



**MINUTES  
OF THE  
MEETING OF THE  
BENBROOK CITY COUNCIL  
THURSDAY, FEBRUARY 21, 2008**

The regular meeting of the Benbrook City Council was held on Thursday, February 21, 2008 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich  
Rickie Allison  
Dan Tully  
Larry Stowe  
Keith Bailey  
Ron Sauma  
James Schull

Also Present:

Andy Wayman, City Manager  
Joanna King, City Secretary  
James Mills, Police Chief  
Cathy Morris, Administrative Analyst

Others Present:

Dorcas Neuman, Benbrook News  
Ed Gallagher, Planner  
Walter Shumac, Public Service Director  
Mark Hill  
Jonathan Dixon

**I. CALL TO ORDER**

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

**II. INVOCATION  
PLEDGE OF ALLEGIANCE**

Invocation given by Walter Shumac, Public Service Director  
The Pledge of Allegiance was recited.

### **III. MINUTES**

#### **1. Minutes of the regular meeting held February 7, 2008**

Motion by Mr. Tully, seconded by Mr. Allison to approve the minutes of the regular meeting held February 7, 2008.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

### **IV. PROCLAMATION/AWARDS/RECOGNITION**

#### **1. Proclamation – March for Meals Awareness Month in Tarrant County**

Mayor Dittrich presented a Proclamation to Mr. Mark Hill, Board Director with Tarrant County Meals-on-Wheels, declaring March as Awareness Month.

### **V. PRESENTATION BY PLANNING AND ZONING COMMISSION**

### **VI. REPORT OF CITY MANAGER**

#### **A. GENERAL**

##### **G-1765 Financial report for month of January 2008**

Andy Wayman gave the following report: General Fund revenues for the month of January totaled \$4,336,628. Almost this entire amount came from taxes with the largest portion coming from Property Taxes. General Fund expenditures totaled \$1,051,469. Year-to-date expenditures amounted to \$4,055,527. Through January, revenues exceed expenditures by \$3,184,467.

EDC revenues were \$54,560 while expenditures were \$171,929. For the year, EDC expenditures exceed revenues by \$513,271.

Investments were \$13,993,068 at January 31, 2008.

Motion by Mr. Stowe, seconded by Mr. Sauma to approve the January 2008 financial report as presented.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**G-1766 Ordinance amending Chapter 10 of the Benbrook Municipal Code by prohibiting the use of hand-held mobile telephones in active school zones**

James Mills gave the following report: The establishment of school zones recognizes the public safety considerations inherent with student drop-off and pick-up. In recent years, the increased use of hand-held mobile telephones has created an additional hazard to school-aged children traveling to and from school.

The proposed ordinance prohibits the use of hand-held mobile telephones while operating a motor vehicle in a school zone during the hours when the school zone is in effect. Exemptions to the ordinance include:

1. The use of a mobile telephone for the sole purpose of communicating with a hospital, physician's office, health clinic, or a public safety department regarding an emergency situation.
2. Any law enforcement officer, emergency services official, first aid, emergency medical technicians and personnel, or any fire safety official in the performance of duties arising out of an emergency in the course of his or her employment as such.
3. The use of a hands-free mobile telephone when being used in a hands-free manner.

The Police Department polled all school crossing guards and each strongly supports the proposed ordinance. As an aside, one of the school crossing guards is a retired police officer.

If approved by City Council, City crews will install signs prohibiting hand-held mobile telephone use in all posted school zones at an estimated cost of \$5,000 to be funded from General Fund Reserves.

Highland Park, University Park and Flower Mound have all enacted similar ordinances.

Motion by Mr. Sauma, seconded by Mr. Schull to adopt Ordinance No. 1254 prohibiting the use of hand-held mobile telephones in active school zones and provide \$5,000 in funding from General Fund Reserves.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

Ordinance No. 1254 being **“AN ORDINANCE OF THE CITY OF BENBROOK AMENDING CHAPTER 10 OF THE BENBROOK MUNICIPAL CODE BY ADDING SECTION 10.56, “USE OF HAND-HELD MOBILE TELEPHONES PROHIBITED IN ACTIVE SCHOOL ZONES”; SETTING FORTH DEFINITION; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.”**

Section 2  
Penalty Clause

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Benbrook, may be fined in the amount not to exceed the sum of two hundred dollars (\$200.00) for each offense.

Section 9  
Effective Date

This ordinance shall be in full force and effect from and after passage and publication as provided by law, and it is so ordained.

**G-1767      Authorize expenditure of Charter Community Grant for Heritage Fest Event**

Cathy Morris gave the following report: In October 2007, Benbrook celebrated its 60<sup>th</sup> year as an incorporated City and 150<sup>th</sup> year as a settled community with the first Heritage Fest “Cowboy Roundup” event.

On May 3, 2007, City Council approved the use of the first two of four scheduled annual Charter Communications Community grants, in the amount of \$18,706, to help fund the event.

Heritage Fest visitors enjoyed a free day-long event celebrating Benbrook history with western-themed games, historical re-enactors, an 1860’s vintage baseball game, an antique tractor display, chuck wagon cooking demonstrations, a Kiddy Korral, and an evening concert with a fireworks finale. In addition, Benbrook non-profit organizations were provided free booth space for fund-raising activities.

The success of Heritage Fest allows City Council to explore an annual signature event in Benbrook.

Charter Communications approves the use of these funds for Heritage Fest and asks two things of the City in relation to the grant:

1. That City Council Identify the Event it intends to fund with these grant monies; and
2. That Charter is recognized, through event marketing materials, as the donor of these charitable funds.

Motion by Mr. Stowe, seconded by Mr. Schull to approve a Heritage Fest event for October 2008 and allocate the June 2008 Charter Communications Community Grant, in the amount of \$9,353 for costs associated with the event.

Vote on the Motion:

Ayes: Mr. Schull, Mr. Bailey, Mr. Allison, Mayor Dittrich, Mr. Tully, Mr. Stowe, Mr. Sauma

Noes: None

Motion carries unanimously.

**VII. OTHER MATTERS OF BUSINESS**

**VIII. INFORMAL CITIZEN COMMENTS**

**IX. ADJOURNMENT**

Meeting adjourned at 8:46 P.M.

**APPROVED:**

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

**ATTEST:**

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