



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, MAY 19, 2016**

The regular meeting of the Benbrook City Council was held on Thursday May 19, 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

Also Present:

Andy Wayman, City Manager  
Dave Gattis, Deputy City Manager  
Joanna King, City Secretary  
Sherri Newhouse, Finance Director  
Patty Bissey, Marketing Coordinator

Others Present:

Ed Gallagher, Planning Director  
Bill Smith  
Denise Huneycutt, Benbrook News  
Betty Headley  
Cheryl Estes  
Shay Grannan Kuehner  
Norman Robins  
Mattie Lee  
Shelly Mayer  
Michelle Elam  
Valorie Bedford  
Dianne Law  
Susan Hill  
Armando Garza  
Richard Penland  
Annunziata Watts  
Catherine Williams-Ridley  
Caroline Martin  
Rick Brown  
Marilyn Ackman  
And 30 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 Councilmember Mark Washburn.  
The Pledge of Allegiance was recited.

**III. MINUTES**

**1. Minutes of the Regular Meeting held May 5, 2016**

Motion by Ms. Franklin, seconded by Dr. Marshall to approve the minutes of the regular meeting held May 5, 2016.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**IV. PROCLAMATION/AWARDS/RECOGNITION**

**1. Proclamation – American Legion Auxiliary Poppy Campaign**

Mayor Dittrich read the Proclamation designating May as Poppy and encouraged citizens to wear a Poppy to show gratitude to the servicemen and service women who have risked and are still risking their lives to defend the freedoms. The proclamation was presented to Betty Headley, Vice-President of the American Legion Post 297.

Ms. Headley also presented Councilmember Ron Sauma with a Certificate of Appreciation for his dedication and service to Veterans and the Benbrook Community, including nine and one-half years and 2000 hours in volunteering at the Fort Worth VA Outpatient Clinic. In Councilmember Sauma's absence, Mayor Dittrich accepted the certificate.

**2. Proclamation – Teachers of the Year for schools serving Benbrook students**

Mayor Dittrich presented Proclamations to the following Fort Worth ISD Campus Teachers of the Year for 2015-2016 serving Benbrook students:

Mattie Lee	Benbrook Elementary
Michelle Elam	Waverly Park Elementary
Dianne Law	Westpark Elementary
Armando Garza	Benbrook Middle-High School
Annunziata Watts	Leonard Middle School
Caroline Martin	Western Hills High School

**V. REPORTS FROM CITY MANAGER**

**A. GENERAL**

**G-2242 Approve Interlocal Agreement with Fort Worth Transportation Authority to provide transportation for elderly and disabled residents**

Patty Bissey gave the following report: The City's contract with the Fort Worth Transportation Authority (the "T") to provide transit service to Benbrook residents expires May 31, 2016.

The program provides transit service to residents age 65 or older, or who have a disability, at a subsidized fare of \$2.50 for one-way trips on a first-come, first-served basis. The City's cost to participate in the program is \$7,529, and funds are budgeted annually for this expense.

Qualifying residents may utilize the transit service for a variety of purposes, included medical appointments, shopping, recreation, school or work, excluding weekends and holidays. Benbrook residents are guaranteed rides on Tuesdays and Thursdays.

The terms and conditions of service and the annual administrative fee of \$7,529 are identical to the current year's contract.

Motion by Dr. Marshall, seconded by Mr. Wilson to approve continued participation in the Tarrant County Transportation Services Program for Elderly and Disabled residents at a cost of \$7,529.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**G-2243      Approve Finance Report for period ending April 30, 2016**

Sherri Newhouse gave the following report: General Fund revenues for the month of April were \$493,364. Property tax collections were \$147,196. Sales tax collected in March but received by the City and recognized as revenue in April was \$153,523 for the month. General Fund revenues collected through the end of April were \$13,631,139 or 81.80 percent of the budget.

General Fund expenditures for the month of April were \$1,345,876. Expenditures through the end of April were \$9,453,919 or 54.04 percent of the adopted budget.

For the 2015-16 fiscal year-to-date, total General Fund revenues of \$13,631,139 exceeded General Fund expenditures of \$9,453,919 by \$4,177,220.

Debt Service revenues collected for the month of April totaled \$5,795; all revenue was from property taxes. There were no Debt Service expenditures for April. Total revenues for 2015-16 in the amount of \$394,586 were exceeded total expenditures of \$1,384,463 by \$989,877.

EDC revenues as of April 30, 2016 were \$455,355. Sales tax revenue received by the EDC for the fiscal year was \$430,069. Interest earnings for the year were \$25,285. EDC expenditures for April were \$357,570. Revenues for the year in the amount of \$455,355 exceeded total expenditures of \$357,570 by \$97,785.

Total revenues received through April 30, 2016 for the Capital Projects Fund were \$1,439,794. There were expenditures of \$5,923 for the Capital Projects Fund in April 2016. For the 2015-16 fiscal year, total revenues of \$1,439,794 exceeded total expenditures of \$134,310 by \$1,305,484.

On April 30, 2016, the City had \$25,580,729 invested at varying interest rates; the EDC had \$6,166,788 available.

Motion by Mr. Washburn, seconded by Mr. Allison to approve the finance report for the period ending April 30, 2016.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**G-2244      Adopt Resolution authorizing continued participation with the Steering Committee of Cities served by Oncor and authorize payment to the Steering Committee to fund regulatory and legal proceedings and activities**

Sherri Newhouse gave the following report: The City of Benbrook is a member of a 156-member city coalition known as the Steering Committee of Cities Served by Oncor. The resolution approves the assessment of an eleven cent (\$0.11) per capita fee to fund the activities of the Steering Committee. For 2016, the City of Benbrook's assessment is \$2,466.09 based on a population of 22,419.

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over two decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee 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.

Motion by Mr. Wilson, seconded by Mr. Washburn to adopt Resolution No. 201605 authorizing continued participation with the Steering Committee of Cities Served by Oncor and authorize the payment of \$2,466.09 to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**Resolution No. 2015-05 being "A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC."**

**G-2245      Adopt Ordinance approving the negotiated rate settlement resolving the 2016 RRM Filing and implementing the rate change for Atmos Energy Corp., Mid-Tex Division**

Sherri Newhouse gave the following report: The City of Benbrook, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Atmos”), is a member of the Atmos Cities Steering Committee (“ACSC”). The Rate Review Mechanism (RRM) Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times; the last rate adjustment was in 2013.

The 2016 RRM filing is the fourth RRM filing under the renewed RRM Tariff. On March 1, 2016, Atmos made a filing requesting \$35.4 million additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, the exclusion of Dallas results in Atmos requesting \$28.6 million from other municipalities.

Environs customers (ratepayers outside municipal limits) remain under the Railroad Commission’s exclusive original jurisdiction and have their rates set through the GRIP process. If Atmos had used the GRIP process rather than the RRM process Atmos would have received a \$41 million increase, or about \$11 million more than will be approved by the Ordinance. ACSC and Atmos have reached an agreement, reflected in the Ordinance, to reduce Atmos’s request by \$5.5 million, such that the Ordinance approving new rates reflects an increase of \$29.9 million on a system-wide basis, or \$21.9 million for Mid-Tex Cities, exclusive of the City of Dallas.

The tariffs attached to the Ordinance approve rates that will increase Atmos’s revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. The monthly residential customer charge will be \$19.10. The consumption charge will be \$0.11378 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%. Attached to this report is a summary of the impact of new rates on the average bills of all customer classes.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Ordinance with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change.

Motion by Dr. Marshall, seconded by Mr. Allison to adopt Ordinance No, 1395 approving rate settlement resolving the 2016 RRM-Filing and implementing the rate change for Atmos Energy Corp., Mid-Tex Division.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

**Ordinance No. 1395 being “An Ordinance of the City Council of the City of Benbrook, Texas, approving a negotiated settlement between the Atmos cities steering committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the company’s 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC’s reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this Ordinance to the company and the ACSC’s legal counsel.”**

## **B. CONTRACT**

### **C-300 Approve contract with Tarrant County Tax Assessor-Collector for collection of Ad Valorem Taxes**

Sherri Newhouse gave the following report: The City of Benbrook has contracted with the Tarrant County Tax Assessor-Collector (Assessor-Collector) to bill and collect property taxes since October 1, 1998. Services performed include: receiving the Certified Appraisal Roll from the Tarrant Appraisal District and monthly changes to the roll; providing mortgage companies, property owners, and tax representatives with tax roll and payment data; providing all necessary assessments of taxes and Truth in Taxation calculations as required; the transmittal of tax statements via the U. S. Mail or electronic transfer of data; and payment processing.

The Assessor-Collector’s compensation, for services performed in the 2015-16 fiscal year, is one-dollar and ten cents (\$1.10) per account located within Tarrant County and two-dollars and sixty cents (\$2.60) per account located outside Tarrant County. For the 2016-17 fiscal year, the County Tax Assessor-Collector is lowering the collection fee for in-county accounts to ninety-five cents (\$0.95) per account. This fee is the lowest collection fee of any urban county in Texas. The fee for out-of-county accounts will remain at the current rate of two dollars and sixty cents (\$2.60) per account.

The number of accounts billed is based on the October billing roll certified to the Assessor-Collector, net of subsequent account additions and deletions made by the Tarrant Appraisal District. The 2015-16 cost for services totaled \$22,187; the estimated cost for 2016-17 is approximately \$20,000.

Motion by Mr. Allison, seconded by Ms. Franklin to authorize City Staff to contract with the Tarrant County Tax Assessor-Collector for the collection of ad valorem taxes effective October 1, 2016.

Vote on the Motion:

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

Noes: None

Motion carries unanimously.

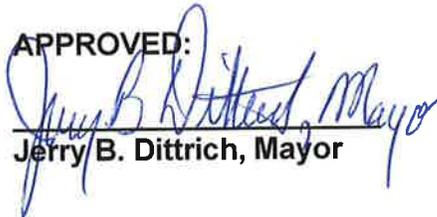
**VI. INFORMAL CITIZEN COMMENTS**

**VII. COUNCIL MEMBER AND STAFF COMMENTS**

**VIII. ADJOURNMENT**

Meeting adjourned at 8:03 p.m.

APPROVED:

  
Jerry B. Dittrich, Mayor

ATTEST:

  
Joanna King, City Secretary