Benbrook

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 votes 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 applicate 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 Stare 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