

**Council Minutes January 10, 2012**

**STATE OF TEXAS §**

**COUNTY OF TARRANT §**

**CITY OF BEDFORD §**

**The City Council of the City of Bedford, Texas, met in Work Session at 5:00 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 10th day of January, 2012 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
Stan Lowry	City Attorney
Michael Wells	City Secretary
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Bill Syblon	Development Director

**CALL TO ORDER**

Mayor Story called the Work Session to order at 5:01 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: 1, 3, 4, 5, 8, 9, 10, 11, 12 and 13.

- **Presentation by Kimley-Horn and Associates regarding the design of Phase I of the Boys Ranch Park Master Plan.**

Managing Director of Community Services Mirenda McQuagge-Walden stated this item is to amend the professional services agreement with Kimley-Horn for the design services of Phase 1 of the Boys Ranch Park Master Plan. This plan includes lake dredging, drainage and other improvements. The bid price was \$243,000. Council approved \$322,000 for this project for the total design which equates to 10% in direct costs for the whole project; this bid comes in at 7.5%. She anticipates that there may be additional costs for geotech or other surveys and that there will be ample room to absorb these costs.

Mark Hatchell of Kimley-Horn stated that they worked with staff and Council and came up with doing the Plan in several phases for a total project cost of \$16M, with each phase being between \$3M and \$4M. Dredging of the lake and the core of the Park is the first phase because it is one of the most unique features of the Park. The rest of the project is to clean up the edge of the creek using stone, to reshape

## Council Minutes January 10, 2012

the lake, to redo the trails, and to install new docks, picnic areas, benches, landscaping and a new playground area. The goal of this phase is to improve the functionality of the Park along the lake and creek while improving its maintainability and accessibility, as well as set the stage for the rest of the project. He stated that there will be a need to do plans and profiles of the whole creek and lake in order to maintain water levels.

Based on questions from Council, Mr. Hatchell stated that weirs and waterfall dams along the channel can trap silt that goes into the lake. He stated that at the present time, they do not have any additional funds through subsidies, but will look at funding opportunities in the future. As far as involvement from the Corps of Engineers, since the configuration of the lake will not change, there is no need to obtain Corp licensing. Their goal is to get the plans ready and then to pause while the Council makes decisions on funding. Mr. Hatchell emphasized that this part of the project is for the design of the lake dredging, not the dredging itself.

Council and staff discussed ways to publicize the project in order to get the general public excited about the project. This included illustrations to be put on the website for an estimated cost of between \$2,500 and \$10,000, as well as QR readers on pedestal signs throughout the Park.

Based on additional questions from Council, Mr. Hatchell stated that the three fountains in the lake will help to keep the water aerated. He stated that a \$3M-\$4M project is very attractive to contractors but in the future, there is the possibility of packaging some of the later phases together. He discussed how the work on the creek will tie into the work being performed on the post office channel. In regards to the shelf life of the plan, he stated that it would be good for several years. The illustrations would be very close to the finished project. The estimated completion date for the design is July, when they will deliver the final construction documents sealed and ready to bid.

- **Presentation by Kimley-Horn and Associates regarding the Central Bedford Redevelopment and Cultural District Plan contract.**

Deputy City Manager David Miller presented a history of this project. During the November 5, 2011 Work Session, Council directed staff to move forward with design charettes and identifying a Central Bedford Development Zone. Staff interviewed four firms who do these types of services. Each firm developed a proposal, and after reviewing the proposals, each firm was again interviewed. Staff believes that Kimley-Horn and Associates (KHA) provides the best total package for accomplishing the given goal. They have successfully completed projects of this magnitude for other municipalities; they have partnered with Townscape who is known for producing design charettes; they have partnered with Catalyst Commercial who performs retail analysis and economic impact studies; and they have worked with the City in the past in identifying and obtaining grants. They bring a cohesive amount of experience and teamwork to this project. They also have staff that specializes in developing public/private partnerships that will be vital for this type of project. Finally, they have worked with the City on transportation issues and are familiar with the challenges the City faces with the expansion of SH 183.

Janet Tharp, Planning Consultant for KHA, stated that they are a national leader in planning for implementation. They have significant local and regional experience and develop plans that are tailored to this area. They have strong planning and project management skills and a track record of plan adoption and implementation. KHA has worked with the City in the past, including the 183 Master Plan, which lead to a \$1.8M grant. Other projects in the area include a revitalization plan for Haltom City, a Loop 820 Corridor Master Plan and they are currently working on a comprehensive plan for Rowlett. The closest example to this project is "Imagine Waco," which is a downtown plan that had a strong implementation component.

KHA has partnered with Townscape, who provides visualization and understanding of on-the-ground implementation. They have worked on projects throughout the region, including a downtown plan for Little Elm, a Transit Village Plan in Plano, and a downtown plan for Marshall.

Jason Claunch with Catalyst Commercial explained that his firm specializes in merchandising plans

## Council Minutes January 10, 2012

through research and market analysis. In most of their work, they look to provide implementation or specific ideas. Most of their projects involve some sort of retail analysis and an implementation plan associated with those.

Ms. Tharp did a walk-through of the process KHA takes during this type of project. They begin with a community's values and its vision, and then develop a strategy on how to implement in order to get the plan the City wants. There is a lot of up-front work, including interviews and talking with people in the community. There are six steps in their overall approach: 1) Project initiation and overall management; 2) public outreach and involvement; 3) plan analysis; 4) redevelopment plan and cultural district recommendations; 5) creating an implementation; and 6) working with the City through the public hearing process. During project initiation and management, they work with the City team and access documents. Public outreach involves interviews with stakeholders, including the Council, and working with an oversight committee, which acts as a sounding board. Design charrettes would be put together by Townscape and work would be done with a smaller group of stakeholders in order to develop conceptual plans to go back out to the public. Plan analysis would involve looking at existing and future land use, historical and cultural resources, and transportation and connectivity issues as well as design alternatives. All this would be put into a summary analysis plan to take to the charrettes to make sure they all understand what the existing conditions are and the interrelationships of those conditions.

Mr. Claunch spoke about the retail analysis and how it would fit into the recommendation. He stated that the ultimate goal is to make sure that the plans fit economic and market reality. They look at four basic components which include workforce demand, commuter demand, residential economy and visitor economy. They summate those four areas in order to quantify demand to give appropriate guidance to KHA and Townscape when they are programming these areas. Their overall plan would then be to identify and deliver specific operators.

Ms. Tharp stated that, with this information, they would develop a conceptual plan. The plan would specify opportunity areas for the types of users that Catalyst Commercial identifies that would work there as well as the types of development and their needs. They would also address conceptual design standards. From there, they would compile the redevelopment plan and cultural district recommendations to include a vision, land use, historic resources, transportation, urban design, market analysis and a cultural district recommendation. Ms. Tharp listed projects that KHA and Commercial Catalyst have worked on that have been implemented.

Council discussed with Ms. Tharp and Mr. Claunch issues including using arts and culture to drive development, making sure that there is a point of differentiation between the Zone and surrounding cities, common challenges going through the process, the normal benefits that go along with such a development, the possibility of outside involvement through grants, the companies' involvement after the development of the conceptual plan, whether developers will change the plan, whether the market research needs to be done prior to the design or vice-versa, and the City's Cultural Commission.

- **Staff report regarding soliciting bids for Meter Reading Services.**

Administrative Services Director Cliff Blackwell stated that in the summer, the City was contacted by the current provider for meter reading services who wanted to renegotiate the current rate of \$0.90 per meter. In working with staff and the City Attorney, it was felt it was in the best interest of the City to bid out the contract. Mr. Blackwell did state that the current provider was willing to fulfill their obligations in the third year of their contract.

Council requested that staff look into the cost of reading meters in-house. City Manager Beverly Griffith stated that information has already been compiled and will be brought back to Council for comparison.

Mayor Story adjourned the Work Session at 6:27 p.m.

### **EXECUTIVE SESSION:**

## Council Minutes January 10, 2012

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 551.072, to deliberate the purchase, exchange, lease or value of real property – Sulpher Branch & SB-1.
- c) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – 2445 Central Drive, Bedford; 3200 Brown Trail, Bedford; 3601 W. Pipeline Road, Eules; & mineral rights for all City properties.

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 551.072, to deliberate the purchase, exchange, lease or value of real property – Sulpher Branch & SB-1 and Section 551.072, to deliberate the purchase, exchange, lease or value of real property – 2445 Central Drive, Bedford; 3200 Brown Trail, Bedford; 3601 W. Pipeline Road, Eules; & mineral rights for all City properties at approximately 6:30 p.m.

Council reconvened from Executive Session at approximately 6:48 p.m.

Council did not finish executive session and will convene again at the end of the meeting.

Council convened into Executive Session again at approximately 7:13 p.m.

Council reconvened from Executive Session at approximately 7:53 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 6:48 p.m.

### **CALL TO ORDER/GENERAL COMMENTS**

Mayor Story called the meeting to order.

### **INVOCATION (Interim Pastor Jared Bryant, Harwood Terrace Baptist Church)**

Interim Pastor Jared Bryant of Harwood Terrace Baptist Church gave tonight's invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

### **OPEN FORUM**

Gerhard Degemann, 2335 L. Don Dodson - Mr. Degemann stated that the City has been in litigation with the Oaks of Landera apartment complex since 2007. In July 2011, the City hired a new law firm because the previous attorney either resigned or was fired. To the best of his knowledge, the expenditure of hundreds of thousands of taxpayers' money was not put on the Council agenda. Under the Freedom of Information Act, he is requesting the following three items:

- 1) How much money has the City of Bedford spent on defending itself from 2007 to December 31, 2011?
- 2) What are the contractual arrangements and/or the financial obligations with the new law firm which was hired to defend the City?

## Council Minutes January 10, 2012

- 3) If no contract was signed, what are the various hourly rates agreed by the City to compensate the new law firm's lawyer?

Mr. Degenman stated that the new law firm will make money by dragging out the court case. He believes the City has just wasted money in a deposition for the new owner of the complex, which included 16 hours of travel time, as well as subpoenaing Wolfgang Degenmann from Canada. Furthermore, the City's lawyers have met with the Council behind closed door at least ten times in 2011, which also costs the taxpayers. He stated that the case is based on the concept of deny, delay, defend and up the legal expenses. He also stated that the case of the City taking the Oaks of Landera's land for drainage purposes will likely cost the City more money than the actual value of settling the matter in the first place years ago.

### **CONSIDER APPROVAL OF ITEMS BY CONSENT**

Council discussed placing Item #7 on consent.

Motioned by Councilman Champney, seconded by Councilman Griffin, to approve the following items by consent: 1, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13.

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

### **APPROVAL OF THE MINUTES**

1. Consider approval of the following City Council minutes:
  - a) December 13, 2011 regular meeting

This item was approved by consent.

### **NEW BUSINESS**

2. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Section 5.11.D – Commercial Antennas In Residential Districts, Section 5.11.E – Commercial or Industrial Zoned Districts, and Section 5.11.J – Special Exception. (A-028)

Development Director Bill Syblon presented information regarding this ordinance. This item comes as a request of the Zoning Board of Adjustment which noticed that in certain cases, applications were coming before them that were approved with no difficulties. This ordinance would allow administrative approval of special exemption requests for additional heights on wireless antennas that are attached to existing transmission towers, power poles, stadium lights and elevated water tanks. The ordinance would also allow the administrative official to defer approval to the Board. This ordinance did get unanimous approval at the December 8, 2011 Planning and Zoning Commission meeting.

Mayor Story opened the public hearing at 6:59 p.m.

Nobody chose to speak during tonight's public hearing.

Mayor Story closed the public hearing at 6:59 p.m.

Motioned by Councilman Champney, seconded by Councilman Turner, to approve an ordinance amending the City of Bedford Zoning Ordinance, Section 5.11.D – Commercial Antennas In Residential Districts, Section 5.11.E – Commercial or Industrial Zoned Districts, and Section 5.11.J – Special Exception. (A-028)

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

**Council Minutes January 10, 2012**

- 3. Consider a resolution approving the site plan for a Wells Fargo Bank located at the property known as Lot 1, Block 1, Harvey Plaza No. 1 Addition. (S-053)**

This item was approved by consent.

- 4. Consider a resolution authorizing the City Manager to expend funds for an annual payment in the amount of \$38,243 for the renewal of the extended maintenance and technical support agreement with Innovative Interfaces, Inc.**

This item was approved by consent.

- 5. Consider a resolution authorizing the City Manager to amend the Comptroller of Public Accounts Grant Agreement for the Distributed Renewable Energy Technology Program.**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to amend the professional services agreement with Kimley-Horn and Associates, Inc., to add the amount of \$243,000, for the design of Phase I of the Boys Ranch Park Master Plan.**

Council discussed amending the contract to include funds for art work and digital signage at a later date, once cost estimates are obtained.

Motioned by Councilman Griffin, seconded by Councilman Savage, to approve a resolution authorizing the City Manager to amend the professional services agreement with Kimley-Horn and Associates, Inc., to add the amount of \$243,000, for the design of Phase I of the Boys Ranch Park Master Plan.

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

- 7. Consider a resolution authorizing the City Manager to execute an all cash contract of sale with Jeffrey Carl Dane for the purchase of fee simple property rights in land being all of Lot 1, Block 3, Shady Brook Addition & 13895-1-A1 with the physical address being 2057 Shady Brook Drive, City of Bedford, Tarrant County Texas.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to enter into an agreement with Tarrant County and to recommend to the County to accept the bid and award a contract to PM Construction & Rehab. LLC in the amount of \$73,313.20 for the City of Bedford 37th Year Community Development Block Grant (CDBG) Sanitary Sewer Improvements Project.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to enter into a contract with C. Green Scaping, L.P., in the amount of \$263,132, for the Post Office Channel Improvements.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the City of Fort Worth for the 2011 Byrne Justice Assistance Grant (JAG) Formula Program Award.**

This item was approved by consent.

- 11. Consider a resolution authorizing the City Manager to enter into the first year of a three-year contract with B&B Wrecker Services, Inc. to provide towing for City initiated tows.**

This item was approved by consent.

**12. Consider a resolution authorizing the City Manager to renew a lease agreement with ONSTAGE relative to the Trinity Arts Theater.**

This item was approved by consent.

**13. Consider a resolution amending the Memorandum of Understanding (MOU) with Brenda Harris relative to 1725 Bedford Road by extending the expiration date.**

This item was approved by consent.

**14. Consider a resolution authorizing the City Manager to enter into an agreement with Kimley-Horn and Associates for the Central Bedford Redevelopment and Cultural District Plan, in the amount of \$74,905.**

Motioned by Councilman Champney, seconded by Councilman Griffin, to approve a resolution authorizing the City Manager to enter into an agreement with Kimley-Horn and Associates for the Central Bedford Redevelopment and Cultural District Plan, in the amount of \$74,905.

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

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

✓ **Animal Control Board- Councilman Griffin**

Councilman Griffin reported that the Board met on December 15 and they continue to work on the concept of combining the Board with the Animal Shelter Advisory Board into one entity. This concept would be brought before Council at an upcoming meeting. They are looking at additional research into the trap, neuter and release process.

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

No report was given.

✓ **Beautification Commission- Councilman Turner**

Councilman Turner stated that the Commission did not meet last month but will meet next Monday. There are plans for a grand opening for the Community Garden in the works.

✓ **Community Affairs Commission- Councilman Fisher**

Councilman Fisher stated that the Commission will welcome new members at their meeting next Thursday. They are working diligently on the Bedford Smart Energy Fair to be held in April.

✓ **Cultural Commission- Councilman Champney**

Councilman Champney reported that the Commission met last night and he is pleased to say they are making great progress. They are in the process of planning interviews for the latter part of January with various constituents who may be interested in the Commission. The Commission's work ties in and overlaps with what Council approved tonight.

✓ **Library Board- Councilman Brown**

No report was given.

## Council Minutes January 10, 2012

### ✓ Parks & Recreation Board- Councilman Griffin

Councilman Griffin reported that the Board met on January 5, at which they greeted the new members. The Board is finishing up its proposal for a dog park at Meadowpark.

### ✓ Senior Citizen Advisory Board- Councilman Savage

Councilman Savage stated that the Board will hold its next meeting on January 16 at 2:00 p.m.

### ✓ Teen Court Advisory Board- Councilman Griffin

Councilman Griffin reported that the Board met on January 5. At that meeting, the new Board members were welcomed and there was discussion of developing a mission statement and amending and altering language in the bylaws. There will be two teams competing in the North Texas Teen Court Competition being held on February 2 at Texas Wesleyan University.

### 16. Council member reports

No other reports were given.

### 17. City Manager report

City Manager Beverly Griffith reminded Council that there will be a Street Improvement Economic Development Corporation meeting next Tuesday at 6:00 p.m. at the Library.

### 18. 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 7:54 p.m.

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Jim Story, Mayor

ATTEST:

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Michael Wells, City Secretary