

AGENDA

**Regular Meeting of the Bedford City Council
Friday, December 2, 2011 at 5:30 p.m.
Old Bedford School
Board Room
2400 School Lane
Bedford, TX 76021**

THE CITY COUNCIL WILL MEET IN REGULAR SESSION AT 5:30 P.M. AND ADJOURN TO THE HOLIDAY TREE LIGHTING IMMEDIATELY FOLLOWING THE REGULAR MEETING.

COMPLETE COUNCIL AGENDAS AND BACKGROUND INFORMATION ARE AVAILABLE FOR REVIEW ONLINE AT <http://www.bedfordtx.gov>

CALL TO ORDER

REGULAR SESSION 5:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION

PLEDGE OF ALLEGIANCE

NEW BUSINESS

1. Consider approval of the following City Council minutes:
 - a) November 15, 2011 regular meeting
 - b) November 28, 2011 special session

2. Council member reports

3. City Manager report

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Tuesday, November 29, 2011 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

Michael Wells, City Secretary

Date Notice Removed

(Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in City functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight (48) hours prior to the scheduled starting time of a posted council meeting by calling 817.952.2101.)



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 12/02/11

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) November 15, 2011 regular session
- b) November 28, 2011 special session

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Minutes of November 15, 2011 regular session
Minutes of November 28, 2011 special session

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 15th day of November, 2011 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Jim Griffin	
Roy Savage	
Roy W. Turner	

constituting a quorum.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Cathy Cunningham	City Attorney
Michael Wells	City Secretary
Roger Gibson	Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Bill Syblon	Development Director
James Tindell	Fire Chief

CALL TO ORDER

Mayor Story called the Work Session to order at 5:30 p.m.

WORK SESSION

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed placing the following items on consent: 6, 7, 8 and 9.

- **Discussion regarding the proposed Vacant Building Ordinance.**

Deputy City Manager David Miller presented information regarding the proposed Vacant Building Ordinance. The purpose of the Ordinance is to assist the City in keeping track of current owners and management companies, maintaining current emergency contact information for public safety, and encouraging owners to lease space as soon as possible. There are still some legal questions that need to be answered; however, the issue that staff needs direction from Council is the boarding up of windows on vacant buildings. Currently, the landlord or owner of the building has the right to board up windows. Staff believes that this may discourage potential lessees, as well as have an adverse affect on economic development. Council has the opportunity to decide whether or not to permit the boarding up of windows in the event that a building is vacant for a long period of time, which is defined as six consecutive months or longer. Council has the authority to require the boarding up of all windows, to leave it up to the decision of the property owner but require that the boards be painted or somehow match the exterior of the building, or to prohibit the boarding up of any windows. The Fire Department prefers that the

windows on vacant buildings not be boarded up as that will enhance their ability to look inside and sense fire spread.

Council was of the consensus to prohibit the boarding up of any windows. Council was also of the consensus to change the requirement to comply with the requirements of the Ordinance, as listed in Section 22-290(c) of the draft Ordinance, from 30 days to 10 days from receipt of the notice of a violation.

- **Staff update on water conservation program.**

Public Works Director John Kubala presented an update on the water conservation program. He explained that the drought began October 1, 2010. The normal rainfall for the area is 36 inches; the actual amount since the beginning of the drought has only been 17 inches. The area needs 21 inches over the next three months and 30 inches over the next six months to break the drought. Stage One Watering Restrictions went into affect August 29, 2011. The lake levels are currently at 68% capacity; the Stage 2 Trigger Level is 60% capacity. On average, the City's water useage was up 14% from last year topping out at 15 million gallons a day in August.

The Public Works Department met with Code Enforcement and the Police and Fire Departments before the onset of restrictions. A spreadsheet was developed listing those that have received warnings so that those departments had access to that information. 1,000 notices were sent out to local businesses informing them of the restricitons. Information was also put out through a telephone hotline, in the water bills, through L.A.C.E. and B.A.C.E e-mails, postings at all City buildings, and a link on the City's website. Also, 50 drought signs were placed at major intersections. Finally, the Police Department adjusted the schedules of the Public Service Officers to ensure after hours patrolling. The average water usage in the City dropped 25% in September and 20% in October. Over 1,000 warnings have been issued, along with some citations. The overall water usage in the Tarrant Regional Water District (TRWD) has dropped 5%.

Other water conservation efforts included the Water Wise Program that was presented to 5th grade classes, public service announcements at the Movie Tavern, rain barrel classes taught by Environmental Specialist Stephanie Corso, and presentations to summer camp kids at the Boys Ranch and residents at a Community Affairs Commission meeting.

The Trinity River Authority and TRWD anticipate going to Stage 2 restrictions in early spring. This would require a 10% reduction in water usage, limiting landscape watering to every seven days, restricting the operation of ornamental fountains or ponds, discouraging the establishment of new landscaping and halting all non-essential water usage. There is no immediate end in sight to the drought and the longer the area stays in the drought, the longer it takes to get out. An article on the Stage 2 restrictions will be in the next City Magazine coming out in December. Staff will also start meeting to discuss the game plan for the Stage 2 restrictions.

Mr. Kubala stated that the City's conservation efforts are working and that the Departments should be commended for their cross-departmental collaboration. Finally, he stated that the City will be installing permanent red signs, similar to Hurst and Colleyville, containing information on water restrictions at the City limits and at major intersections.

- **Staff report and receive Council direction regarding promotional video.**

City Manager Beverly Griffith presented a report on the promotional video that was discussed at the Council Work Session on November 5, 2011. Staff spoke with the company that is making the proposal and received a few references. After talking to these references and doing some research, staff is recommending not pursuing the proposal at this time. Council was of the consensus to not pursue the proposal.

Mayor Story adjourned the Work Session at 6:11 p.m.

EXECUTIVE SESSION:

To convene before the Regular Session, if time permits, in the conference room in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- a) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Variance of distance regulations pursuant to Chapter 10, Alcoholic Beverage, Section 10-3 of the City of Bedford Code of Ordinances regarding Block 1, Lot 1Rb, Bedford Meadows Shopping Center Addition.

Council convened into Executive Session pursuant to the Texas Government Code Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Variance of distance regulations pursuant to Chapter 10, Alcoholic Beverage, Section 10-3 of the City of Bedford Code of Ordinances regarding Block 1, Lot 1Rb, Bedford Meadows Shopping Center Addition at approximately 6:11 p.m.

Council reconvened from Executive Session at approximately 6:41 p.m.

Any necessary action to be taken as a result of the Executive Session will occur during the regular session of the Bedford City Council Meeting.

REGULAR SESSION 6:30 P.M.

The Regular Session began at 6:43 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Dr. Timothy Pierce, Woodland Heights Baptist Church)

Dr. Timothy Pierce of Woodland Heights Baptist Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak under tonight's Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Champney, seconded by Councilman Fisher, to approve the following items by consent: 6, 7, 8 and 9.

Motion approved 7-0-0. Mayor Story declared the motion carried.

COUNCIL RECOGNITION

1. Proclamation recognizing Fire Safety Poster Contest Winners.

Mayor Story presented proclamations recognizing Fire Safety Poster Contest Winners to the following students:

Omar Rubio – First Grade, Meadow Creek Elementary
Reagan Podsednik - Third Grade, Bedford Heights Elementary
Caroline Adcock - Fourth Grade, Stonegate Elementary
Megan Henderson – Fifth Grade, Bedford Heights Elementary
Janelle Schmidt - Sixth Grade, Spring Garden Elementary

Hannah Sheppard, the Second Grade winner from Bedford Heights Elementary, was unable to attend the ceremony. She will be presented her proclamation at a future date.

2. Employee Service Recognition.

The following employees received recognition for dedicated service and commitment to the City of Bedford:

Andrew Versocki, Police Department – 5 years of service
Jennifer Bellinghausen, Police Department – 5 years of service
William Eurto, Police Department – 10 years of service
Stanley Campbell, Public Works – 10 years of service
Patrick Martin, Public Works – 40 years of service

PERSONS TO BE HEARD

3. The following individuals have requested to speak to the Council tonight under Persons to be Heard:

- **Pamela Stroud, 1820 Wimbleton Drive, Bedford 76021 – Requested to speak to the Council regarding nursing homes in neighborhoods allowed in Bedford.**

Pamela Stroud, 1820 Wimbleton Drive. Ms. Stroud related to Council issues she has had with the Ohana nursing residence across the street from her house, specifically with the parking of cars behind her driveway and on her side of the street. She disputed statements made by the owner of the facility made at a previous Council meeting in regards to her. She also mentioned a letter she recently received from the City Manager stating that in consultation with the Police and Fire Departments, Code Enforcement and the City Attorney that the current use of the property is not in violation of current codes or ordinances. Ms. Stroud stated that this was not the issue; she wants to know if the City will pass any laws or ordinances to help the citizens as no citizen should be confronted with that many cars. The bottom line is the affect on property values and the right to own a house that is not across from a business. She requested that the Council look into any laws to prohibit these types of businesses in residential areas in the future and to prevent them from caring for up to 12 people. She mentioned a regulation in North Richland Hills that prohibited 3 or more non-related people from residing in a house and a regulation in Hurst prohibiting home-based businesses.

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes:

- a) November 5, 2011 work session**
- b) November 8, 2011 regular meeting**

Motioned by Councilman Champney, seconded by Councilman Griffin, to approve the minutes of the November 5, 2011 work session.

Motion approved 7-0-0. Mayor Story declared the motion carried.

Motioned by Councilman Champney, seconded by Councilman Turner, to approve the minutes of the November 8, 2011 regular meeting.

Motion approved 6-0-1. Mayor Story declared the motion carried.

Councilman Griffin abstained due to not being present at this meeting.

NEW BUSINESS

5. Public hearing and consider an ordinance to rezone property known as Lot 1TRH, Block 1, Shady Oaks East Addition, from Heavy Commercial to Heavy Commercial/ Specific Use Permit/Building and Related Contractors Construction Yards and Storage Buildings. The property is generally located south of Harwood Road and west of Brown Trail. (Z-211)

Development Director Bill Syblon presented information regarding this ordinance. This specific use permit is to allow the Locke Supply Company to occupy a 29,000 square foot building at the southwest corner of Harwood Road and Brown Trail. The building is a former Safeway and more recently, a Planet Pet. The reason for the SUP is that the applicant requires a 60 x 120 foot outdoor storage area. The applicant agreed at the Planning and Zoning Commission meeting to line the storage area with a decorative wrought iron fence, similar to the one at Northern Tool. Initially, a six-foot fence was proposed; however, the applicant has come back and requested an eight-foot fence. That is the only difference between what was approved by Planning and Zoning and what is being presented to Council. A letter of concern was received from a neighboring business regarding the effects of the storage area on the visibility of their store.

Council discussed the possibility of reorienting the fenced storage area, in the same configuration, to the east side of the property. Mr. Syblon stated this had been discussed at the Development Review Committee and the Planning and Zoning Commission levels. Moving the location to the east would encroach on an emergency access easement. The storage area would also take up an additional 13 parking spaces, which would bring the total number of parking spaces under code for that site and use. Further, there may be issues with longer vehicles having to make turns in the parking lot to the two exits out of the property. Finally, there are issues with the grading of the parking lot which slopes considerably more to the east.

Chad Rogers, the applicant, answered questions from Council. Mr. Rogers stated that the racking system would not be as high as the one at Northern Tool but would be of a similar configuration. The goods being stored would also be similar to what is at Northern Tool. He also spoke about the slope of the parking lot. The building sits lower than the street and the only sight obstruction would be from the west bound lane of Harwood Road. In regards to traffic, it would be heaviest in the morning. Trucks belonging to Locke Supply would park in the outdoor storage area at night but during the day would be out making deliveries. The only tractor trailers would be in the loading dock area. In regards to outside improvements, he stated that the exterior would be brown and tan earth tones with the standard Locke Supply signage.

Council discussed the fencing for the storage area. They were of the consensus that it be an eight-foot wrought iron fence with a minimum of 12 and a maximum of 16 columns of brick, masonry or stone. Further, there would be no storage of materials above eight feet.

Mayor Story opened the public hearing at 8:36 p.m.

Nobody chose to speak during tonight's public hearing.

Mayor Story closed the public hearing at 8:37 p.m.

Motioned by Councilman Griffin, seconded by Councilman Champney, to approve an ordinance to rezone property known as Lot 1TRH, Block 1, Shady Oaks East Addition, from Heavy Commercial to Heavy Commercial/ Specific Use Permit/Building and Related Contractors Construction Yards and Storage Buildings, including the stipulations that the storage area use an eight foot high wrought iron fence, that the storage area contain columns of brick, masonry or stone with a minimum of 12 columns and not to exceed a maximum of 16 columns and that no storage in the storage area is to exceed eight feet.

Motion approved 7-0-0. Mayor Story declared the motion carried.

- 6. Consider a resolution authorizing the City Manager to enter in a Utility Adjustment Agreement Amendment (UAAA) with NTE Mobility Partners, LLC and Bluebonnet Contractors, LLC for the adjustment of the City of Bedford's existing utilities impacted by the North Tarrant Express Project.**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to enter into an Engineering Services Contract with Baird, Hampton & Brown, Inc. in the amount of \$106,205 for the design of the Reconstruction of Dora Street from Pipeline Road to Phyllis Street.**

This item was approved by consent.

- 8. Consider a resolution authorizing the purchase of a replacement pavement saw in the amount of \$18,563.29.**

This item was approved by consent.

- 9. Consider a resolution amending Section 2 of Resolution 11-122, and authorizing the City Manager to schedule the December Council meetings as December 2, 2011 and December 13, 2011.**

This item was approved by consent.

- 10. Report on most recent meeting of the following Boards and Commissions:**

- ✓ **Animal Control Board- Councilman Griffin**

No report was given.

- ✓ **Animal Shelter Advisory Board- Councilman Griffin**

No report was given

- ✓ **Beautification Commission- Councilman Turner**

No report was given.

- ✓ **Community Affairs Commission- Councilman Fisher**

Councilman Fisher stated that the Commission will meet Thursday night in the Conference Room at 5:30 p.m. They will be bringing to the Council's attention a green energy fair for the City.

- ✓ **Cultural Commission- Councilman Champney**

Councilman Champney reported that the Commission had a meeting last night. Alicia McGlinchey was appointed as the chair. He is happy to report that it is a very proactive commission. They are in the opening stages of some very exciting plans for the City going into 2012. They are also in the planning stages for the development of a cultural district, which will result in greater sense of community and bring together the citizens of the City.

- ✓ **Library Board- Councilman Brown**

Councilman Brown stated that the Library Foundation recently held their ChristmasFest. The auction went very well and they raised \$1,717. The Library Advisory Board will meet tomorrow night at 7:00 p.m.

✓ **Parks & Recreation Board- Councilman Griffin**

No report was given

✓ **Senior Citizen Advisory Board- Councilman Savage**

Councilman Savage reminded Council about the annual Senior Center Luncheon at 12:00 p.m. tomorrow.

✓ **Teen Court Advisory Board- Councilman Griffin**

No report was given.

11. Council member reports

No other reports were given.

12. City Manager report

City Manager Beverly Griffith wished everyone a safe and happy Thanksgiving.

13. Take any action necessary as a result of the Executive Session.

No action was necessary as a result of the Executive Session.

ADJOURNMENT

Mayor Story adjourned the meeting at 8:42 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in special session at 5:30 p.m. in the North Meeting Room of the Bedford Public Library, 2424 Forest Ridge Drive, Bedford, Texas, on the 28th day of November, 2011 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Jim Griffin	
Roy Savage	
Roy W. Turner	

Constituting a quorum.

Staff present included:

Beverly Griffith	City Manager
Megan Jakubik	Assistant City Secretary

CALL TO ORDER

Mayor Story called the meeting to order at 5:31 p.m.

EXECUTIVE SESSION

To convene in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Sulpher Branch & SB-1.

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Sulpher Branch & SB-1 at approximately 5:31 p.m.

Council reconvened from Executive Session at approximately 5:33 p.m.

Any necessary action to be taken as a result of the Executive Session will occur during the special session of the Bedford City Council Meeting.

SPECIAL SESSION

- 1) Consider a resolution authorizing the City Manager or their designee to execute an all cash contract of sale with Gwen Adams for the purchase of fee simple property rights in land being all of Lot 2, Block 3, Shady Brook Addition with the physical address being 2061 Shady Brook Drive, City of Bedford, Tarrant County Texas.

Motioned by Councilman Champney, seconded by Councilman Fisher, to approve a resolution authorizing the City Manager or their designee to execute an all cash contract of sale with Gwen Adams

for the purchase of fee simple property rights in land being all of Lot 2, Block 3, Shady Brook Addition with the physical address being 2061 Shady Brook Drive, City of Bedford, Tarrant County Texas.

Motion approved 7-0-0. Mayor Story declared the motion carried.

2) Interviews for annual appointments to boards and commissions.

Council members conducted interviews with applicants for appointment to boards and commissions.

3) Council discussion, if necessary, regarding annual appointments to boards and commissions.

Council generally discussed the appointment of members to boards and commissions. Appointments will be made at a future Council meeting.

ADJOURNMENT

Mayor Story adjourned the meeting at 7:48 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary