

Council Minutes November 13, 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. in the Building A Conference Room 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 13th 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
Roger Gibson	Police Chief
Maria Redburn	Library Manager
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director

WORK SESSION - Conference Room

Mayor Griffin called the Work Session to order at 5:03 p.m.

• Presentation from Dunhill Properties regarding the Shops at Central Park

Development Director Bill Syblon stated that he met with Tim Denker from Dunhill Partners at the recent ICSC regional show in Dallas. Mr. Denker stated that the cost for finishing out the Movie Tavern was much more than anticipated and the deal is on shaky ground. They contacted City Manager Beverly Griffith to schedule this discussion for a Council meeting in order to act as quickly as possible and to see if there is anything the City can do.

Mr. Denker spoke regarding the \$12M going into the renovation of the shopping center. The biggest piece of the renovation is putting the Movie Tavern into the old Sac and Save location. The opportunity to do so came about from the condemnations and the abatements from the City. When the bids came back for the project, it was \$2.4M higher than what was anticipated. Movie Tavern really wants a flagship store in their hometown and they are willing to put in \$1M. Universal Construction was brought in to perform value engineering to get the remaining \$1.4M down to a smaller number while at the same time not changing the product. He is coming to the City to see what they can do to help close that gap so that can get this built. He stated that this deal will help in filling the shopping center and that it would serve as a great entry into the City.

Cade Pittman stated that the challenge is that the Movie Tavern is doing well where they are currently

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and they would have to benchmark against current returns. They are putting approximately \$2M into the deal and the ownership wants to have a flagship theater as close as possible to Dallas. The proposed theater would be the largest and nicest that they own. It would be a blend of what is currently at West Seventh Street in Fort Worth and at Hulen. It would have a similar price point to what is there now. He believes that the gap would be approximately \$700,000 and if this can be bridged, they are committed to build.

In answer to questions from Council, Mr. Denker stated that the old Sac and Save location would have to be torn down. One of the biggest costs is that they would have to install cinder block walls instead of tilt panel because of the surrounding businesses. Due to the issues being discussed, the project will be set back between 30 and 45 days. Mr. Pittman stated that there would be no mezzanine, which is not in a lot of modern theaters and would not take away from the customer experience. In regards to the economic impact to the City, the Movie Tavern currently does \$4.5M in sales and they expect it to go to \$8M. They would also go from 85-100 employees to approximately 220. There would be 11 screens and 1,100 seats. They had budgeted \$8.5M for the Movie Tavern but it jumped to \$11M. In regards to the current location, Mr. Denker stated there have been talks with a health club as well as a grocery store. The current Movie Tavern has been there for approximately 10 years. There are concerns about the noise from the freeway at the current location. In regards to renovations, they did go to stadium seating several years ago but there have been no material renovations. Nothing will be changed on the inside of the new theater due to the issues discussed. Mr. Denker stated that Dunhill Partners has owned the property since 2002. It costs Dunhill on average two years of revenue per tenant. In regards to upgrades they have made to the center in that time, they have painted the whole center, replaced the roof, increased parking and built the Starbucks. Dunhill is putting in \$4M into the whole center, with \$3M going into the Move Tavern alone. Other improvements include building the Applebee's, changing the driveline for the Starbucks, regarding the parking lot and moving signs. They have spent approximately \$1M so far.

Council moved into the Council Chamber at 6:00 p.m. to continue the Work Session.

WORK SESSION - Council Chamber

- **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, 5, 6 and 7.

- **Discuss a possible date(s) to hold a Council Work Session. ***This item requested by Mayor Griffin**

This item was not discussed during the Work Session and was moved to the end of the Regular Session.

Mayor Griffin requested this item be placed on the agenda for discussion. He received requests from Council members for a work session to discuss the Highway 183 Overlay District, the Fence Ordinance and the Swimming Pool Ordinance. In regards to the Swimming Pool Ordinance, he stated that there has been no direction to staff regarding changes to the Ordinance. At a previous work session, there was discussion on changes to several different ordinances, some of which were passed at the last meeting including those regarding trash and vehicle parking. There were discussions regarding improving the operations of Code Enforcement including additional training and tools as well as the utilization of additional funds to enhance their procedures. In regards to the Fence Ordinance, it was tabled at the previous Council meeting due to a particular situation regarding masonry screening between a residential subdivision and businesses. Staff is currently working through that scenario and they will be presenting recommendations at the Council meeting on November 27. In regards to the Overlay District, when this was previously discussed, a number of business owners asked that it be tabled as it affected their negotiations with the North Tarrant Expressway. He did not want to work on the Overlay District unless Council is certain that everybody has completed their deals with NTE. Mayor Griffin stated that he wanted to start moving on bigger items such as the Overlay District, the CBDZ, the

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five-year Capital Improvement Program and Phase One of the Boys Ranch Master Plan. He further stated that it is Council's responsibility to deal with the City Manager when asking for action to be taken and not to make requests of staff members to provide such things as reports. This is a violation of the Charter.

Council discussed the Overlay District including that it is not for granting relief to current businesses but instead to establish the looks for new businesses coming into the City; that the current Swimming Pool Ordinance does not require a working filtration system; working through the City Manager instead of going to individual department heads; holding an all-day work session to prioritize issues, give direction to staff and for staff to show current projects being worked on along with timelines. Council was of the consensus to hold a work session on December 5 to discuss the Highway 183 Overlay District.

Mayor Griffin adjourned the Work Session at 6:47 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 551.087, deliberation regarding economic development negotiations relative to Block 1, Lots 12A and 13A, Oak Grove Estates.
- 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. (Amended item)

Council was not able to meet in Executive Session prior to the Regular Session.

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lots 12A and 13A, Oak Grove Estates, Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lots 1D and 1E, Shops at Central Park and 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 at approximately 8:16 p.m.

Council reconvened from Executive Session at 9:09 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 6:52 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Lead Pastor Robert White, Cornerstone Church)

Lead Pastor Robert White of Cornerstone Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE (Cub Scout Pack 363, Loren Coleman, Leader)

Cub Scout Pack #363 lead by Loren Coleman, and Cub Scouts John Adams, Christopher Coleman, Frank West, Luke Lilly, Hunter Helwig, Ian Wilhite and William Norton, lead the Pledge of Allegiance.

OPEN FORUM

Nobody chose to speak under tonight's Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Turner, seconded by Councilmember Olsen, to approve the following items by consent: 3, 5, 6 and 7

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

COUNCIL RECOGNITION

1. Recognition of Billy Lynch "Mr. Billy", School Crossing Guard, for a Bedford Employee Commitment Award (BECA).

School Crossing Guard Billy "Mr. Billy" Lynch was recognized with the Bedford Employee Commitment Award for his work at the intersection of Cummings and McLain.

2. Proclamation recognizing Fire Safety Poster Contest Winners.

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

Jessa Woode – First Grade, Bedford Heights Elementary
Mckenna Smith – Second Grade, Bedford Heights Elementary
Nicholas McDaniel - Third Grade, Bedford Heights Elementary
Jennifer Nguyen – Fourth Grade, Meadow Creek Elementary
Sienna Encarnacion – Fifth Grade, Bell Manor Elementary
Anabel Villarreal – Sixth Grade, Stonegate Elementary

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:

- a) October 23, 2012 regular meeting
- b) October 30, 2012 special meeting

This item was approved by consent.

OLD BUSINESS

4. Public hearing and consider an ordinance to rezone a portion of property known as Lot 1R1, Block 1, Harwood Hills Village Addition, 3350 Harwood Road, Bedford, Texas; specifically for the operation of a restaurant (McDonald's) from Planned Unit Development (PUD) to Amended Planned Unit Development, Site Plan Modification, in the Highway Corridor Overlay District. The property is generally located south of Harwood Road and west of State Highway 121. (Z-225)

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. This is for the McDonald's at 3350 Harwood Road to upgrade their property. It is currently zoned as a Planned Unit Development (PUD) with a Highway Corridor Overlay. The PUD is for the development of the McDonald's building and the shopping center. The applicant is requesting that the PUD be amended for a different drive-through configuration, façade changes and expansion of landscaping. The building will not have a larger footprint. The façade materials and colors meet or exceed the designs standards of the Overlay District, which include being 100% masonry with materials of earth tones, masonry screening of ground-mounted equipment and architectural relief to the roof and walls. The lot coverage

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is increasing from 11% to 14% due to the increased number of plantings. In regards to the drive-through, there is one stacking lane and there is room for 13 vehicles according to the applicant's plans. This meets the intent of the ordinance in regards to the parking standards. The parking remains from previous development and will not be changed in regards to the number of spaces. Egress and ingress will be from two curb cuts on Harwood Road east and west of the property. Because the landscaping is from previous development and the footprint is not being changed, there does not need to be any changes. However, the applicant has added green space and plantings. There currently exists nine crepe myrtles on the east and west side of the building. There will be increased green space on the south side of the building with two new trees and assorted plants and shrubs. The Planning and Zoning Commission approved this item at their October 11 meeting by a vote of 7-0-0. In answer to a question from Council, Ms. Reyff stated that they are adding two message boards.

Mayor Griffin opened the public hearing at 7:09 p.m.

Nobody chose to speak during tonight's public hearing.

Mayor Griffin closed the public hearing at 7:09 p.m.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve an ordinance to rezone a portion of property known as Lot 1R1, Block 1, Harwood Hills Village Addition, 3350 Harwood Road, Bedford, Texas; specifically for the operation of a restaurant (McDonald's) from Planned Unit Development (PUD) to Amended Planned Unit Development, Site Plan Modification, in the Highway Corridor Overlay District. The property is generally located south of Harwood Road and west of State Highway 121. (Z-225)

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

NEW BUSINESS

- 5. Consider a resolution authorizing the City Manager to move forward with the sale of the City-owned property known as Block 6, Lot 9 Oak Grove Estates, located at 2401 Brasher Lane, Bedford, Texas.**

This item was approved by consent.

- 6. Consider a resolution authorizing the Mayor to certify the Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedures.**

This item was approved by consent.

- 7. Consider a resolution authorizing the Mayor to certify the Equitable Sharing Agreement and Certification as required by the United States Department of Justice.**

This item was approved by consent.

- 8. Discussion and receive Council direction regarding the color scheme for the stealth cellular tower.**

Development Director Bill Syblon stated that in order to remove the former CI Host building, the cellular equipment from the building will be moved to a stealth cell tower. The next step in that process is to review the color options for the tower. In attendance from AT&T were Paul Bumgardner and the architect Mark Stapleton.

Council discussed the color scheme for the tower, the Bedford logo and the surrounding fence. They further discussed the effects of weathering on the colors and the logo being made of plastic.

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Motioned by Councilmember Davisson, seconded by Councilmember Turner, to approve Sherwin Williams Color SW6183 for the tower, Sherwin Williams Color SW6230 for the "B" and Superior Concrete Products "Charcoal" for the fence around it.

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

Voting in favor of the motion: Mayor Griffin, Councilmember Boyter, Councilmember Davisson, Councilmember Olsen, Councilmember Nolan and Councilmember Turner.

Voting in opposition to the motion: Councilmember Brown.

9. Staff report on the photographic traffic monitoring systems (i.e. red light cameras).

This item was presented during the Work Session.

Police Chief Roger Gibson gave an update on the red light photo enforcement program. This program was originally brought before Council for consideration in 2006. One in five traffic fatalities are at red light intersections and historically, these types of accidents are the number one killer andcripler of children under 15. The purpose of the program is not to generate revenue but to increase traffic safety, while also being self-sufficient. To accomplish this, the City chose to contract with a company called Redflex. The agreement runs through 2027 for them to install and maintain the system at a cost of a percentage of the revenue generated. There are no maintenance or installation costs for the City. After the revenue is divided, then the City does receive a percentage. Chief Gibson presented slides showing that currently, there are four locations and a total of eight approaches that have red light cameras, which were all installed in 2007 and 2008. The Highway 183 construction has had an impact in that four cameras have been inactivated and it is very likely that the camera at the intersection of Central Drive and the freeway will be inactivated by the time construction is complete. Redflex will be performing redesigns at these locations once the construction is completed as well as surveys at their cost.

Chief Gibson presented information regarding red light accidents and injuries from 2004/2005 and 2010/2011. There has not been a dramatic difference but there have been some decreases. In showing the number of red light violations over the last three calendar years, there has been a significant improvement at the intersection of the east bound access road and Bedford Road. From the total violations for the last two fiscal years, there is a significant improvement in the lowering of violations. He stated that one thing that is hard to track is right turn on reds that result in accidents, as the accident data may be captured outside of the intersection.

In addressing the question about the program being about safety or to be a revenue generator, Chief Gibson displayed data from the last three calendar years showing the vast difference between the number of violations that the system has captured versus the number of citations issued. This difference is caused by the license plate not being visible or the photo mechanism triggering even if vehicle did come to a stop. Council had drafted the ordinance to read that violations occur beyond the stop bar and at the imaginary line between the four corners of the intersections. Those incidents are reviewed by the Police Department; the officer reviewing the incident would use the same logic he or she would use on the street in determining if a citation should be issued. 9% of incidents are dismissed for technical reasons, 51% are dismissed for Police reasons, leaving 41% that were actually processed as a citation.

Chief Gibson presented a fiscal year comparison of gross revenue from 2010/2011 and 2011/2012. 75% of the Police Corporal's salary comes for the program. There are also costs for the hearing officer, the amount paid to Redflex as well as other miscellaneous costs. After all of those costs come out, the State gets half of the revenue while the City gets the other half. The data shows that the City received \$11.81 per citation in 2010/2011 and \$11.49 in 2011/2012.

With the construction along the freeway, Redflex will again perform surveys but there may be different results. Some of the current locations may become right turn on yield as opposed to right turn on stop.

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From June 12-14, Redflex performed surveys at six intersections, with a total of 24 approaches, at the request of the City. There has been a 30% increase in traffic on Harwood Road due to the construction. Chief Gibson showed locations that Redflex's statistics indicated the City should consider adding to the current program. The contract with Redflex allows up to 20 intersections. If the City wants to go through with adding these locations, Redflex is willing to come back to the Council to share their information. Chief Gibson explained that through the Transportation Code, in order to add locations for red light cameras, the City would need to perform a traffic engineering study, change up signalization and/or redesign intersections to see if there is something the City can do on their end to solve any issues as opposed to adding cameras. Information regarding accident history, traffic volumes and red light violations would have to be forwarded to a citizen advisory committee made up of one member of the public chosen by each Council member.

Chief Gibson presented information regarding a scofflaw program offered by Redflex, which is tied to vehicle registration. Currently, if a person does not pay their administrative violation, after 35 days a \$25.00 late fee is added and after the 91st day, it goes to a collection agency. Under the scofflaw program, there would not be \$25.00 going to a collection agency but a \$10.00 fee going to Redflex for them to tag the registration. Afterwards, \$21.00 would go to the State and \$21.00 would go to the City. If a person has made no effort to pay the administrative fee, then the violation would go into the scofflaw program. If it has been partially paid, then it would go to the collection agency.

In answer to questions from Council, Chief Gibson stated that as of August, there are 14,651 violations outstanding totaling \$1.4M. Current outstanding cases can be put into the scofflaw program. Council discussed the scofflaw program; other programs besides Redflex; whether anything could be done regarding the glare from license plates; increasing the number of locations in the program; and options regarding the camera flash at night including turning off the cameras at night or adding a red lens filter. Council was of the consensus to support the scofflaw program, to explore adding additional locations to the program based on safety concerns and adding a red lens filter to the cameras on a trial basis. Chief Gibson stated he would contact Redflex to determine if the red lens could be added at no additional cost to the City.

10. 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

Councilmember Olsen reported that the Board established April 13 as the date for the next pet fair. Deputy Chief Les Hawkins has submitted the ordinance combining the Animal Control and Animal Shelter Board to the City Attorney. The newly combined Board will meet every other month, starting next year on Wednesday, January 9. There has also been work on more formal literature for a foster program.

✓ Beautification Commission – Councilmember Turner

No report was given.

✓ Community Affairs Commission - Councilmember Boyter

Councilmember Boyter reminded everybody about the Shop Bedford First program.

✓ Cultural Commission - Councilmember Nolan

Councilmember Nolan reported that the Commission is still in the process of putting together a report to bring to Council.

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✓ **Library Board – Councilmember Brown**

Councilmember Brown reported that the Board moved their regular month meeting to tomorrow at 7:00 p.m.

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

Councilmember Davisson reported that the Board is still working with Oncor and HEB ISD to come up with a presentation to council regarding the dog park. Their next meeting is December 6.

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

No report was given.

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

Councilmember Olsen reported that the next Board meeting is December 6 at 6:00 p.m.

11. Council member reports

Mayor Griffin reported on a wonderful celebration that was held at the Community Garden pavilion. There was a good crowd with food trucks and a live band. 1,400 pounds of vegetables have been harvested to date for the Food Pantry. He reminded Council that they have a bed at the Garden.

12. City Manager/Staff Reports

City Manager Beverly Griffith reminded everybody that City offices will be closed on Thanksgiving Day and Friday, November 23. The Christmas Tree Lighting will be held on Friday, November 30, starting at the Library from 4:00 p.m. to 6:00 p.m. and then moving over to the Old Bedford School at 6:00 p.m.

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 Griffin adjourned the meeting at 9:11 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary