

**NOTICE IS HEREBY GIVEN** in accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Benbrook will conduct its Regular Meeting scheduled for **7:30 p.m.** on **Thursday April 1, 2021**, in the City Council Chambers, 911 Winscott Road, Benbrook, Texas by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19). While this meeting is open to the public, social distancing will be enforced.

*For this meeting, the presiding officer will be physically present at the location described above. However, one or all other members of the City Council may participate in this meeting remotely through telephone conference providing for two-way audio communication for each member of the City Council.* This Notice and Meeting Agenda, and the Agenda Packet, are posted online at <http://www.benbrook-tx.gov/AgendaCenter>.

The public toll-free dial-in number to participate in the telephonic meeting is: **1-866-894-9011** or local number **817-443-6248**.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. This meeting will be recorded, and the recording will be available to the public in accordance with the Open Meetings Act upon written request.

**AGENDA**  
**BENBROOK CITY COUNCIL**  
**THURSDAY, APRIL 1, 2021**  
**911 WINSCOTT ROAD, BENBROOK, TEXAS**  
**PRE-COUNCIL WORKSESSION 7 P.M.**  
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. CITIZEN COMMENTS ON ANY AGENDA ITEM

III. MINUTES

1. Approve Minutes Of The Regular Meeting Held March 18, 2021

Documents:

[CC MINUTES-03-18-21.PDF](#)

IV. PROCLAMATIONS/AWARDS/RECOGNITION

1. Proclamation – Child Abuse Prevention Month – Alliance For Children (Molly Horn)

V. PRESENTATION BY PLANNING AND ZONING COMMISSION

PZ-2021-01 ZTA-21-01 Adopt Ordinance Amending Title 17 – Zoning Of The Benbrook Municipal Code (1985), As Amended, By Amending Chapter 17.92 – Sign Regulations Modifying Regulations To Freestanding Signs

Documents:

[PZ-2021-01 TA-21-01 AMEND SIGN ORDINANCE .PDF](#)  
[PZ-2021-01 ZTA-21-01 ORDINANCE.PDF](#)

## VI. REPORTS FROM CITY MANAGER

### A. GENERAL

G-2506 Adopt Resolution To Participate In Tarrant County's 2021 Transportation Bond Program

Documents:

[G-2506 TARRANT COUNTY 2021 TRANSPORTATION BOND PROGRAM.PDF](#)  
[G-2506 RESOLUTION - TARRANT COUNTY TRANSPORTATION BOND PROGRAM.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 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, MARCH 18, 2021**

The regular meeting of the Benbrook City Council was held on March 18, 2021 at 7:30 p.m. in the Council Chambers with the following Council members present:

Jerry Dittrich, Mayor  
Renee Franklin-via Telephone Conference  
Larry Marshall- via Telephone Conference  
Alfredo Valverde-via Telephone Conference  
Laura Mackey-via Telephone Conference

Also Present:

Jim Hinderaker, Assistant City Manager  
Joanna King, City Secretary  
Beth Fischer, Deputy City Secretary  
Phyllis Wolfe, IT Director  
Rick Overgaard, Finance Director

Others:

Stephanie Wilson, Weaver & Tidwell, LLP via Telephone  
Jackie Gonzales, Weaver & Tidwell, LLP via Telephone

**I. CALL TO ORDER**

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

**II. CITIZEN COMMENTS ON ANY AGENDA ITEM**

Mayor Dittrich paused the meeting for citizen comments on any agenda item via telephone call. There were no callers.

**III. MINUTES**

**1. Minutes of the regular meeting held March 4, 2021**

Motion by Dr. Marshall, seconded by Ms. Franklin to approve the minutes of the regular meeting held March 4, 2021.

Vote on the Motion by Roll Call:

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

Noes: None

Motion carried unanimously.

#### **IV. REPORTS FROM CITY MANAGER**

##### **A. GENERAL**

##### **G-2504 Approve finance report for period ending February 28, 2020**

Rick Overgaard gave the following report: General Fund revenues for the month of February were \$3,343,558. Major revenues collected for the month include Property taxes of \$2,775,140, Franchise taxes of \$120,739, Permits of \$32,389, Fines and Forfeitures of \$32,425, Other Agency of \$45,036, and Charges for Services of \$73,218. Sales tax collected and recognized as revenue in February was \$232,781. Fiscal year to date sales tax is \$1,401,567, an increase of 3.12% over last year at this time. General Fund revenues collected through the end of February were \$15,580,044 and 73.25% of the budget.

General Fund expenditures for the month of February were \$1,300,157. Fiscal year to date expenditures were \$7,399,899 and 34.8% of the adopted budget.

Total General Fund revenues of \$15,580,044 were more than General Fund expenditures of \$7,399,899 by \$8,180,145.

Debt Service revenues for the month of February totaled \$96,888 and were all from property tax. There were no expenditures in February. The next debt service payments are due August 1, 2021.

EDC revenues through February 28, 2021, were \$719,306. EDC expenditures through the end of February were \$528,021. Total revenues exceeded total expenditures by \$191,285.

Total revenues received through February 28, 2021 were \$441,278 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$2,849,650 through the end of February. February expenditures included the Highway 377 and Winchester Fence. Total expenditures exceeded total revenues by \$2,408,372. Sufficient funds are available in the current fund balances of the Capital Projects Fund and are earmarked for the City's capital projects. This fund operates on a project basis rather than a specific fiscal year.

On February 28, 2021, the City had \$23,777,212 invested at varying interest rates; the EDC had \$5,065,302 available.

Motion by Ms. Franklin, seconded by Ms. Mackey to accept the finance report for the period ending February 28, 2021.

Vote on the Motion by Roll Call

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

Noes: None

Motion carried unanimously.

**G-2505      Accept Comprehensive Annual Finance Report (CAFR) for fiscal year ending September 30, 2020**

Rick Overgaard gave the following report: As required by Chapter 103 of the Texas Local Government Code, an independent audit of the City's accounts and records has been made by the certified public accounting firm of Weaver & Tidwell L.L.P. for the fiscal year ending September 30, 2020.

The current CAFR was prepared in accordance with generally accepted accounting principles as prescribed by the Governmental Account Standard Board (GASB). The City received an unmodified or "clean" audit opinion. Staff anticipates that the City will receive a Certificate of Achievement for Excellence in Financial Reporting for the thirty-fifth consecutive year.

The City's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) governmental fund financial statements and, 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

1. The government-wide statements include capital assets, long-term debt, and estimated future contributions associated with pension and other post-employment benefits.
2. The governmental fund financial statements focus on current sources and uses of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year.
3. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and the governmental fund financial statements.
4. In addition to the basic financial statements and accompanying notes, this report presents certain required supplementary information.

Financial Highlights include:

- The General Fund ending fund balance on September 30, 2020 was \$9,982,620 and \$1,930,467 greater than budgeted.
- General Fund expenditures were less than the original budget of \$19,872,244 by \$2,053,133, or 10.1%. 61.4% of the savings was from the reimbursement of Public Safety expenditures due to COVID-19 from the CARES Act grant. The remaining savings resulted from a combined effort of nearly every department spending less than the budget allocations.

- At the end of the fiscal year, the City's governmental funds had a total fund balance of \$22,081,813.
- Net position increased \$4,969,914 during fiscal year 2019-2020 to a healthy \$69,743,787 on September 30, 2020.

Motion by Ms. Mackey, seconded by Mr. Valverde to accept the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2020.

Vote on the Motion by Roll Call

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

Noes: None

Motion carried unanimously.

#### **V. INFORMAL CITIZEN COMMENTS**

Mayor Dittrich paused the meeting for any informal citizen comments via telephone conference. There were no callers.

#### **VI. COUNCIL MEMBER AND STAFF COMMENTS**

Mr. Hinderaker gave update on COVID-19.

#### **VII. ADJOURNMENT**

Meeting adjourned at 7:52 p.m. followed by Worksession to discuss return to in-person meetings.

**APPROVED:**

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

**ATTEST:**

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE:  <b>04/01/2021</b>	REFERENCE NUMBER:  <b>PZ-2021-01 ZTA-21-01</b>	SUBJECT: <b>Adopt an ordinance amending Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, by amending Chapter 17.92 – Sign Regulations modifying regulations to freestanding signs.</b>	PAGE:  <b>1 of 3</b>
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Following City Council adoption of the Benbrook Corridor Overlay District (Ordinance No. 1426) in April 2018, which prohibited the use of pylon signs<sup>1</sup> and limited the use of temporary signs within major segments of the Benbrook Boulevard corridor (pole signs were banned citywide in Sept. 2001), staff has fielded numerous calls from current and potential business owners citing their frustrations with existing freestanding monument sign height limitations. Within the overlay district, freestanding monument signs are limited to one monument sign per every 100 feet of street frontage (spaced at least 50 feet apart), up to six feet in total height, and 120 square feet in maximum area. City sign regulations do not specify a maximum freestanding monument sign width.

To address concerns, staff performed an analysis of our neighboring cities' sign code regulations and found the most prevalent maximum freestanding monument sign height is eight feet, but most of the reviewed jurisdictions' sign regulations also allow for taller pylon and pole signs. Staff also reviewed a freestanding sign visibility study<sup>2</sup> that recommends, for optimum sign visibility by motorists travelling on a four-lane or wider roadway, the bottom of the sign face should be at least six feet in height.

Additionally, as the use of digital signage is more commonplace, staff recommends restricting the overall size of changeable copy (manual or electronic/digital) currently allowed on freestanding monument signs from no size restriction to allowing only 50% of the total sign area or 50 square feet, whichever is less. Staff finds this restriction necessary to better comply with the Benbrook Corridor Overlay District's purpose statement, which is to enhance the overall quality and compatibility of development in the corridor and to secure the long-term aesthetic and economic value of the corridor.

The draft ordinance proposes the following amendments to the sign ordinance affecting the "F," "G," "HC," "MU," and "H" zoning districts:

- Increase the maximum allowable height of one monument sign per property from six feet to ten feet.
- Limit the maximum width of all freestanding monument signs to 12 feet.
- Changeable copy/electronic signs.
  - Limit changeable copy/digital signs to only one freestanding sign per property regardless of lot width/street frontage.

<sup>1</sup> Benbrook defines a pylon sign as a freestanding sign other than a pole sign, permanently affixed to the ground by two columns or supports with the sign face contained entirely between the two columns and the bottom edge of the sign cabinet is a minimum of eight feet above grade.

<sup>2</sup> Garvey, Philip M. and Klem, M. Jennifer (2019). Recommended Mounting Heights for Freestanding On-Premise Signs, *Interdisciplinary Journal of Signage and Wayfinding*; Vol. 3, No. 1

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

DATE:  <b>04/01/2021</b>	REFERENCE NUMBER:  <b>PZ-2021-01 ZTA-21-01</b>	SUBJECT: <b>Adopt an ordinance amending Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, by amending Chapter 17.92 – Sign Regulations modifying regulations to freestanding signs.</b>	PAGE:  <b>2 of 3</b>
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- o Limit the area of the changeable copy/digital portion of a sign to no more than 50% of the total sign area or 50square feet, whichever is less.

**Planning and Zoning Recommended Motion**

Move to adopt the zoning ordinance text amendment, as presented.

**Attachments** - Draft Ordinance

**UNAPPROVED MINUTES  
OF THE MEETING OF THE CITY OF BENBROOK  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, MARCH 11, 2021**

**IV. REPORTS OF CITY STAFF**

**A. ZONING TEXT AMENDMENT**

- 1) ZTA-21-01 – Consider an ordinance amending Title 17 – Zoning of the Benbrook Municipal Code by amending Chapter 17.92 – Sign Regulations modifying regulations to freestanding signs. [PUBLIC HEARING]

Doug Howard, City Planner, presented the staff report for consideration for amendments to the City sign regulations of Title 17 - Zoning of the Benbrook Municipal Code. The purpose of the text amendment is to update the electronic message center requirements and commercial monument sign height requirements.

Commissioner Newman stated his appreciation for staff's presentation and asked a question regarding monument sign material standards. Doug Howard stated this ordinance does not propose any material standard changes.

The Chair asked for public comment. There were no public comments.

Commissioner Newman and Commissioner Ramsey asked questions to clarify what changeable copy signs are and asked if this update was a stopgap measure before a larger sign ordinance amendment is presented. Doug Howard explained the different types of changeable copy signs and stated while there are other sign ordinance update needs, the monument sign height limitation was a top concern for staff and potential businesses.

Commissioner Newman and Commissioner Wallis stated their support for this text amendment.

Commissioner Wallis stated his appreciation for staff research and likes the idea of taller signs with the infrastructure updates to the Benbrook Boulevard Corridor.

Motion by Commissioner Ramsey to recommend the City Council adopt the zoning ordinance text amendment, as presented. Seconded by Commissioner Wallis. The presiding officer called the question:

Vote on the motion:



DATE:  <b>04/01/2021</b>	REFERENCE NUMBER:  <b>PZ-2021-01 ZTA-21-01</b>	SUBJECT: <b>Adopt an ordinance amending Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, by amending Chapter 17.92 – Sign Regulations modifying regulations to freestanding signs.</b>	PAGE:  <b>3 of 3</b>
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Ayes: Mr. Ramsey, Mr. Logan, Mr. Newman, Mr. Ellison, Mr. Wallis, Mr. Craver, Ms. Jones, and Ms. Rodriguez

Noes: None

Abstain: None

Motion carried: 8 – 0 – 0

**ORDINANCE NO. 1465**

**AN ORDINANCE AMENDING TITLE 17 - ZONING OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING CHAPTER 17.92 – SIGN REGULATIONS MODIFYING FREESTANDING SIGN REGULATIONS; 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 own 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**, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses and related activities within its corporate limits for the purpose of promoting the public health, safety and general welfare of the community and protecting and preserving places and areas of historical, cultural and architectural importance and significance; and

**WHEREAS**, the City has previously adopted zoning regulations as Title 17 of the Benbrook Municipal Code (1985), as amended through Ordinance 1459; and

**WHEREAS**, a public hearing was held concerning this amendment, Case No. ZTA-21-01, by the Planning and Zoning Commission on the 11<sup>th</sup> day of March 2021 and by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_ 2021; and

**WHEREAS**, the City Council has given published notice and held public hearings with the respect to the amendment to the Zoning Ordinance as required by law; and

**WHEREAS**, the City Council now deems the provisions of the present zoning regulations inadequate, because of changing conditions since its passage, to accomplish the foregoing objectives, and that said Title 17 shall be amended and superseded by the provisions of this ordinance; and

**WHEREAS**, the City Council finds that sign regulations enhance the economic viability of the community, while protecting the City and its citizens from a proliferation of signs of a type, size, number, location and character that would adversely impact upon the aesthetics of the community or threaten the health, safety and welfare of the community; and

**WHEREAS**, the City Council finds that the appropriate regulation of the physical characteristic of signs in the City and other communities has had a positive impact on the safety and the appearance of the community and facilitate economic development; and

**WHEREAS**, the City Council desires to address the latest and emerging technologies in the sign industry, such as electronic message centers in a way that allows persons and business to convey and communicate while also protecting the use and character of neighborhoods, enhancing the function and appearance of the city's commercial corridors and promoting the city's character and design objectives; and

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

## **SECTION 1**

That Section 17.92.090.A.1.c from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended in its entirety to read as follows:

- c. Changeable Copy Signs. Allowed on one (1) freestanding sign per property. Changeable copy signs are regulated as follows:
  - i. Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than one (1) frame every thirty (30) seconds shall be prohibited.
  - ii. Transition: The duration or interval of time between each individual advertisement, message or picture is a maximum of two (2) seconds and shall not include fading, movement, or other electronic effects.
  - iii. Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.
  - iv. Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts or create the illusion of movement.
  - v. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within forty-eight hours by the owner or operator of such sign.
  - vi. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.
  - vii. Area: Changeable copy may not exceed fifty percent (50%) of the total sign area or fifty (50) square-feet, whichever is less.

## **SECTION 2**

That Section 17.92.090.B.1.b from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended to read as follows:

- b. Monument Signs. The signs shall not exceed a sign area of one hundred twenty (120) square feet and shall not exceed six (6) feet in height and twelve (12) feet in width. The sign shall be low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. The sign must include a solid masonry base, at least twelve (12) inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the sign. The sign shall be no less than five (5) feet from any property line.
  - i. Exception. One (1) monument sign, per property, may have a maximum height of ten (10) feet.

## **SECTION 3**

That Section 17.92.090.B.1.c from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended in its entirety to read as follows:

- c. Changeable Copy Signs. Allowed on one (1) freestanding sign per property. Changeable copy signs are regulated as follows:
  - i. Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than one (1) frame every thirty (30) seconds shall be prohibited.
  - ii. Transition: The duration or interval of time between each individual advertisement, message or picture is a maximum of two (2) seconds and shall not include fading, movement, or other electronic effects.
  - iii. Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.
  - iv. Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts or create the illusion of movement.
  - v. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within forty-eight hours by the owner or operator of such sign.
  - vi. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.
  - vii. Area: Changeable copy may not exceed fifty percent (50%) of the total sign area or fifty (50) square-feet, whichever is less.

#### **SECTION 4**

That Section 17.92.090.C.1.b from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended to read as follows:

- b. Monument Signs. The signs shall not exceed a sign area of one hundred twenty (120) square feet and shall not exceed six (6) feet in height and twelve (12) feet in width. The sign shall be low profile, made of stone, concrete, metal, brick or similar materials or combination of materials, which repeats or harmonizes with the architecture of the establishment it serves. The sign must include a solid masonry base, at least twelve (12) inches in height, and which has no clear space for the full width of the sign between the bottom of the sign and the ground. The above ground portion of the base is considered part of the total allowable height of the sign. The sign shall be no less than five (5) feet from any property line.
  - i. Exception. One (1) monument sign, per property, may have a maximum height of ten (10) feet.

#### **SECTION 5**

That Section 17.92.090.C.1.c from Chapter 17.92 – Sign Regulations of Title 17 – Zoning of the Benbrook Municipal Code (1985), as amended, is hereby amended in its entirety to read as follows:

- c. Changeable Copy Signs. Allowed on one (1) freestanding sign per property. Changeable copy signs are regulated as follows:
  - i. Dwell Time: Changeable copy signs, whether electronic, digital, manual or automatic that changes more frequently than one (1) frame every thirty (30) seconds shall be prohibited.

- ii. Transition: The duration or interval of time between each individual advertisement, message or picture is a maximum of two (2) seconds and shall not include fading, movement, or other electronic effects.
- iii. Dim Control: Changeable copy signs shall have a sensor or other device, manual or automatic, that adjusts the brightness of the sign to be no more than three-tenths foot-candles greater than ambient light conditions when measured at the closest property line.
- iv. Prohibited Content: No portion of a changeable copy sign may scroll, fluctuate in light intensity, use sudden transitory bursts or create the illusion of movement.
- v. Maintenance: Any changeable copy sign using electronic or electro-mechanical technology which malfunctions, fails, or ceases to operate in its usual or normal programmed manner in accordance with these regulations shall be repaired or disconnected within forty-eight hours by the owner or operator of such sign.
- vi. Conformity: A changeable copy sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.
- vii. Area: Changeable copy may not exceed fifty percent (50%) of the total sign area or fifty (50) square-feet, whichever is less.

## **SECTION 6 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 7 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 8 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.

## **SECTION 9 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 Zoning 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 10  
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 production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 11  
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 12  
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 13  
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and it is so ordained

PASSED AND APPROVED this 1st day April, 2021.

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

ATTESTED BY:

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



# City of Benbrook

## CITY COUNCIL COMMUNICATION

DATE: 04/01/2021	REFERENCE NUMBER: G-2506	SUBJECT: Adopt Resolution to Participate in Tarrant County's 2021 Transportation Bond Program	PAGE: 1 of 2
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Tarrant County has issued a Call for Projects to municipalities located within its jurisdiction to partially fund (50% cost match) transportation-related projects for a new Transportation Bond Program scheduled for voter consideration in November 2021. The Program will provide up to \$400 Million in total funding, including up to \$200 Million for street overlays and reconstruction of municipal streets that provide connectivity to major thoroughfares (streets designated as "collectors" or higher). Funding priority will be given to cities with "shovel ready" projects that are able to begin construction within five years following voter approval of the bond election.

City staff recommends submission of the following projects:

Project 1 Street Reclamation Projects	Square Footage	Total Project Cost	City Share (50%)
Westpark Drive <i>Between RM 2871 to Lakeway Drive</i>	167,756	\$1,244,750	\$622,375
Timbercreek Drive <i>Between Bridge to Timberline Drive, East of Park Drive</i>	68,280	\$506,638	\$253,319
Project 1 Totals	236,036	\$1,751,388	\$875,694
Project 2 Street Overlay Projects	Square Footage	Total Project Cost	City Share (50%)
Mill and overlay all asphalt collectors as identified on the City's Master Transportation Plan	3,660,706	\$9,320,746	\$4,660,373
<b>Total Cost (Project 1 + Project 2)</b>		<b>Total Cost \$11,072,134</b>	<b>City Share \$5,536,067</b>

Upon project award, the City and Tarrant County will enter into an Interlocal Agreement (ILA). The ILA will include a reimbursement payment schedule that takes into account the awarded amount and the construction schedule submitted by the City.

### FINANCING

Tarrant County requires a local funding match of at least fifty percent of the total project cost identified in the City's project submittal. If a project's final cost is less than the amount obligated in the Program, the County will only fund up to fifty percent of the City's actual costs. The City is responsible for all cost overruns. The City's existing fund balances, coupled with likely Federal stimulus moneys, are sufficient to cover the City's cost share. However, the City is always able to defer or decline the award if necessary.

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

DATE:  
04-01-2021

REFERENCE  
NUMBER:  
G-2506

SUBJECT:  
Adopt Resolution to Participate in Tarrant  
County's 2021 Transportation Bond Program

PAGE:  
2 of 2

**RECOMMENDATION**

Staff recommends the City Council adopt the resolution to participate in Tarrant County's 2021 Transportation Bond Program.



**RESOLUTION NO. 2021-04**

**A RESOLUTION AUTHORIZING PARTICIPATION IN TARRANT COUNTY'S TRANSPORTATION BOND PROGRAM AND AGREEING TO MEET ALL TARRANT COUNTY MATCH CONTRIBUTION REQUIREMENTS FOR EXPENDITURES UNDER THE TARRANT COUNTY 2021 TRANSPORTATION BOND PROGRAM – CALL FOR PROJECTS**

**WHEREAS**, on January 19, 2021, the Tarrant County Commissioners Court approved a new Transportation Bond Program scheduled for voter approval in November 2021; and

**WHEREAS**, the Tarrant County Commissioners Court has invited the City of Benbrook to submit to the County street overlay and reconstruction projects that meet the Tarrant County 2021 Transportation Bond Program “Call for Projects” requirements; and

**WHEREAS**, the City of Benbrook is requesting to participate in Tarrant County 2021 Transportation Bond funding program with funds to be expended on street overlay and reconstruction activities within the City’s jurisdiction and has agreed to provide a 50% matching contribution for said projects within the City of Benbrook.

**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 2021 Transportation Bond Program – Call for Projects.

II.

That the City Council hereby authorizes the submission of the projects listed on Attachment “A” for consideration in the Tarrant County 2021 Transportation Bond Program.

PRESENTED AND PASSED on this 1<sup>st</sup> day of April 2021, 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

## Attachment “A”

<b>Project 1</b> Street Reclamation Projects	<b>Square Footage</b>	<b>Total Project Cost</b>	<b>City Share (50%)</b>
Westpark Drive <i>Between RM 2871 to Lakeway Drive</i>	167,756	\$1,244,750	\$622,375
Timbercreek Drive <i>Between Bridge to Timberline Drive, East of Park Drive</i>	68,280	\$506,638	\$253,319
<b>Project 1 Totals</b>	236,036	\$1,751,388	\$875,694
<b>Project 2</b> Street Overlay Projects	<b>Square Footage</b>	<b>Total Project Cost</b>	<b>City Share (50%)</b>
Mill and overlay all asphalt collectors as identified on the City's Master Transportation Plan	3,660,706	\$9,320,746	\$4,660,373
<b>Total Cost (Project 1 + Project 2)</b>		<b>Total Cost</b> <b>\$11,072,134</b>	<b>City Share</b> <b>\$5,536,067</b>