

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY JULY 7, 2016
911 WINSOTT 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 Todd Pylant Of First Baptist Church Of Benbrook

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held June 16, 2016

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

IV. REPORTS FROM CITY MANAGER

A. GENERAL

G-2248 Adopt Resolution Authorizing Continued Participation Atmos Cities Steering Committee

Documents: [G-2248 ATMOS STEERING COMMITTEE PARTICIPATION.PDF](#), [G-2248 RESOLUTION ATMOS STEERING COMMITTEE.PDF](#)

G-2249 Adopt Resolution Amending Banking Officers For BBVA/Compass Bank

Documents: [G-2249 ADOPT RESOLUTION BBVA COMPASS SIGNATURES.PDF](#)

G-2250 Adopt Resolutions Amending Authorized Representatives For TexPool And TexStar Investment Pools

Documents: [G-2250 ADOPT RESOLUTION TEXPOOL AND TEXSTAR REP.PDF](#)

V. INFORMAL CITIZEN COMMENTS

VI. COUNCIL MEMBER AND STAFF COMMENTS

VII. ADJOURNMENT

WORKSESSION

1. Discuss Budget for FY 2016-2017



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, JUNE 16, 2016**

The regular meeting of the Benbrook City Council was held on Thursday June 16, 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
Joanna King, City Secretary
Sherri Newhouse, Finance Director

Others Present:

Madelyn Schwartz, Accounting Supervisor
Nic Schwartz
Bill Smith
Yamil Berard, Benbrook News

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation given by Pastor Lonnie Huett of Restoration Family Church.
The Pledge of Allegiance was recited.

III. MINUTES

1. Approve Minutes of the Regular Meeting held June 2, 2016

Motion by Dr. Marshall, seconded by Mr. Allison to approve the minutes of the regular meeting held June 2, 2016.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

IV. INTRODUCTION OF NEW EMPLOYEE

1. Madelyn Schwartz – Accounting Supervisor

Sherri Newhouse introduced Madelyn Schwartz, Accounting Supervisor to City Council.

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2247 Accept finance report for period ending May 31, 2016

Sherri Newhouse gave the following report: 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. 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 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 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.

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.

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

Motion by Ms. Franklin, seconded by Mr. Washburn to accept the finance report for the period ending May 31, 2016.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

VI. STAFF REPORT

1. Report on petition circulation regarding the legal sale of beer and wine within the City limits of Benbrook

Joanna King gave the following report: There are ten classifications of alcoholic beverage sales allowed by the State law. Currently two categories are allowed in Benbrook:

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

The primary business of a Food and Beverage Certificate Holder must maintain food service. The food service facility must prepare and serve multiple entrees. Fifty percent (50%) of the gross receipts must be from food sales.

State law provides procedures to legalize or prohibit the sales of a class of alcoholic beverages within the State. Those procedures are addressed by State law and are not just an enactment by City Council. City Council cannot allow or prohibit any sales of alcoholic beverage without the affirmative vote of its citizens.

The procedures include:

1. An application submittal filed with the City Secretary stating the category of change requested to petition. The application must be signed by 10 or more qualified voters of the City and the applicant must provide proof of publication of the notice in a newspaper of general circulation in the City.
2. Verification of the application by the City secretary.

3. Issuance of a petition to gather signatures.
4. Return of the petition within the time specified to the City Secretary.
5. City Secretary's verification of the signatures on the petition.
6. Action by City Council.

On May 4, 2016, the City Secretary received an application to petition for the Legal Sale of Beer and Wine. The legal sale of beer and wine allows the sale for on premise consumption without the sale of food items.

The application contained the required number of signatures from qualified Benbrook voters and did provide the proof of publication.

On May 5, 2016 a petition was issued to the applicant for the Legal Sale of Beer and Wine.

The petition for this classification requires signatures from 35-percent of the registered voters in the City who voted for governor in the most recent gubernatorial election. Tarrant County Election Division reported there were 6,685 Benbrook voters voting in the last governor's race.

The applicant was notified that the petition will require 2,340 signatures from Benbrook voters. The applicant was also notified of the 60-day petition period to garner those signatures. The petition must be filed with the City Secretary by July 5, 2016.

As required by law. The Texas Alcohol Beverage Commission and the Texas Secretary of State were also notified of the issuance of the petition.

Once the petition is filed, the City Secretary will then verify that the petition contains the required number of valid registered voters of the city and certify those findings to the City Council.

If the petition contains a sufficient number of valid signatures, City Council will call an election on the issue. If the petition does not contain a sufficient number of signatures, City Council will provide that information in the minutes of the meeting and no other action will be taken. In the event the petition is not filed in a timely manner no action will be necessary.

If the petition contains the required number of signatures, the issue will appear on an election ballot. If the ballot issue receives an affirmative majority of the election returns, the TABC will be notified of the change in the category of alcohol sales regarding the legal sale of beer and wine. If the ballot issue does not receive an affirmative majority of the election returns, there will be no change in the current categories allowed in the City.

VII. INFORMAL CITIZEN COMMENTS

VIII. COUNCIL MEMBER AND STAFF COMMENTS

Mr. Wilson expressed condolences to the victims in the recent tragedy in Orlando, Florida.

IX. ADJOURNMENT

Meeting adjourned at 7:56 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 07/07/16	REFERENCE NUMBER: G-2248	SUBJECT: Adopt Resolution authorizing continued participation in Atmos Cities Steering Committee	PAGE: 1 of 2
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The City of Benbrook is a member of the 168-member city coalition known as the Atmos Cities Steering Committee (“ACSC”). This resolution approves the assessment of a two and one-half cent (\$0.025) per capita fee to fund Benbrook’s share of the activities of the ACSC. For 2016, the City of Benbrook’s assessment is \$560.48 based on a population of 22,419.

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The ACSC is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex”), regardless of whether original jurisdiction has been retained. Atmos Mid-Tex is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos, allows cities to accomplish more collectively and cost-effectively than each city could do acting alone. Cities have more than 100 years of experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 168 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

The ACSC Membership Assessment Supports Important Activities

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of Resolution Paragraphs

- I. This paragraph authorizes the continuation of the City’s membership in ACSC.
- II. This paragraph authorizes payment of the City’s assessment to the ACSC in the amount of two and one-half cents (\$0.025) per capita.
- III. This paragraph requires notification that the City has adopted the Resolution.

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

DATE: 07/07/16	REFERENCE NUMBER: G-2248	SUBJECT: Adopt Resolution authorizing continued participation in Atmos Cities Steering Committee	PAGE: 2 of 2
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RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution authorizing continued participation in Atmos Cities Steering Committee and authorize the payment of \$560.48 to the Atmos Cities Steering Committee.

RESOLUTION NO. 2016-06

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF TWO AND ONE-HALF CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, the City of Benbrook, Texas is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the City; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City is a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:

I.

That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Benbrook, Texas and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2016 assessment to the ACSC in the amount of two and one-half cents (\$0.025) per capita.

III.

A copy of this Resolution and approved assessment fee payable to "*Atmos Cities Steering Committee*" shall be sent to:

David Barber
Atmos Cities Steering Committee
c/o Arlington City Attorney's Office, Mail Stop 63-0300
Post Office Box 90231
Arlington, Texas 76004-3231

PRESENTED AND PASSED on this the 7th day of July, 2016, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Benbrook, Texas.

Jerry B. Dittrich
Mayor

ATTEST:

Joanna King
City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 07/07/16	REFERENCE NUMBER: G-2249	SUBJECT: Adopt Resolution amending banking officers for BBVA/Compass Bank	PAGE: 1 of 1
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The City of Benbrook uses banking services provided by BBVA/Compass for the City's general, payroll, PEG, Narcotics, and HMOT accounts. Because of the change in the City's accounting personnel, the City Council is required to update Benbrook's authorized banking officers for these accounts. BBVA/Compass requires an amending resolution. The resolution adds Madelyn Schwartz, the City's Accounting Supervisor, as an authorized signer for these accounts. Joanna King, the City Secretary, and Sherri Newhouse, the Finance Director, are currently authorized signers for the City of Benbrook's accounts with BBVA/Compass.

RECOMMENDATION

Staff recommends that the City Council adopt the Resolution from BBVA/Compass and authorize the Mayor and City Secretary to execute the forms.

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



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 07/07/16	REFERENCE NUMBER: G-2250	SUBJECT: Adopt Resolutions authorizing representatives for TexPool and TexStar	PAGE: 1 of 1
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The City of Benbrook participates in two governmental investment pools (TexPool and TexStar). Because of the change in the City's accounting personnel, the City Council is required to update Benbrook's authorized investment representatives. Both TexPool and TexStar require an amending resolution. The resolutions designate Benbrook's authorized investment representatives as Sherri Newhouse, Finance Director and Madelyn Schwartz, Accounting Supervisor.

RECOMMENDATION

Staff recommends that City Council adopt the Amending Resolutions from TexPool and TexStar and authorize the Mayor and City Secretary to execute the forms.

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