

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in special session at 6:00 p.m. , work session at 6:30 p.m. and regular session at 7:00 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 13th day of May 2008 with the following members present:

Jim Story	Mayor
Roy Savage	Mayor Pro Tem
Jeff Cason	Council Members
Lori Nail	
Charles Orean	
Roy Turner	
Bob Whistler	

Constituting a quorum.

New Council members Ray Champney and Chris Brown were also sworn in during this meeting and seated to take action on items during the work session and regular session.

Staff present included:

Beverly Queen	City Manager
Steve Johnson	Deputy City Manager
Cathy Cunningham	City Attorney
James Hughes	Director of Parks and Recreation
Shanae Jennings	City Secretary
John Kubala	Director of Public Works
Bill Syblon	Development Director
Mirenda McQuagge-Walden	Communications/Special Projects Manager
Maria Redburn	Library Manager

SPECIAL SESSION

Mayor Story called the special session to order at 6:00 p.m.

ELECTION CANVASS

- **Consider and act upon a resolution to receive and accept as true and correct the canvassed voting results for the General and Special Election held on May 10 2008, for the election of Council Members Place 4 and Place 6 and the results of the Special Election regarding the adoption or rejection of proposed amendments to the existing City Charter as presented by the City Secretary.**

Motioned by Councilman Whistler, seconded by Councilwoman Turner to approve a resolution to receive and accept as true and correct the canvassed voting results for the General and Special Election held on

May 10 2008, for the election of Council Members Place 4 and Place 6 and the results of the Special Election regarding the adoption or rejection of proposed amendments to the existing City Charter as presented by the City Secretary.

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

INAUGURATION OF NEWLY ELECTED OFFICIALS

- **Administer Statement of Elected Officer, Oath of Office and Certificate of Election to newly elected Council Members Place 4 and Place 6.**

Mayor Jim Story presented each candidate with their Certificate of Election.

City Secretary, Shanae Jennings, administered the Oath of Office and Statement of Elected Officer to new Council members Raymond Champney, Place 4 and Chris Brown, Place 6 at tonight's meeting.

ADJOURNMENT

Motioned by Councilwoman Savage, seconded by Councilman Cason to adjourn the special session.

Mayor Story adjourned the special meeting at 6:12 p.m.

WORK SESSION

Mayor Story called the work session to order at 6:31 p.m.

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

Council discussed approving the following item(s) by consent: Item(s) 9, 12 and 13.

- **Discuss and consider setting dates for future City Council work sessions on various topics.**

City Manager Beverly Queen indicated that she wanted to set dates for the following work sessions:

Strategic Planning Session with Joe Gonzales – The Council elected to hold this meeting on June 14, 2008 beginning at 8 a.m. Council considered June 21, 2008 for an alternate date.

Economic Development Strategic Planning Session with GSBS – The Council elected to hold this meeting on June 23, 2008 beginning around 6 p.m. Council considered June 9, 2008 for an alternate date.

Legal training session for Open Records and Open Meetings Acts – Council elected to hold this at 5:30 p.m. on Tuesday, May 27, 2008.

Council photograph for new Council members – Council elected to have their photographs at 5:00 p.m. on May 27, 2008 prior to their legal training session, pending availability of a photographer.

- **Staff report on Microsurfacing Project.**

John Kubala, Director of Public Works, and Bill Shelton, Public Works Superintendent spoke to the

Council regarding their concerns and the expressed concerns of citizens about the microsurfacing. It has been expressed to some of the Council members that the microsurfacing on Forest Ridge has made for a rougher driving surface. Mr. Kubala and Mr. Shelton expressed that the microsurfacing lasts longer than an overlay and that its main purpose is for skid resistance and durability. This will also help the street age better and be durable longer.

A representative from Viking was available to answer questions for Council and attempted to ease their concerns regarding leveling of the micro-surfacing, whether ruts would be incurred, and whether overlay will be utilized in the future for preventive maintenance, etc.

EXECUTIVE SESSION

To convene before 7:00 p.m., if time permits, in the conference room pursuant to Sections 551.072 and 551.087 of the Texas Government Code to discuss the following:

- a) **Deliberation regarding economic development negotiations pertaining to Block 7 Lot 1 of the Bedford Forum Addition .**
- b) **Deliberation regarding the purchase, exchange, lease, or value of real property located north of L. Don Dodson Drive, south of Harwood Road, east of Forest Ridge Drive and west of Central Drive.**

Council elected to convene into Executive Session at the end of the regular meeting.

Council convened into Executive Session pursuant to Sections 551.072 and 551.087 of the Texas Government Code regarding deliberation for economic development negotiations pertaining to Block 7 Lot 1 of the Bedford Forum Addition and deliberations regarding the purchase, exchange, lease or value of real property located north of L. Don Dodson Drive, south of Harwood Road, east of Forest Ridge Drive and west of Central Drive at approximately 8:28 p.m.

Council reconvened from Executive Session at approximately 9:10 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 7:00 P.M.

Mayor Story called the meeting to order.

CALL TO ORDER/GENERAL COMMENTS

Regular session began at 7:08 p.m.

INVOCATION (Pastor Kevin Smith, Faith Christian Fellowship Church)

Pastor Kevin Smith of Faith Christian Fellowship Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Savage, seconded by Councilwoman Nail to approve the following item(s) by consent: Item(s) 9, 12 and 13.

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

COUNCIL RECOGNITION

1. Proclamation proclaiming May 16, 2008 as Elder Abuse Awareness Day.

Mayor Story read and presented a proclamation proclaiming May 16, 2008 as Elder Abuse Awareness Day.

2. Proclamation proclaiming the month of May 2008 as Motorcycle Safety and Awareness Month.

Mayor Story read and presented a proclamation proclaiming the month of May 2008 as Motorcycle Safety and Awareness Month.

3. Proclamation recognizing the week of May 18-24, 2008 as Emergency Medical Services Week in Bedford, Texas.

Mayor Story read and presented a proclamation proclaiming the week of May 18-24 as Emergency Medical Services Week in Bedford.

4. Consider a resolution authorizing the Beautification Commission to recognize a Bedford business, the Colonial Village at Shoal Creek for maintaining, improving, and/or keeping their property visually attractive to the community.

James Hughes, Director of Parks and Recreation, presented the Beautification Commission's recommendations for a Bedford business, the Colonial Village at Shoal Creek, for maintaining, improving, and/or keeping their property visually attractive to the community.

Motioned by Councilman Cason, seconded by Councilman Champney to approve a resolution authorizing the Beautification Commission to recognize a Bedford business, the Colonial Village at Shoal Creek, for maintaining, improving, and/or keeping their property visually attractive to the community.

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

5. Short Story Contest Winner Recognition.

Mayor Story recognized the contest winners for the Second Annual Short Story Writing Contest hosted by the Bedford Public Library. The winners are as follows:

1st – 6th Grade Winners

First Place "Digging for Freedom" by Holden Lucio (2nd Grade Spring Garden)

Second Place "Dear Diary" by Emma Wright (5th Grade Hurst Hills Elementary)

Third Place "Lindy Williams: A Runaway Slave" by Payten Bihm (5th Grade Hurst Hills Elementary)

7th– 12th Grade Winners

First Place “I Am Finally Free” by Audrey Branscum (11th Grade L.D. Bell High School)

Second Place “Letters of Freedom” by Grace Coan (8th Grade Stepping Stones)

Third Place “Freak” by Makinzy Springer (9th Grade Central Junior High School)

6. Proclamation proclaiming May 18-24, 2008 as Public Works Week.

Mayor Story read and presented a proclamation proclaiming the week of May 18-24, 2008 as Public Works Week.

7. Presentation of a Certificate of Appreciation to Tarrant County Precinct 3 for the assistance they provided the City of Bedford during the April 10, 2008 storm debris removal.

Mayor Story presented Certificates of Appreciation to Tarrant County Precinct 3 for assistance they provided to the City during the April 10, 2008 storm debris removal. Their assistance was integral in Bedford’s ability to clean the City as quickly as they did.

PERSONS TO BE HEARD

No one requested to speak tonight under persons to be heard.

APPROVAL OF THE MINUTES

8. Consider approval of the following City Council minutes:

a) April 22, 2008 regular meeting

Motioned by Councilman Cason, seconded by Councilman Savage to approve the minutes of the April 22, 2008 meeting.

Motion approved 5-0-2. Mayor Story declared the motion carried.

Councilman Brown and Councilman Champney abstained due to not being Council members during the April 22, 2008 meeting.

OLD BUSINESS

9. Second reading of Ordinance No. 08-2881 (Zoning Case Z-170, request of Scott Hunter for Kroger) to rezone a portion of Lot 1, Block 1, Harwood/Central Shopping Center Addition from Planned Unit Development to Amended Planned Unit Development/Gasoline Service Station. The property is generally located north of Harwood Road and west of Central Drive.

This item was approved by consent.

10. Second reading of Ordinance No. 08-2882 (Amendment Case A-009.1) to consider amending the City of Bedford Development Code, Zoning Ordinance, Section 1.2 Definitions, and Section 5.14 Storage Container Regulations, addressing cargo containers.

Bill Syblon, Development Director, spoke to the Council regarding this item. At the last Council meeting it was approved by a vote of 7-0-0. He offered to answer any questions the Council had regarding this item.

Council briefly discussed this item and would like to see questions that were presented to them by a resident answered before they proceed with acting on this item. Mr. Syblon discussed and answered as many of these questions as possible for the Council. Following are those questions and answers:

1. Purpose statement

Dr. Stuart questioned the wording of the purpose statement. This statement is an introduction to the ordinance and does not contain any regulatory language. We believe the purpose statement is appropriate as it is presented.

2. Are there any exceptions to the requirement for permits?

There are no exceptions. Even large volume users shall be required to obtain a permit. City staff may elect to establish an annual permit for businesses that use larger volumes of containers. That process is still being developed.

3. Can Storage Containers Still Have Their Advertisements?

Yes, the name, phone number, and logo are permitted on the storage container. It is treated much like the advertisements that are on semi-trailer containers.

4. Why is multifamily classified as commercial for this ordinance?

Multi-family retains its classification as a residential use. It is addressed in this ordinance with the commercial uses because of its intensity. A multifamily use is similar to a commercial use in the sense that it has multiple tenants. Theoretically, each resident of the multifamily has the right to secure a storage container for temporary use, it is therefore necessary to regulate the number and size of storage containers on a multi-family site according to the commercial standards. It is simply a matter of intensity.

5. Why does the twenty-foot buffer yard apply to multifamily uses since they are classified in this ordinance as commercial?

As stated in item 4 above, multifamily retains its classification as a residential use. As a multi-family site, it provides living spaces for residents. Obviously, since the multifamily use is still for residential purposes, it needs to be protected from more intense commercial uses. Buffering and screening is still required. For that reason, commercial uses still need to respect the twenty-foot buffer established by the zoning ordinance.

6. Why is structure size used in one part of the ordinance and lot size in another?

The two different sections are regulating different aspects of the ordinance. The reference to structure size is in regard to determining the quantity of containers permitted on a site. Generally, volume of business is directly related to the size of structure on the lot. Larger stores with more volume may have the need for more containers.

Lot size was used to determine the duration that a storage container may be located on a site. This, in fact, relates to the placement of containers on the lots. The idea is that businesses with larger acreages have more opportunity to store the containers out of public view or at least removed from public view. This would permit businesses located on larger acreages, which can better control the location of the

containers, to utilize them longer. Smaller acreages are much more likely to locate these facilities near the public rights-of-way, add to clutter of the corridor, and become a distraction from the visual aesthetics of the corridor. There is much more need to control these. We could have regulated this according to the size of the structure, but this would have penalized the smaller businesses that had larger acreages.

7. Why is there a discrepancy in the time limit a container may be stored?

The difference for duration of storage of containers relative to businesses located on 10-acres as for those located on parcels less than 10-acres has been addressed in item 6. It is directly relative to the opportunity to screen and locate the storage containers away from the public view. On very small lots, the containers, by necessity, must be placed near of in direct view of the public. The larger lots are normally located significant distances from the right-of-way and have more opportunity to locate the containers in the side, rear, or significant distance from the right-of-way. Dr. Stuart is correct in that the larger lot sizes have no regulation on time limits.

8. Why are there two periods of 60 days listed for time period in the residential section?

Dr. Stuart questions the need for listing two periods of 60-days for duration of a storage container in the residential section. He indicates that it should simply be 120-days. The ordinance permits a storage container in a residential area for a 60-day period. If additional time is deemed necessary, staff may grant an additional 60-day period administratively. This is not an automatic extension of time. The applicant must indicate the need for the extension. If in the opinion of staff the applicant has abused the right to keep the container, the extension may be refused and the container removed.

9. Why are residential areas permitted to encroach on the front yard setbacks and commercial areas are not?

The majority of residential uses in the City of Bedford are single-family residential units. The multi-family uses maintain their residential classification but are regulated as commercial in this case. Single-family residential units are almost exclusively located on the front building line of the property. The only viable location for a storage container is the driveway of the lot, which is located totally in the front or side yard setback areas. To restrict residential from being located in these setbacks would be prohibitive for the use of a storage container for the majority of residential uses in the City of Bedford. Commercial properties and multi-family sites have parking lots, driveways, and paved side and rear lot areas on which a container may be placed out of the setback area.

Motioned by Councilman Cason to table this item. Motion withdrawn by Councilman Cason.

Motioned by Councilman Savage, seconded by Councilwoman Nail to approve the second reading of Ordinance No. 08-2882 (Amendment Case A-009.1) to amend the City of Bedford Development Code, Zoning Ordinance, section 1.2 Definitions, and Section 5.14 Storage Container Regulations, addressing cargo containers, subject to the attached clarifications provided by the City's Planning Technician.

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

Councilman Champney abstained on this vote due to being the prior Chairperson of the Community Affairs Commission, in which they discussed this item in depth and he felt it most appropriate to abstain. Mr. Champney will fill out an abstention affidavit to be kept on file in the City Secretary's Office.

NEW BUSINESS

11. Public hearing and first reading of an ordinance (Zoning Case Z-172, request of Zek Niushiqi for London Car Wash) to rezone Lot 1R, Block 1, Exxon Brown Trail Addition from Heavy Commercial to Heavy Commercial/Specific Use Permit/Car Wash. The property is generally located north of Airport Freeway and east of Brown Trail.

Mayor Story explained to Council that due to the change in the charter, this item will no longer be a first reading and second reading; but, it will be a first and final reading for a zoning change.

Bill Syblon, Development Director, presented the proposed zoning ordinance to Council and generally fielded questions.

Lawrence Hromek, 241446 Cochise, Fort Worth, TX – He is the applicant. He indicated that they are painting the existing building; they are not remodeling it.

Council indicated they are not comfortable moving forward with approval of this item given the little detail they have regarding the elevation on the rendering/drawing provided to them. The Council would like the applicant to bring the drawing back to them at the next meeting with appropriately provided elevation on the drawing so that they can make the best decision for the City and applicant.

Mayor Story opened the public hearing at 8:12 p.m.

Rob Stuart, 2541 Stonegate Drive North - He is strongly in favor of this business being opened in Bedford.

Mayor Story closed the public hearing at 8:13 p.m.

Motioned by Councilman Cason, seconded by Councilman Champney to table this item and have the applicant make the recommended changes requested by Council and bring it back to the Council at the next meeting.

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

12. Consider a resolution to accept bids and authorize the City Manager to enter into a contract with Striping Technology L.P. for the 2008 Pavement Striping and Marking program on Forest Ridge Drive and Martin Drive in the amount of \$44,742.35.

This item was approved by consent.

13. Consider a resolution to accept bids and authorize the City Manager to enter into a contract with Reliable Paving, Inc. for the ADA Ramps and Sidewalk Installation at Various Locations Program in the amount of \$75,200.40.

This item was approved by consent, subject to breaking down the funding source so that \$20,000 is taken from the 4B fund and the remainder will come out of the General Fund.

14. Council member reports on City business.

Mayor Story – The Mayor attended a press conference for the new Cowboys Stadium and let the elected officials know that the stadium will affect the entire area. He welcomed people to attend the Fire Departments apparatus display at Pennington Field. Albertsons had their re-opening ribbon cutting and the remodel looks very nice. The Mayor attended a multi-cultural week for HEB Harris Methodist Hospital and it was very nice. He also attended a Town Hall meeting for Congressman Burgess, who indicated

that in his mind gas prices are the number one concern and immigration issues are the number two concern in upcoming legislative discussions.

Chris Brown – Mr. Brown thanked his opponent Jim Wallace for running a clean campaign. He also thanked the Council for embracing him and looks forward to his service.

Jeff Cason – Mr. Cason welcomed the new Council members and extended his congratulations.

Ray Champney – Mr. Champney thanked the Council for their warm welcome and looks forward to positive service for the City of Bedford. He also indicated that he hopes to empower City employees to do their jobs as well as hold them accountable.

Lori Nail – Ms. Nail welcomed the new Council members.

Roy Savage – Mr. Savage welcomed the new Council members.

Dr. Roy Turner – Dr. Turner welcomed the new members of the Council and believes it will be an excellent year. The Police Department will have their open house this Saturday.

15. City Manager's report.

City Manager Beverly Queen announced that the NE Fire Department equipment display will be on the 16th and 23rd of May.

16. Follow-up on issues raised at previous Council Meetings under persons to be heard.

There were no items raised at previous Council Meetings that were addressed at tonight's meeting.

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

No action was necessary as a result of tonight's Executive Session.

OPEN FORUM

Suzanne Herring, 624 Kentwood Circle – Ms. Herring requested that Council put into their budget the funds to continue running the Bedford/Hurst Senior Center, which will become the Bedford Senior Center once the Hurst Center opens. She said the seniors are so proud of this center and it is a lifesaver for so many of them.

ADJOURNMENT

Mayor Story adjourned the meeting at 9:11 p.m.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary