickie Allison
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Dave Gattis, Deputy City Manager
Joanna King, City Secretary
Bennett Howell, Public Service Director

Others Present:

Ed Gallagher, Planning Director
Bill Smith
Denise Huneycutt, Benbrook News
Stephen Mayfield
Roy Davis
Sue Reeves
Viviano Ayala
And 4 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 Marty Garza with Capstone Church.
The Pledge of Allegiance was recited.

III. MINUTES

1. Minutes of the Regular Meeting held May 19, 2016

Motion by Mr. Washburn, seconded by Mr. Allison to approve the minutes of the regular meeting held May 19, 2016.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn

Noes: None

Abstain: Mr. Sauma

Motion carries 6-0-1.

IV. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2016-03 Accept resignation from Tony Rutigliano, Place 4 Tax Increment Financing Board and determine method to fill vacancy

Motion by Dr. Marshall, seconded by Mr. Wilson to accept the resignation from Tony Rutigliano, Place 4 Tax Increment Financing Board and delay the appointment to the unexpired term until the normal process for board appointments.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2246 Approve Oncor Settlement and Release Agreement for the City's street light system

Bennett Howell gave the following report: In August 2015, Oncor Electric Delivery Company LLC (Oncor) completed an audit of Benbrook's street light system. A similar audit was also conducted for municipalities across Oncor's service area. The audit is likely in preparation of Oncor's upcoming sale.

The audit found minor wattage and billing errors for a handful of street lights in Benbrook's system. As a result of the audit, Benbrook is due a refund from

Oncor. The Settlement and Release Agreement memorializes this refund and is a one-time payment of \$28,742.40.

The City Attorney negotiated the Settlement and Release Agreement on behalf of multiple clients (including Benbrook) in the Oncor service area.

Motion by Mr. Allison, seconded by Dr. Marshall to approve the Oncor Settlement and Release Agreement and authorize the City Manager to sign the agreement.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously.

VI. INFORMAL CITIZEN COMMENTS

Stephen Mayfield, Roy Davis, Sue Reeves and Viviano Ayala expressed their concerns regarding the apartment development on Boston Avenue.

VII. COUNCIL MEMBER AND STAFF COMMENTS

Mr. Sauma publicly thanked Betty Headley, Vice-President of the American Legion Post 297 for the Certificate of Appreciation that was presented to him during his absence at the May 19, 2016 meeting. Mr. Sauma expressed his appreciation to Ms. Headley and other members of the auxiliary for the service they too provide the V.A. Hospital and to our veterans.

VIII. ADJOURNMENT

Meeting adjourned at 7:55 p.m. followed by a worksession on an update on Benbrook Economic Development Corporation Projects and Strategiesd

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

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GENERAL FUND

General Fund revenues for the month of May were \$835,589. Property tax collections were \$45,431. Sales tax collected in April but received by the City and recognized as revenue in May was \$222,661 for the month. A separate summary of sales tax revenue collections is provided for informational purposes. General Fund revenues collected through the end of May were \$14,368,677 or 86.23 percent of the budget.

General Fund expenditures for the month of May were \$1,092,172. Expenditures through the end of May were \$10,541,628 or 60.26 percent of the adopted budget.

For the 2015-16 fiscal year-to-date, total General Fund revenues of \$14,368,677 exceeded General Fund expenditures of \$10,541,628 by \$3,827,049.

DEBT SERVICE

Debt Service revenues collected for the month of May totaled \$1,582; all revenue was from property taxes. There were no Debt Service expenditures for May. Total revenues for 2015-16 in the amount of \$396,169 were exceeded total expenditures of \$1,384,463 by \$988,294.

EDC

EDC revenues as of May 31, 2016 were \$566,878. Sales tax revenue received by the EDC for the fiscal year was \$541,456. Interest earnings, leases, and sign rentals for the year were \$25,422. EDC expenditures for May were \$42,914. Revenues for the year in the amount of \$566,878 exceeded total expenditures of \$400,483 by \$166,395.

CAPITAL PROJECTS

Total revenues received through May 31, 2016 for the Capital Projects Fund were \$1,622,649. Total expenditures for the Capital Projects Fund in May 2016 were \$594,193. Engineering services totaled \$37,064. Utility relocation costs for the Benbrook Boulevard Project were \$343,849. Expenses for the BBT Crossing Project were \$213,280. For the 2015-16 fiscal year, total revenues of \$1,622,649 exceeded total expenditures of \$728,503 by \$894,146.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY:
		CITY SECRETARY
CITY MANAGER		DATE:

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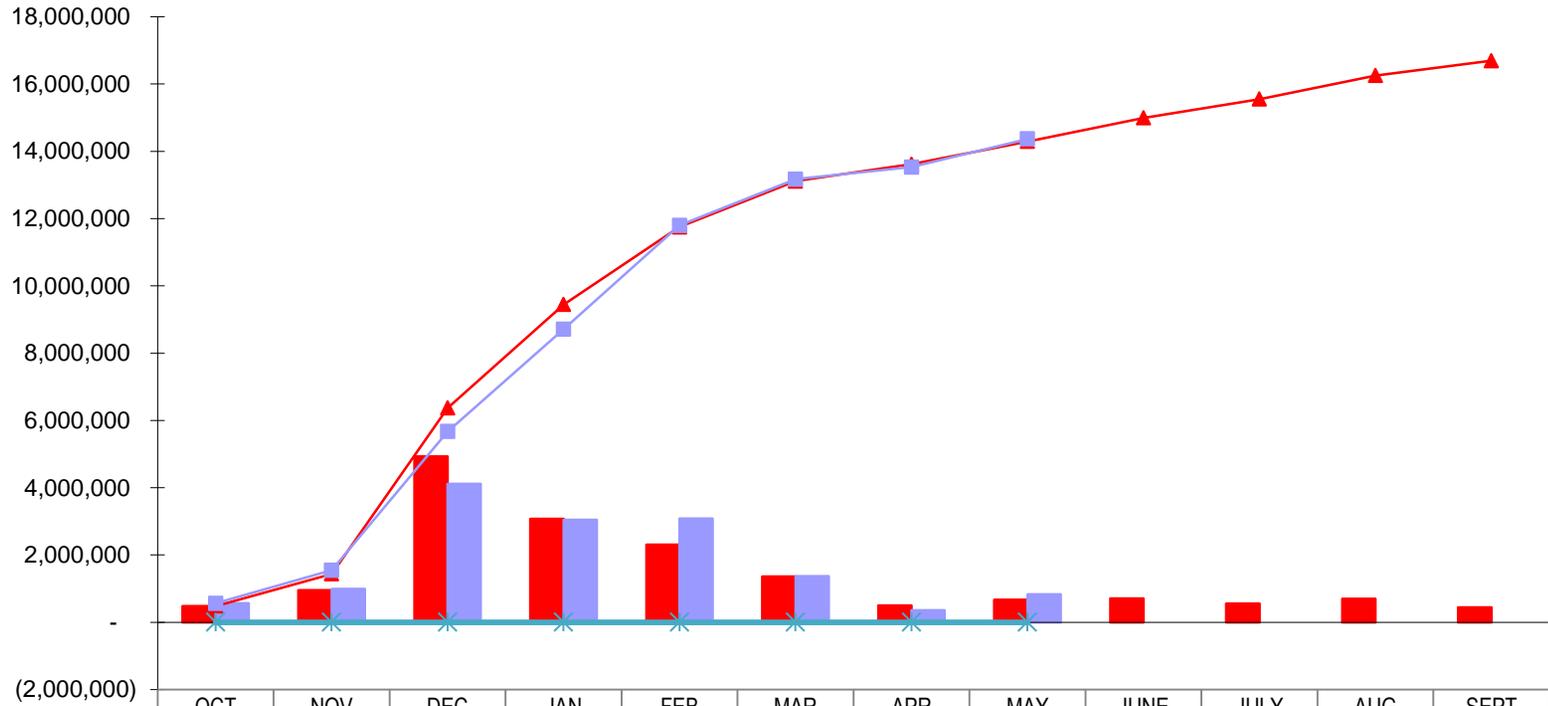
CASH & INVESTMENTS

On May 31, 2016, the City had \$25,692,762 invested at varying interest rates; the EDC had \$6,252,077 available.

RECOMMENDATION

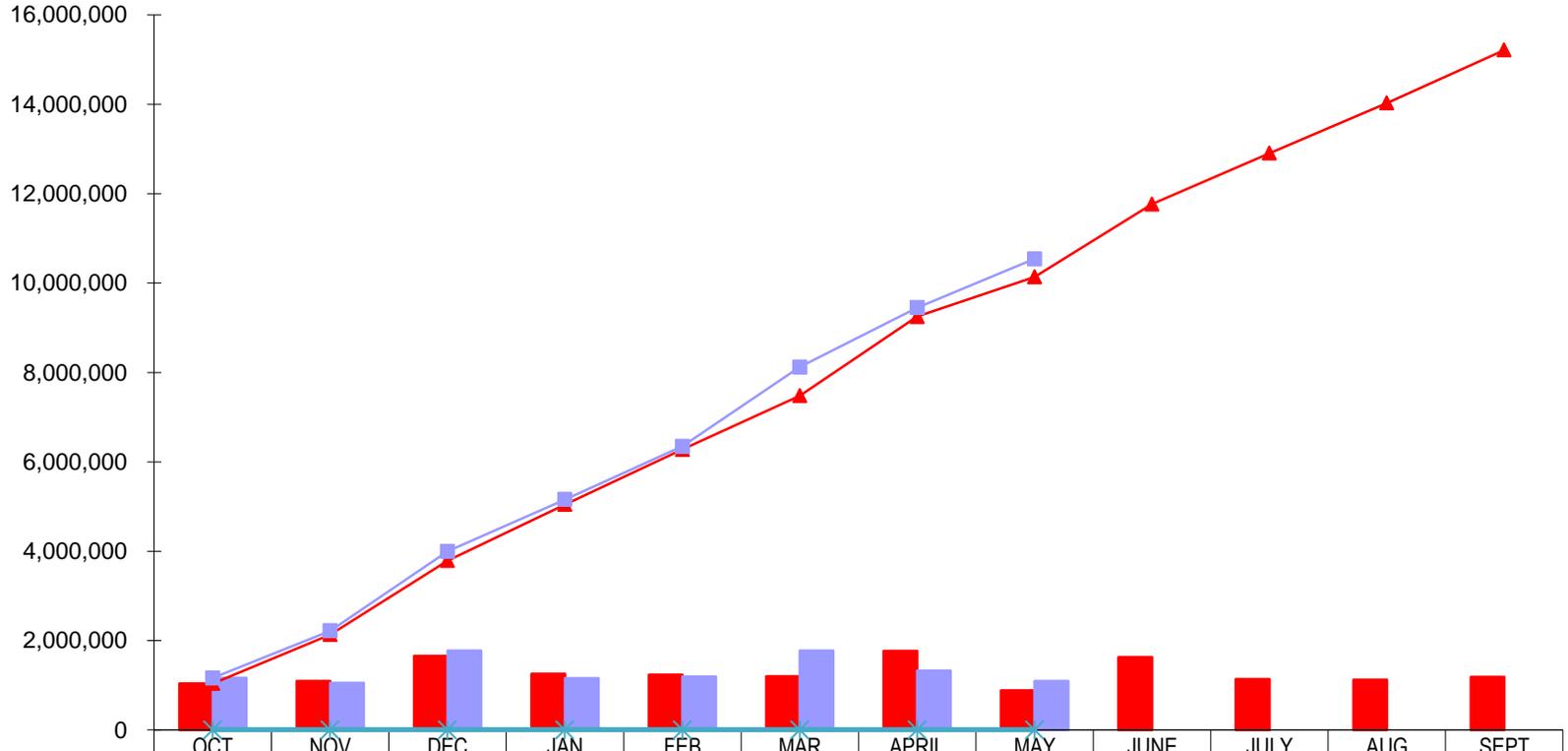
Staff recommends that City Council accept the finance report for the period ending May 31, 2016.

Revenue Trend Comparison



	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
■ 2014-15	484,634	955,402	4,929,898	3,078,804	2,304,726	1,362,198	502,176	673,698	703,244	558,506	699,887	438,979
■ 2015-16	562,313	987,115	4,118,735	3,044,455	3,086,948	1,374,372	359,149	835,589				
▲ YTD 14-15	484,634	1,440,036	6,369,934	9,448,738	11,753,464	13,115,662	13,617,838	14,291,536	14,994,780	15,553,286	16,253,173	16,692,152
■ YTD 15-16	562,313	1,549,428	5,668,163	8,712,618	11,799,566	13,173,939	13,533,088	14,368,677				
* % Increase 14-15 to 15-16	16.0%	7.6%	-11.0%	-7.8%	0.4%	0.4%	-0.6%	0.5%				

Expenditure Trend Comparison



	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT
■ 2014-15	1,041,570	1,091,832	1,656,040	1,254,598	1,233,716	1,202,501	1,771,545	885,387	1,631,225	1,140,779	1,121,353	1,185,105
■ 2015-16	1,165,220	1,053,458	1,776,743	1,161,320	1,190,850	1,772,755	1,329,110	1,092,172				
▲ YTD 14-15	1,041,570	2,133,402	3,789,442	5,044,039	6,277,755	7,480,256	9,251,801	10,137,188	11,768,413	12,909,192	14,030,545	15,215,650
■ YTD 15-16	1,165,220	2,218,678	3,995,421	5,156,741	6,347,591	8,120,346	9,449,456	10,541,628				
✳ % Change 2014-15 to 2015-16	11.87%	4.00%	5.44%	2.23%	1.11%	8.56%	2.14%	3.99%				

MEMO TO: Mayor and Members of City Council
FROM: Joanna King, City Secretary
SUBJECT: Petition Circulation on Local Option Liquor Election
DATE: June 16, 2016



State law currently allows the following sales of alcoholic beverages within the City of Benbrook:

1. The legal sale of beer and wine for off-premise consumption only, and
2. The legal sale of mixed beverages (including beer and wine) in restaurants by food and beverage certificate holders only.

Food and Beverage Certificate holders must have food service facilities for the preparation and service of multiple entrees and must maintain food service as the primary business on the premises. A permittee is not primarily operating as a food service establishment if alcohol sales are in excess of 50 percent of the gross receipts of the premises.

PROCEDURE TO CHANGE PERMITTED ALCOHOL BEVERAGE SALES

In order to legalize or prohibit the sale of a given type or classification of alcoholic beverages within the City, the registered voters of the City must petition City Council to determine if the question should be placed on an election ballot for a Local Option Liquor Election.

PETITION APPLICATION REQUIREMENTS

Before a petition can be issued to gather signatures, the petitioners must first apply for the petition and provide proof of publication in a newspaper of general circulation in the City.

The application must be made in writing by ten or more qualified voters of the City.

The Notice of Publication must include:

1. The individual or entity that is applying for the petition to gather signatures for a local option election;
2. The type of local option liquor election;
3. The name of the territory in which the petition will be circulated; and
4. The name of the person and office in which the application will be filed.



PETITION REQUIREMENTS

After the application has been approved (by the City Secretary), the City Secretary provides blank petition pages to the petitioners. The City Secretary also notifies the Secretary of State and the Texas Alcoholic Beverage Commission of the issuance of the petition to gather signatures.

Each page of the petition must contain:

1. The heading and statement;
2. The type of liquor election;
3. Serially numbered
4. Actual seal of the City
5. The date the petition is issued to the petitioners

REQUIRED NUMBER OF SIGNATURES NEEDED FOR VALID PETITION

The number of required signatures depends on the category of local option liquor election that the petitioner is seeking.

For a petition for “The Legal Sale of Beer and Wine” the petition requires 35 percent of the registered voters in the City who voted for governor in the most recent gubernatorial election as indicated by the official returns for that election.

RECENT ISSUANCE OF A PETITION FOR LOCAL OPTION LIQUOR ELECTION

On May 4, 2016, the City Secretary received an Application for Petition of the Alcoholic Beverage Code from Mr. Eric Addison to petition for the “Legal sale of beer and wine”. The petition would allow the sale of beer and wine for onsite consumption without the requirement for food service facilities for the preparation and service of multiple entrees or that the business is primarily operating as a food service establishment. The application contained the required number of qualified voters to apply for the petition along with the proof of publication which was placed in a local newspaper of general circulation.

On May 5, 2016, the City Secretary did provide petition pages, serial number 0001 – 000240 for THE LEGAL SALE OF BEER AND WINE to Mr. Addison, the petitioner. Mr. Addison was notified that the number of Benbrook voters who voted in the last Gubernatorial Election as reported by the Tarrant County Elections Department Division was 6,685. The number of signatures of qualified voters required for this petition is 2,340.

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Mr. Addison was also notified that the petition must be filed no later than 60 days after it was issued. The 60th day after issuance of this petition will be July 5, 2016.



PROCEDURE FOLLOWING RETURN OF PETITION

Once the petition is filed with the City Secretary, the signatures will be verified to determine if there is sufficient number of signatures of Benbrook registered voters. If the petition contains the number of valid signatures, the City Secretary will certify those findings to the City Council for an election to be called for November 8, 2016 for the legal sale of beer and wine within the City of Benbrook.

If the petition does not contain the required number of signatures of Benbrook registered voters, the City Secretary will certify that finding to the City Council with no other action to be taken.

If the petition is not returned by the deadline, the City Secretary will notify the Secretary of State and TABC of the failure to return the petition.

EFFECT OF CHANGE IF ELECTION FAVORABLE TO QUESTION

If an election is called on the petition question for a Local Option Liquor Election, the issue on the ballot will be the same as the issue applied for and set out in the petition.

If the ballot issue receives an affirmative majority of the election votes, the TABC will be notified of the change in the category of alcohol sales in Benbrook regarding the legal sale of beer and wine. The change would include the permitted sale of beer and wine for both off-premises and on-premises.

If the ballot issue does not receive an affirmative majority of the election votes, there will be no change in the current categories.

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