

Council Minutes January 24, 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 24th 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
Roger Gibson	Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Bill Syblon	Development Director

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: 4, 6, 7, 9, 10 and 11.

- **Discussion of proposed changes to the Sign Ordinance.**

Development Director Bill Syblon and Planning Consultant Dan Boutwell presented the proposed changes to the Sign Ordinance. Mr. Syblon stated that on November 5, 2011, Council held a Work Session to discuss potential amendments to the Sign Ordinance. Significant changes being proposed include: an increase to the maximum height of Freeway Pole Signs from 50 feet to 65 feet and an increase to the maximum surface area from 200 feet to 300 feet; the addition of a definition for "Mural;" prohibiting Portable Signs throughout the City, except for non-profits and government uses; clarifying that U.S., Texas and Patriotic Flags have no restrictions; the addition of language regarding Political Signs deferring authority to the Texas Government Code and prohibiting them on City-owned property; the addition of language to Commercial Complex for Sale/Lease Signs limiting them to one sign per platted piece of property, per street frontage, as wells as the addition of language regarding materials for the signs; the removal of the classification in the Sign Table for New Commercial Buildings on 121/183 and 157; and the addition of a classification for Still in Business Signs, including language on clarifying the

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maximum size, in order to alleviate stress on businesses along the highway due to the construction for the widening of SH 183.

Council discussed each of the proposed changes individually. There were no issues regarding the changes to the Freeway Pole Signs and the definition of "Mural."

In regards to Portable Signs, it was stated that out of 222 portable signs utilized throughout the City over a two-year period, 95, or 42%, were used by the City or non-profits. Council discussed the use of black and white lettering as opposed to fluorescent lettering on portable signs; programs the City offers to offset the impact to businesses of no longer being able to use the signs, including the Retail Center Revitalization Program, Shop Bedford First and another program for businesses along the highway; further restrictions, including limiting their use to two times a year, not exceeding 30 days at a time, one sign per multi-tenant property and setting up a radius to prevent four signs being at an intersection at one time; and phasing in any type of restrictions over a period of time. Council also discussed not discriminating between businesses and non-profits. Per the City Attorney, any type of date set for the restrictions to be implemented would either need to be in the ordinance or Council would have to agree to come back at a later date and amend the ordinance. Council directed staff to gather more data, to include a graph or grid showing what restrictions other cities have in place, as well as input from the City of Euless on how they implemented their program. Council also directed staff to look into restrictions, including only permitting the use of black and white lettering on these signs, as well as phasing in any type of restrictions over a period of time.

In regards to Political Signs, Council directed staff to look into court cases involving these types of signs and wait for the resolution of these cases before moving forward on any type of restrictions.

Council had no issues with the changes to U.S., Texas and Patriotic Flags.

In regards to Commercial Complex for Sale/Lease Signs, Council discussed the issue that many of these signs in the City are not in compliance with the current ordinance. Council was of the consensus to postpone this item for six months to see if increased enforcement of the current ordinance helps with any issues regarding these types of signs.

Council had no issues with the removal of New Commercial Buildings on 121/183 and 157 Signs from the Sign Table.

In regards to the Still in Business Signs, Council directed staff to add language regarding maintenance of these types of signs. Mr. Syblon explained that the signs currently in place do not exceed the height and length restrictions in the proposed ordinance.

Mayor Story adjourned the Work Session at 6:41 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 OTB Acquisition, L.L.C. ("On the Border Restaurant").

Due to the length of the Work Session, Council agreed to start the Regular Session and then recess into Executive Session prior to Item #8.

Council convened into Executive Session pursuant to the Texas Government Code pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of

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Landera Apartments and Section 551.087, deliberation regarding economic development negotiations relative to OTB Acquisition, L.L.C. ("On the Border Restaurant") at approximately 7:37 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 6:46 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION

Councilman Griffin 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 Turner, to approve the following items by consent: 4, 6, 7, 9, 10 and 11.

Motion approved 7-0-0. Mayor Story 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:

Michael Wells, General Government – 5 years of service
Barbette Quigley, Administrative Services – 15 years of service

2. Proclamation declaring February 2012 as Love Your Library Month.

Mayor Story read a proclamation declaring February 2012 as Love Your Library Month. Rick Peters from the Library Advisory Board was on hand to accept the proclamation. Mr. Peters thanked the Mayor, the Council, staff, the Library Friends, the Library Foundation and the citizens, many of whom volunteer at the Library. He wanted to call attention to the Library Satisfaction Survey which will be available on-line, as well as in paper, at the Library starting January 25 through March 15. He also stated that the 3rd Annual Mardis Gras Gala will be held Saturday, February, 18. It will feature a casino night, live music and New Orleans style food. Tickets are available at the Library or through Patt Dreyer, the Gala Chairperson, and Susan Horn, the Casino Night Chairperson.

PERSONS TO BE HEARD

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

- **Roger Smeltzer, 2909 Miles Way, Bedford TX 76021 – Requested to speak to the Council regarding signage ordinance review and potential changes.**

Roger Smeltzer, 2909 Miles Way – Mr. Smeltzer stated that he heard discussion regarding changes to the Sign Ordinance and wanted to speak to Council as a citizen, a businessman and a commercial real estate broker. He believes that the number of Commercial For Sale/Lease Signs has increased due to the recession. He presented slides showing examples of these types of these signs currently in the City and stated that the main issue was enforcement of the current ordinance. He uses a standard 4X8 sign that will probably be used at five different properties over the life of the sign, which is about four to five years. Mr. Smeltzer stated that there is significant value in putting these signs in the ground. If he is forced to use standard signage that he will not be able to reuse, it will cost him approximately \$3,000 more a year. He stated that he, as well as other brokers, will avoid doing business in the City due to the extra costs and that there will be more “sale by owner” signs. He also felt it was offensive to have pay for a permit on these types of signs, as they help to bring clients into the City. He stated that 40% of his leads come from signs. He also expressed concern regarding any restrictions on the use of portable signs.

Council discussed with Mr. Smeltzer that changes to the Commercial For Sale/Lease Signs will be postponed for six months to determine if increased enforcement of the current ordinance helps with the issues regarding this type of sign. Council further directed staff to determine the amount of revenue that comes from the permit fees for this type of sign.

APPROVAL OF THE MINUTES

- 4. Consider approval of the following City Council minutes:**
- a) January 10, 2012 regular meeting**

This item was approved by consent.

NEW BUSINESS

- 5. Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 38th Year Program for the sanitary sewer improvements in the 2000 block of Memphis Drive (Mid-block east to Central Drive), the 1100 block of Central Drive from Knoxville Drive to just south of Schumac Lane and the 2000 block of Schumac Lane west of Central Drive.**

Public Works Director John Kubala presented information regarding this resolution. Mr. Kubala stated that this is the 38th year for this program, which allows cities to pursue funding for public improvements, rehabilitation of property and economic development in selected areas. Staff is proposing to replace the sewer lines in the 2000 block of Memphis Drive (Mid-block east to Central Drive), the 1100 block of Central Drive from Knoxville Drive to just south of Schumac Lane and the 2000 block of Schumac Lane west of Central Drive, all of which have become susceptible to sanitary sewer backups. The estimated cost for this project is \$92,000; the final amount of funding will depend on the allocation from Tarrant County. The City is contributing the engineering costs, which will come from the Public Works Engineering Division budget.

Mayor Story opened the public hearing at 7:34 p.m.

Jack Francis, 2005 Memphis Drive – Mr. Francis stated that he has lived at his residence nearly 40 years. Sewage has flooded his home the last two Decembers. The first time, insurance paid for the biggest part of the cleanup. However, this last time, insurance would not pay and he was told it was the

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City's problem. He beseeched Council to get this issue resolved and would appreciate it if the drain across from his house would be opened up as it is causing the flooding. Mr. Francis stated that he has filed suit against the City to recoup his costs. Mayor Story stated that due to the lawsuit, there would be no more discussion with Mr. Francis on this issue.

Mayor Story closed the public hearing at 7:36 p.m.

Motioned by Councilman Champney, seconded by Councilman Griffin, to approve a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 38th Year Program for the sanitary sewer improvements in the 2000 block of Memphis Drive (Mid-block east to Central Drive), the 1100 block of Central Drive from Knoxville Drive to just south of Schumac Lane and the 2000 block of Schumac Lane west of Central Drive.

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

- 6. Consider a resolution authorizing the City Manager to enter into a professional services contract with Farmer & Associates, Inc. in the amount of \$29,940 for Asbestos Abatement and Demolition Specifications for properties purchased as part of the flood plain mitigation and preservation efforts adjacent to Sulphur Branch and its tributary.**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt.**

This item was approved by consent.

- 8. Consider a resolution of the City Council of the City Of Bedford, Texas approving an Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with OTB Acquisition, L.L.C. ("On the Border Restaurant")**

Mayor Story recessed the Regular Session at 7:37 p.m. in order to go into Executive Session. Mayor Story called the Regular Session back into order at 7:54 p.m.

Motioned by Councilman Champney, seconded by Councilman Griffin, to approve a resolution of the City Council of the City of Bedford, Texas approving an Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with OTB Acquisition, L.L.C.

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

- 9. Consider a resolution authorizing the City Manager to purchase five electronic ticket writers with related hardware and software in the amount of \$18,385 through Brazos Technology, utilizing the City of Frisco contract.**

This item was approved by consent.

- 10. Consider a resolution authorizing the city manager to enter into a contract agreement for one year with The Sponsor Bureau to provide sponsorship consulting services for the City of Bedford 4thfest and Labor Day Blues & BBQ Festival.**

This item was approved by consent.

- 11. Consider a resolution ordering the May 12, 2012 General Election.**

This item was approved by consent.

12. Discussion and possible action to appoint a delegate from the City Council to attend the ICSC Convention May 20-23. *Item requested by Mayor Story**

Mayor Story requested this item be placed on the agenda for discussion and possible action. He stated that he has decided not to run for Mayor this year. He is currently the delegate to the Economic Development Foundation and recommended that a delegate be appointed who is not up for election this year. Council was of the consensus to postpone action on this item until the next meeting.

13. 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 reported that the main item the Commission is tackling is the Energy Smart Fair scheduled for April 14 at the Library.

✓ **Cultural Commission- Councilman Champney**

Councilman Champney reported that the Commission held a meeting the previous night and interviewed representatives from the Senior Citizen Advisory Board, the Library Advisory Board and the Parks and Recreation Board. They are gathering information as part of the planning process for the Commission. Another meeting is scheduled for tomorrow.

✓ **Library Board- Councilman Brown**

Councilman Brown reported that the Board met last week. The three new members of the Board were in attendance and Rick Peters was named Chairman. The Library Satisfaction Survey will be available online for the next month. The Mardi Gras Gala is scheduled for February 18 at the Library. Tickets are \$40 in advance or \$50 at the door and all proceeds benefit the Library.

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

No report was given

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

Councilman Savage stated that the last Board meeting was cancelled due to not having anything to discuss, as well as Senior Citizen Manager Virginia Chamblee having a death in the family.

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

No report was given

14. Council member reports

No other reports were given.

15. City Manager report

No report was given.

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

Action as a result of the Executive Session was taken during Item #8.

ADJOURNMENT

Mayor Story adjourned the meeting at 8:00 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary