

**AGENDA  
BENBROOK CITY COUNCIL  
THURSDAY, MARCH 7, 2019  
911 WINSCOTT ROAD, BENBROOK, TEXAS  
PRE-COUNCIL WORKSESSION 7:15 P.M.  
CENTRAL CONFERENCE ROOM  
1. Review and discuss agenda items for regular meeting  
REGULAR MEETING  
COUNCIL CHAMBERS  
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION**

I. CALL TO ORDER

II. INVOCATION

PLEDGE OF ALLEGIANCE

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held February 21, 2019

Documents:

[CC MINUTES-02-21-19.PDF](#)

IV. PROCLAMATIONS/AWARDS/RECOGNITION

1. Proclamation – March Of Dimes March For Babies

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2402 Adopt Resolution To Participate In Tarrant County's 2019 HOME Program

Documents:

[G-2402 TARRANT COUNTY 2019 HOME PROGRAM.PDF](#)  
[G-2402 RESOLUTION 2019 HOME.PDF](#)

G-2403 Adopt Ordinance Amending Chapter 15.40 - Flood Hazard Protection And Adopt FEMA Maps

Documents:

[G-2403 UPDATE FLOODPLAIN.PDF](#)  
[G-2403 ORDINANCE FLOOD HAZARD AREAS.PDF](#)

G-2404 Adopt Ordinance Amending Title 10-Vehicles And Traffic Of The Benbrook Municipal Code (1985) By Amending Section 10.40 - Parking On Sproles Drive

Documents:

[G-2404 PARKING RESTRICTIONS SPROLES.PDF](#)  
[G-2404 ORDINANCE PARKING SPROLES.PDF](#)

## VI. 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 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.

## VII. 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.

## VIII. ADJOURNMENT



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, FEBRUARY 21, 2019**

The regular meeting of the Benbrook City Council was held on Thursday February 21, 2019 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich, Mayor  
Renee Franklin  
Larry Marshall  
Dustin Phillips  
Jim Wilson  
Laura Mackey  
Ron Sauma

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
Jim Hinderaker, Assistant City Manager  
Rick Overgaard, Finance Director  
Bennett Howell, Public Services Director  
Amanda Valdez, Management Analyst

Others Present:

Bill Smith  
Kent Williams  
Terri Davis  
Lynette Spence

**I. CALL TO ORDER**

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

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Invocation given by Councilmember Mr. Bill Smith.  
The Pledge of Allegiance was recited.

### III. MINUTES

#### 1. Minutes of the regular meeting held February 7, 2019

Motion by Dr. Marshall, seconded by Ms. Franklin to approve the minutes of the regular meeting held February 7, 2019.

Vote on the Motion:

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

Noes: None

Abstain: Mr. Phillips and Mr. Sauma

Motion carries 5-0-2.

### IV. PRESENTATION BY BENBROOK ECONOMIC DEVELOPMENT CORPORATION

**EDC-2019-01 Approve Commercial Contract for Sale and Temporary Commercial Leaseback Agreement with JS and TA Properties, LLC, to purchase 9331 and 9351 Westpark Drive, Benbrook, Texas, for the purpose of redevelopment**

Cathy Morris gave the following report: As part of the Benbrook Economic Development Corporation (BEDC) Strategic Plan, the BEDC is committed to evaluating commercial properties within the Benbrook city limits to determine their highest and best use, to seek ways to encourage redevelopment where appropriate, and to review and analyze select properties and consider purchasing them to expedite quality development

Focusing on redevelopment opportunities at the corner of Westpark Drive and Benbrook Boulevard/U.S. 377, BEDC has invested in the purchase of two tracts of land; 9301 Westpark (former Express Stop) and 8949 Benbrook Boulevard (former Rub-a-Dub car wash). BEDC has initiated and completed demolition, site improvements, and state-required environmental mitigation on these lots to facilitate desired future development.

BEDC's efforts to assemble adjacent tracts on this corner have resulted in a successful negotiation with the owners of two tracts of neighboring land; 9331 and 9351 Westpark Drive, totaling approximately 1.74 acres, and currently operating as Marc's Automotive.

BEDC has conducted a Phase I Environmental Assessment on both tracts, revealing no evidence of recognized environmental conditions (REC's) in connection with the properties.

A Commercial Contract for Sale and Temporary Commercial Leaseback Agreement have been drafted and approved by both the BEDC real estate attorney and attorneys for the owners, JS and TA Properties, LLC. The BEDC board of directors and JS and TA Properties have agreed to a sale price of \$1,700,000 for both tracts; or approximately \$22.44 a square foot. Staff is requesting a budget adjustment to include the sale price, as well as costs associated with real estate closing, possible demolition, clean-up, and incidentals related to maintaining the property.

JS and TA Properties, LLC are requesting to lease the properties from BEDC after real estate closing, for a period not to exceed 90 days from closing, in order to liquidate and remove fixtures, equipment, and personal property from the premises.

JS and TA Properties, LLC will shut down their automotive business prior to real estate closing, will operate no business and pay zero dollars in base rent during the leaseback period, will indemnify and hold harmless the BEDC, as landlord, for any injury or damage occurring on the property after closing, and will maintain a commercial general liability insurance policy, at tenant's expense, insuring tenant against liability arising out of the use or occupancy of the premises, and naming landlord as an additional insured.

The BEDC board of directors has indicated that obtaining these two lots, as assembled with the adjoining BEDC-owned lots, aligns with the board's mission to create attractive development opportunities, encourage preferred commercial uses, increase jobs and sales tax revenue, and sets the stage to partner with a developer to provide desirable retail options for Benbrook and trade area consumers.

As required, the BEDC board of directors will conducted a public hearing regarding this project at their regular board meeting on Tuesday, February 19, 2019. One positive comment was received.

Motion by Mr. Wilson, seconded by Mr. Sauma to approve and direct the BEDC board president to execute the Commercial Contract for Sale and Temporary Commercial Leaseback Agreement with JS and TA Properties, LLC, for the purchase and leaseback of property located at 9331 and 9351 Westpark Drive, Benbrook, Texas, and to amend the FY 2019 BEDC budget by adding \$1,740,000 to be available for this project; a \$1,700,000 sale price, plus costs associated with real estate closing, possible demolition of building/slab/parking lot, clean-up, and any associated incidentals.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

## **V. REPORTS OF CITY MANAGER**

### **A. GENERAL**

#### **G-2400 Accept finance report for period ending January 31, 2019**

Rick Overgaard gave the following report: General Fund revenues for the month of January were \$3,554,263. Property tax collections were \$2,907,026, and charges for services were \$76,679. Sales tax collected and recognized as revenue in January 2019 was \$264,926. General Fund revenues collected through the end of January were \$11,407,627 or 56.4 percent of the budget.

General Fund expenditures for the month of January were \$2,287,112, which includes budgeted transfers out of \$750,000 for the Capital Asset Replacement Fund (\$250,000) and Clear Fork Emergency Access Bridge Project (\$500,000). Expenditures through January were \$6,398,437 or 30.5 percent of the adopted budget.

For the 2018-19 fiscal year-to-date, total General Fund revenues of \$11,407,627 exceeded General Fund expenditures of \$6,398,437 by \$5,009,190.

Debt Service revenues for the month of January totaled \$1,234,895, with \$1,079,375 from budgeted transfers in, and the remaining from property tax. Expenditures for January totaled \$1,472,671, which includes debt service payments due February 1<sup>st</sup>. The next debt service payments will occur in July 2019.

EDC revenues as of January 31, 2019, were \$1,153,268. Most of the revenue was from the sale of land. EDC expenditures through the end of January were \$206,275. Total revenues exceeded total expenditures by \$946,993.

Total revenues received through January 31, 2019 were \$925,980 from Stormwater Utility fees, mineral lease revenue, interest earnings, and a \$500,000

transfer in from the General Fund. Total expenditures for the Capital Projects Fund were \$1,914,146 through the end of January 2019. January expenditures were for the following projects: Van Deman Drive Drainage, Vista Way, Clearfork Emergency Access Bridge, and Animal Shelter. Total expenditures exceeded total revenues by \$988,166. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On January 31, 2019, the City had \$20,607,220 invested at varying interest rates; the EDC had \$5,708,487 available.

Motion by Dr. Marshall, seconded by Ms. Franklin to accept the finance report for the period ending January 31, 2019.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-2401      Adopt Resolution for transportation Alternatives Set-Aside Program – Dutch Branch Park Pedestrian/Bicycle Access Project**

Bennett Howell gave the following report: The North Central Texas Council of Governments (NCTCOG) has initiated a call for projects for the Transportation Alternatives Set-Aside Program. The City of Benbrook is submitting a single application for the Dutch Branch Park Pedestrian/Bicycle Access Way project. The project was included in the City's annual Capital Improvement Program update adopted by the City Council in January 2019. The attached resolution supports the application. Project funding is competitive and other governmental entities will also apply for funding through the grant program.

The Dutch Branch Park Pedestrian/Bicycle Access Way project is a grade separated crossing allowing pedestrians and bicyclists (including students) to travel under U.S. 377, near Overcrest Drive, without any direct contact with the heavy traffic along U.S. 377. Concrete sidewalks will also be constructed to connect this crossing to existing bicycle/pedestrian improvements in the area.

City Cost Share	\$501,426
Federal Funding	<u>\$2,005,703</u>
Total Project Cost	\$2,507,129

If approved, the City will fully fund the project through construction completion, and then be reimbursed for 80% of the project cost. Staff has been in contact with the Fort Worth Independent School District to make them aware of the grant submittal and discuss potential funding assistance if the project is selected.

Motion by Mr. Wilson, seconded by Mr. Phillips to adopt Resolution No. 2019-01 supporting the application for the Transportation Alternatives Set-Aside Program.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Phillips, Mayor Dittrich, Mr. Wilson, Ms. Mackey, Mr. Sauma

Noes: None

Motion carries unanimously.

Resolution No. 2019-01 being **“RESOLUTION IN SUPPORT OF THE DUTCH BRANCH PARK PEDESTRIAN/BICYCLE ACCESS WAY PROJECT TRANSPORTATION ALTERNATIVE SET-ASIDE PROGRAM PROJECT”**

**VI. INFORMAL CITIZEN COMMENTS**

**VII. COUNCIL MEMBER AND STAFF COMMENTS**

**VIII. ADJOURNMENT**

Meeting adjourned at 7:51 p.m. followed by Worksession to discuss Complete Count Committee for 2020 Census.

**APPROVED:**

\_\_\_\_\_  
**Jerry B. Dittrich, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Joanna King, City Secretary**



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 3/7/2019	REFERENCE NUMBER: G-2402	SUBJECT: Adopt Resolution to Participate in Tarrant County's 2019 HOME Program	PAGE: 1 of 1
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The Department of Housing and Urban Development (HUD) appropriates funds to entitlement communities through the HOME Investment Partnership Block Grant (HOME) program. Tarrant County receives and administers the HOME funds on behalf of participating cities. The funds are targeted to benefit low-to-moderate income persons by providing rehabilitation for homeowner-occupied, single-family dwellings. The rehabilitation program is managed by the Tarrant County Community Development (TCCD) office and individual residents work directly with TCCD.

HUD requires communities to provide a 30% match for all HOME expenditures. Benbrook is required to submit a letter and City Council resolution affirming the match as part of the application.

The maximum amount that can be spent on one house is \$24,000 and Benbrook's match is \$7,200.

**FINANCING**

Benbrook is requesting HOME funding of \$50,000 with a City match of \$15,000. The City match was approved in the FY 2018/19 budget.

**RECOMMENDATION**

Staff recommends the City Council adopt the resolution to participate in Tarrant County's 2019 HOME program.

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

**RESOLUTION NO. 2019-02**

**A RESOLUTION AUTHORIZING PARTICIPATION IN TARRANT COUNTY'S HOME INVESTMENT PARTNERSHIPS PROGRAM; AND AGREEING TO MEET ALL MATCH CONTRIBUTION REQUIREMENTS FOR THE EXPENDITURES UNDER THE TARRANT COUNTY HOME INVESTMENT PARTNERSHIPS PROGRAM FOR PROGRAM YEAR 2019.**

**WHEREAS**, the HOME Program was created by the National Affordable Housing Act of 1990 (NAHA) and is intended to provide decent affordable housing to lower-income households; expand the capacity of nonprofit housing providers; strengthen the ability of state and local government to provide housing, and leverage private-sector participation; and

**WHEREAS**, Tarrant County is a Participating Jurisdiction under the HOME Investment Partnerships Program in accordance with § 92.105; and

**WHEREAS**, the City of Benbrook is a member of the Tarrant County Urban County Community Development/HOME Consortium and is eligible to participate in the HOME program; and

**WHEREAS**, the City of Benbrook has requested \$50,000 in HOME funding to be expended on HOME eligible activities within the City's jurisdiction and has agreed to provide a 30% matching contribution for all HOME funds expended within the City of Benbrook, in accordance with §92.218; §92.219; and §92.220.

**NOW, THEREFORE, BE IT RESOLVED THAT WE, THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:**

I.

That the City of Benbrook is authorized to participate in Tarrant County's Home Investment Partnerships Program to assist low-income families in making improvements to their homes.

II.

The City of Benbrook agrees to commit \$15,000 in matching contributions to affordable housing for all activities undertaken in Benbrook through the HOME program.

PRESENTED AND PASSED on this 7<sup>th</sup> Day of March 2019 at a regular meeting of the City Council of the City of Benbrook, Texas.

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Jerry B. Dittrich  
Mayor

ATTEST:

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Joanna King  
City Secretary



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 03/07/2019	REFERENCE NUMBER: G-2403	SUBJECT: Adopt Ordinance amending Chapter 15.40- Flood Hazard Protection and adopt FEMA maps	PAGE: 1 of 1
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The City of Benbrook has participated in the National Flood Insurance Program (NFIP) since 1979. As a participant, Benbrook agrees to adopt and enforce Federal Emergency Management Agency (FEMA) floodplain regulations so that the citizens of Benbrook are eligible to purchase flood insurance. The City's floodplain regulations are codified in Chapter 15.40 of the Benbrook Municipal Code.

FEMA's current floodplain maps for the Benbrook area became effective September 25, 2009. FEMA began a map modernization process a few years ago to revise the flood maps for Tarrant County and FEMA determined that the floodplain map in Benbrook is not affected by the updated flood hazard information. However, since Benbrook is part of one or more of the revised map panels, Benbrook is required to adopt, as part of the its floodplain regulations, the new Flood Insurance Rate Map (FIRM) effective March 21, 2019.

To continue participation in the NFIP, Benbrook is required to adopt the attached Ordinance, which establishes the March 21, 2019 maps as the basis for floodplain decisions. Failure to adopt the Ordinance will invalidate all flood insurance policies in Benbrook.

The following underlined language will be added to the current regulation and the struck through text will be removed from the current regulation:

"15.40.210 - Basis for establishing areas of special flood hazard.  
The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Tarrant County and Incorporated Areas," effective ~~September 25, 2009~~ March 21, 2019 with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are adopted by reference and declared to be a part of this chapter."

All other provisions of Chapter 15.40 Flood Hazard Protection remain unchanged.

**RECOMMENDATION**

Staff recommends that the City Council adopt the attached Ordinance amending Chapter 15.40- Flood Hazard Protection and adopting the March 21, 2019 FEMA maps for use in the City.

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

**ORDINANCE NO. 1438**

**AN ORDINANCE AMENDING CHAPTER 15.40 OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY REVISING THE BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS; PROVIDING FOR VIOLATIONS, PENALTIES AND INJUNCTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council has previously adopted Chapter 15.40-Flood Hazard Protection of the Benbrook Municipal Code (1985), as amended; and

**WHEREAS**, the Federal Emergency Management Agency has revised the boundaries of the Special Flood Hazard Areas relating to limits of the 100-year flood; and

**WHEREAS**, The City Council of the City of Benbrook now deems it necessary to amend Chapter 15.40 of the Benbrook Municipal Code to reflect the changes in floodplain boundaries and to further strengthen the regulations to protect public health and safety.

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

**SECTION 1**

That Section 15.40.210 of Chapter 15.40-Flood Hazard Protection of the Benbrook Municipal Code (1985), as amended, is hereby revised in its entirety to read as follows:

15.40.210 Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Tarrant County and Incorporated Areas," effective March 21, 2019, with accompanying Flood Insurance Rate Maps (FIRM) and any revisions thereto are adopted by reference and declared to be a part of this chapter.

## **SECTION 2**

That all other provisions of Chapter 15.40 – Flood Hazard Protection of the Benbrook Municipal Code (1985), as amended, not included in this amendment, shall remain in full force and effect, save and except for necessary modifications to the “Table of Contents” affecting page numbering, and for necessary modifications to related terminology or phrases that have been modified by this amendment that will affect a similar modification to interrelated terminology and phrases cross-referenced in other Chapters in the Municipal Code.

## **SECTION 3 PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00).

## **SECTION 4 CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 5 SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 6 SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or subdivisions which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7  
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the productive thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 8  
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION 9  
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 10  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** the 7th day of March 2019.

\_\_\_\_\_  
Jerry B. Dittrich, Mayor

ATTEST:

\_\_\_\_\_  
Joanna King, City Secretary

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_



# City of Benbrook

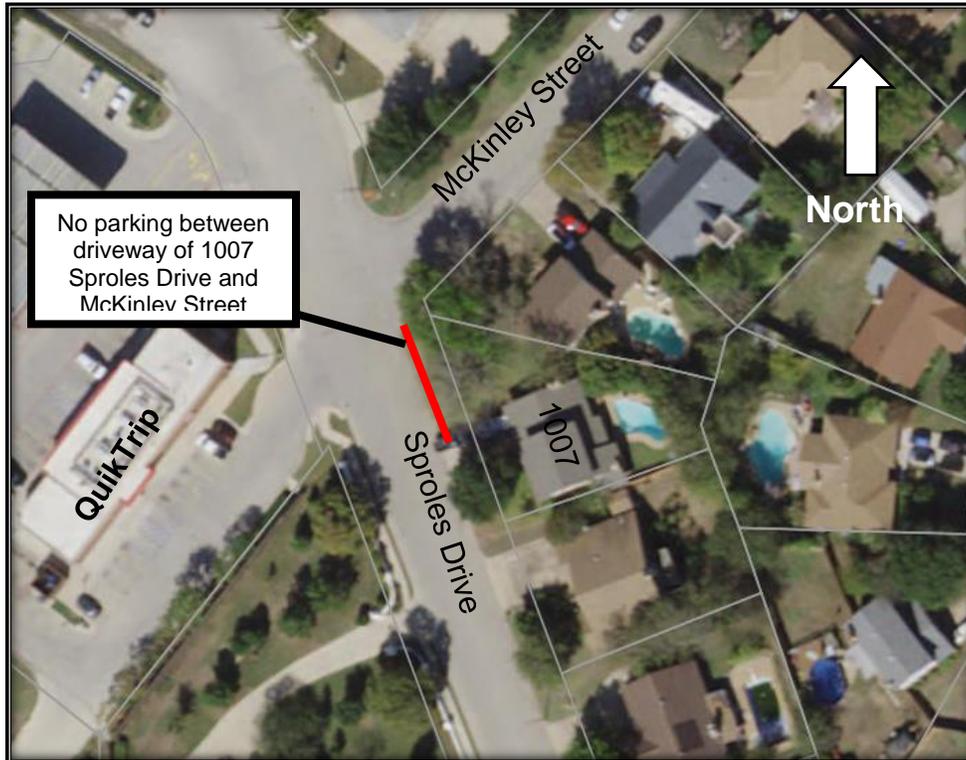
## CITY COUNCIL COMMUNICATION

DATE: 3/7/19	REFERENCE NUMBER: G-2404	SUBJECT: Adopt Ordinance amending Title 10-Vehicles and Traffic of the Benbrook Municipal Code (1985) by amending Section 10.40 – parking on Sproles Drive	PAGE: 1 of 2
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Currently, the Sproles Drive at McKinley Street intersection has limited visibility for vehicles entering the intersection from McKinley Street. This situation is exacerbated when vehicles are parked along the northeast side of Sproles Drive near the intersection.

In order to improve public safety, the proposed ordinance makes the following recommended change:

- Establishes a no parking zone along the northeast side of the 1000 block of Sproles Drive beginning at the northeast corner of the intersection of McKinley Street and Sproles Drive and extending in a southeasterly direction along the northeast curb-line of Sproles Drive approximately 81-feet to the entrance driveway of 1007 Sproles Drive as depicted in Figure 1.



**Figure 1**

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

DATE: 3/7/19	REFERENCE NUMBER: G-2404	SUBJECT: Adopt Ordinance amending Title 10-Vehicles and Traffic of the Benbrook Municipal Code (1985) by amending Section 10.40 – parking on Sproles Drive	PAGE: 2 of 2
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City Staff has contacted the homeowner that adjoins the proposed no parking area. The homeowner understands and agrees with the parking restriction.

**RECOMMENDATION**

Staff recommends that City Council amend Title 10 - Vehicle and Traffic of the Benbrook Municipal Code (1985), as amended, by adding Section 10.40.065 - No Parking – Sproles Drive.

**ORDINANCE NO. 1439**

**AN ORDINANCE AMENDING CHAPTER 10.40, TITLE 10 - VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY ADDING SECTION 10.40.065 - NO PARKING – SPROLES DRIVE TO RESTRICT PARKING ON A PORTION OF SPROLES DRIVE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council has the authority to regulate traffic and the parking of vehicles along roadways and rights-of-way within the city limits of Benbrook; and

**WHEREAS**, the City Council now deems it necessary to establish parking restrictions along Sproles Drive to protect the health and safety of pedestrians and the motoring public.

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

**SECTION 1**

That Chapter 10.40 - Parking Restrictions of the Benbrook Municipal Code (1985), as amended, is hereby revised by adding Section 10.40.065 - No Parking – Sproles Drive to read as follows:

**10.40.065 - No Parking - Sproles Drive**

A. It is illegal for any person to park any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle along the northeast side of Sproles Drive, beginning at the northeast corner of the intersection of McKinley Street and Sproles Drive and extending in a southeasterly direction along the northeast curb-line of Sproles Drive approximately 81-feet to the entrance driveway of 1007 Sproles Drive.

B. For purposes of this section, the term "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power.

C. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this section shall be fined not more than five hundred dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 2**

The Public Services Director is hereby directed to post signs at appropriate locations along the street listed above as set forth in this ordinance.

## **SECTION 3 CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 4 SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 5 PENALTY CLAUSE**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense. Nothing herein shall affect any minimum fine prescribed by any ordinance of the city and any such minimum fine shall remain unchanged.

## **SECTION 6 SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or subdivisions which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7  
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the productive thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 8  
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION 9  
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 10  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** the 7th day of March 2019.

\_\_\_\_\_ Jerry B. Dittrich, Mayor

ATTEST:

\_\_\_\_\_  
Joanna King, City Secretary

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_