

Council Minutes November 27, 2012

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 27th day of November, 2012 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Jim Davisson	
Patricia Nolan	
Sherri Olsen	
Roy W. Turner	

constituting a quorum.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Les Hawkins	Deputy Police Chief
Russell Hines	Building Official
Mirenda McQuagge-Walden	Managing Director of Community Services
Jacquelyn Reyff	Planning Manager
Bill Shelton	Public Works Supervisor
Bill Syblon	Development Director

WORK SESSION

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

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

Council discussed placing the following items on consent: 3, 6 and 7.

- **Receive an update from staff regarding the Stone Court Homeowner's Association perimeter screening wall.**

Deputy City Manager David Miller stated that at the October 23 meeting, Teresa LaMacchia from the Stone Court Homeowner's Association presented an issue regarding their screening wall. They are required by their Planned Unit Development (PUD) to have masonry fence. Staff has been examining the best solution for their particular situation as well as the overall effects to the City. A PUD is a zoning classification within the City's ordinances that allows desired development designs to be implemented at the time that zoning is approved. For Stone Court, a masonry wall was included in their PUD and it is their responsibility for the maintenance of the wall. They cannot afford to replace the wall due to cost factors and are looking to Council for relief. They could get relief by amending their PUD; however, the PUD cannot be addressed without amending the underlying screening provisions in the Zoning Ordinance. These amendments would have to go through the Planning and Zoning Commission and

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then to Council for approval or denial. Mr. Miller stated that there are another 10 PUDs in the City that have masonry walls. Staff desires to address the issue where it is City-wide but each PUD would be handled on an individual basis. The amendment to the Zoning Ordinance would be that if a subdivision is granted relief from replacing their masonry wall, the abutting businesses would not be considered out of compliance.

In answer to questions from Council, Mr. Miller stated that inclusive of Stone Court, 12 other PUD's abut commercial property. Council discussed setting precedents if relief is granted to one subdivision and not another; creating hardships for businesses; that new businesses would still be required to put up masonry screening if they are built next to a residential property; aesthetics; and holding the developers accountable for issues related to fences.

City Manager Beverly Griffith stated that in 2003, businesses were given a variety of alternative screening methods including double-sided wood fences, shorter masonry walls and a combination of fencing and landscaping. These businesses were allowed to ask for a special exception from the Zoning Board of Adjustment.

In answer to a question from Council, Mr. Miller stated that the proposed amendments to the Fence Ordinance under Item #4 would negate Stone Court's ability to request relief and would create a conflict with the proposed changes to the Zoning Ordinance. Language would need to be added to the Fence Ordinance regarding an appeals process that would be equal to all citizens. Appeals could go through the Zoning Board of Adjustment, the Building and Standards Commission or directly to the Council.

Council discussed tabling Item #4. Council was of the consensus for staff to work on changes to the Zoning and Fence Ordinances, bring those changes to Council for their blessing and then go through the process with the Planning and Zoning Commission.

Mayor Griffin adjourned the Work Session at 6:04 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, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lots 1D and 1E, Shops at Central Park.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lots 4BR1 and Block 1, Lot 4A, Northeast Community Hospital Addition and Block 1 Lot 4 Cimarron Plaza Addition.**
- d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1, First State Bank Plaza Addition.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments, Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lots 1D and 1E, Shops at Central Park, Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lots 4BR1 and Block 1, Lot 4A, Northeast Community Hospital Addition and Block 1 Lot 4 Cimarron Plaza Addition and Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1, First State Bank Plaza Addition at 6:09 p.m.

Council reconvened from Executive Session at 6:30 p.m. Council did not finish the Executive Session and will convene again at the end of the meeting.

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Council convened into Executive Session at 7:05 p.m.

Council reconvened from Executive Session at 7:52 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 6:36 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Pastor Tyler Downing, Woodland Heights Baptist Church)

Councilmember Turner 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 Councilmember Turner, seconded by Councilmember Brown, to approve the following items by consent: tabling Item # 4 and consenting 3, 6 and 7.

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

COUNCIL RECOGNITION

1. Employee service recognition.

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

Shayna Embry, Police Department – 5 years of service
Ernis Walker, Public Services – 5 years of service
Jeffery Gibson, Police Department – 15 years of service
William Cooper, Support Services – 20 years of service
Eric Griffin, Police Department – 25 years of service

PERSONS TO BE HEARD

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

- a) **Royal Smith, 2010 California Crossing, Dallas, Texas – Requested to speak to the Council regarding Community Waste Disposals interest in providing a proposal and to pass out general information.**

Royal Smith, 2010 California Crossing – Mr. Smith stated that the City's current contract for waste disposal expires in 2014 and he hoped that if the City went out for bid, that Community Waste Disposal would be included in the RFP process. He handed out materials giving an overview of the company,

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their basic services including residential trash, bulk and brush pickup, commercial services and storm debris management. He stated that the company has received numerous community awards. He presented information on their Extreme Green Events for household hazardous waste, document shredding and automotive tires. He also stated that their fleet is made up of compressed natural gas vehicles.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:
 - a) November 13, 2012 regular meeting

This item was approved by consent.

OLD BUSINESS

4. Consider an ordinance amending Chapter 22. "Building and Building Regulations", Article XIII. "Fences", Section 22-554. "Definitions", Section 22-558. "Maintenance", and Section 22-559. "Construction Prohibited", of the City of Bedford Code of Ordinances; providing a savings clause; providing a severability clause; and providing an effective date. (Continued from the October 23, 2012 meeting)

This item was tabled by consent.

NEW BUSINESS

5. Public hearing and consider an ordinance to rezone a portion of property known as Lot 1, Block A, Bedford Plaza Addition, 2101 West Airport Freeway, Bedford, Texas; specifically for the operation of a restaurant (Chili's) from Planned Unit Development (PUD) to Heavy Commercial (H), Site Plan Approval, in the Central Business District Overlay. The property is generally located north of Airport Freeway and east of Central Drive. (Z-230)

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. This is for a Chili's restaurant. The property is currently zoned as a Planned Unit Development (PUD) with a Central Business District Overlay. The PUD was for the development of this restaurant and surrounding restaurants. The site had previously been used as a Bennigan's restaurant. The applicant is proposing a building footprint of 6,090 square feet. They do meet the minimum parking numbers. There are three existing points of egress and ingress on Airport Freeway, Bay Street and Plaza Parkway. They exceed the minimum requirements for landscaping and lot coverage. 48% of the site area would be landscaped, in excess of the 20% requirement. 82% of the front yard would be landscaped, in excess of the 40% requirement. Finally, 11% of the parking lot would be landscaped, in excess of the 10% requirement. There are currently 23 trees on the tree preservation plan and the applicant is proposing to remove four trees, leaving a total of 19 trees. The proposed elevations include stucco, brick, metal, stone and bronze light fixtures. Though the Central Business District does not have specific design standards, staff has worked with the applicant to achieve modern restaurant designs. The location is designated as commercial so the proposed use would not conflict with the Comprehensive Plan. The Planning and Zoning Commission approved this item at their October 25, 2012 meeting by a vote of 6-0-0. This public hearing was published in the October 30, 2012 edition of the Star-Telegram.

In answer to a question from Council, Ms. Reyff stated that the restaurant does front Highway 183.

Mayor Griffin opened the public hearing at 6:52 p.m.

Nobody chose to speak at tonight's public hearing.

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Mayor Griffin closed the public hearing at 6:52 p.m.

In answer to a question from Council, the applicant, Kimberly Williford, 6820 LBJ Freeway, Dallas, stated that they are currently in plan review and hope to begin construction by the beginning of the year for an opening of June 15.

Motioned by Councilmember Brown, seconded by Councilmember Turner, to approve an ordinance to rezone a portion of property known as Lot 1, Block A, Bedford Plaza Addition, 2101 West Airport Freeway, Bedford, Texas; specifically for the operation of a restaurant (Chili's) from Planned Unit Development (PUD) to Heavy Commercial (H), Site Plan Approval, in the Central Business District Overlay. The property is generally located north of Airport Freeway and east of Central Drive.

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

- 6. Consider a resolution authorizing the City Manager to purchase seven 2013 replacement patrol vehicles in the amount of \$191,696.89 through Holiday Chevrolet utilizing the Tarrant County Cooperative Contract.**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to purchase a 2013 Chevrolet Silverado truck in the amount of \$15,624.33 through Holiday Chevrolet utilizing the State of Texas Contract.**

This item was approved by consent.

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

- ✓ **Animal Control Board – Councilmember Olsen**

No report was given.

- ✓ **Animal Shelter Advisory Board - Councilmember Olsen**

No report was given.

- ✓ **Beautification Commission – Councilmember Turner**

Councilmember Turner reported that for the first time in the five years he has been the liaison to the Commission, they were unable to meet due to a lack of quorum.

- ✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported that the Commission has begun looking at projects for 2013 that will be all encompassing for local businesses and residents. He reminded everybody about shopping in Bedford first.

- ✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission does not meet until next week.

- ✓ **Library Board – Councilmember Brown**

No report was given.

- ✓ **Parks & Recreation Board - Councilmember Davisson**

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No report was given.

✓ **Senior Citizen Advisory Board - Councilmember Turner**

Councilmember Turner reminded everybody about the Senior Center Holiday Luncheon on Friday, December 7 at noon.

✓ **Teen Court Advisory Board - Councilmember Olsen**

No report was given.

9. Council member reports

Councilmember Nolan reported on the 6Stones Night of Wonder. She challenged her fellow Council members to beat the City of Euless, who funds over 150 kids. People can either make donations or shop for a child and deliver the gifts to 6Stones.

10. City Manager/Staff Reports

City Manager Beverly Griffith reminded everybody about the Christmas Tree Lighting on Friday, November 30. The event begins at 4:00 p.m. at the Library with holiday cookie decorating and the movie, "The Grinch Who Stole Christmas". The event then moves over to the Old Bedford School at 6:00 p.m. for crafts, letters to Santa, singing, stories, refreshments and a visit from Santa. Pictures with Santa are available for \$5.00. For further information, people can check the City's website or call the Boys Ranch Activity Center.

Ms. Griffith reported on the Bedford holiday decorating contest, which is open to all residents, neighborhoods and homeowner's associations. Participants must officially enter the contest by December 6. A list of the participating locations will be published on the City's website. Voting will take place between December 7 and 20. The winners will be announced at the Council meeting on January 8 and will be featured on the cover of the City magazine.

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

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

ADJOURNMENT

Mayor Griffin adjourned the meeting at 7:55 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary