

Council Minutes December 11, 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 11th day of December, 2012 with the following members present:

Jim Griffin	Mayor
Chris Brown	Councilmembers
Jim Davisson	
Patricia Nolan	
Sherri Olsen	
Roy W. Turner	

constituting a quorum.

Councilmember Boyter was absent from tonight's meeting.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Chuck Carlisle	Contract Services Manager
Roger Gibson	Police Chief
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: 1, 5 with the amendment appointing Dawn Orr in Place 4 - Animal Welfare Organization on the Animal Shelter Advisory Board, 6, 7, 8, 9, 10 and 12.

Contract Services Manager Chuck Carlisle presented information on Item #7. This is for an agreement with Harrison, Walker and Harper (HWH) to replace the roof and siding at the BRAC. The roof is 30 years old. The problem with the siding is that there is no vapor barrier protecting the interior of the building. It is beginning to peel away and there are no seals around the windows. In response to questions from Council, Brad Archer of HWH stated that it would take approximately three weeks to get the materials and between three and four weeks to finish the work. He stated that HWH would accommodate the City's schedule in regards to interrupting the use of the BRAC. The warranty for the roof is 20 years. This project was included in the 5 Year CIP and funded out of 2011 Facility Maintenance Certificates of Obligation.

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Public Works Supervisor Bill Shelton presented information on Item #9. He stated that there are two locations in the base bid. The crossings are in the far northwest corner of the City at Paint Brush Lane/Rustic Woods Drive and Paint Brush Lane/Oleander Court.

In response to a question from Council regarding Item # 10, City Manager Beverly Griffith stated that this is the same type of lease agreement the City would enter into with any organization that wanted to rent space.

- **Report on the Community Powered Revitalization Program's 2012 Fall Blitz.**

Wes and Diane Higdon of 6Stones Mission Network presented information on the Community Powered Revitalization Program's 2012 Fall Blitz. Seven houses were completed in Bedford, including a couple of big houses. They presented before and after pictures of the houses that were worked on as part of the Blitz. They stated that there were a lot of things happening besides what was being shown including by Tarrant County. The neatest thing for the City is that this project is done at 1/10 of the cost than for the City to have it done. They stated it takes between three and four months to get everything taken care of as far as selecting houses and getting the work set up. The Higdons also presented information regarding the 6Stones Night of Wonder. There are parties at all 19 schools in the School District including seven the night before. 2,900 children across the District were able to receive gifts. They stated it means a lot to the volunteers for City leaders to recognize what they are doing.

Scott Sheppard of 6Stones stated that the Community Garden was submitted for a state wide award. There is a preliminary agreement for Atmos Energy to work on houses in the spring after the Spring Blitz. Representative Kenny Marchant submitted the CPR Program into the United States Congressional Record and a plaque is being presented to all three cities.

Mayor Griffin adjourned the Work Session at 5:53 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) Section 551.071, consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re: Allied Waste Contract.**
- b) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lots 1D and 1E, Shops at Central Park.**
- d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1 Lot 4 Cimarron Plaza Addition.**
- e) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block, Lot 2 Stonegate Shopping Center Addition, Block, Lot D Shady Oaks East Addition, and Bedford Forum Addition.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re: Allied Waste Contract, 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 Lot 4 Cimarron Plaza Addition and Section 551.087, deliberation regarding economic

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development negotiations relative to Block, Lot 2 Stonegate Shopping Center Addition, Block, Lot D Shady Oaks East Addition, and Bedford Forum Addition at 5:57 p.m.

Council reconvened from Executive Session at 6:36 p.m. Council did not finish the Executive Session and will convene again at the end of the meeting.

Council convened into Executive Session at 7:14 p.m.

Council reconvened from Executive Session at 8:15 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 6:40 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order. He stated that Councilmember Boyter was ill and unable to attend tonight's meeting.

INVOCATION (Pastor Tyler Downing, Woodland Heights Baptist Church)

Pastor Tyler Downing of Woodland Heights Baptist Church 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 Davisson, to approve the following items by consent: 1, 5 with the amendment discussed previously, 6, 7, 8, 9, 10, 11 and 12.

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

APPROVAL OF THE MINUTES

1. Consider approval of the following City Council minutes:
 - a) November 27, 2012 regular meeting
 - b) December 4, 2012 regular meeting
 - c) December 5, 2012 work session

This item was approved by consent.

PERSONS TO BE HEARD

2. The following individual has requested to speak to the Council tonight under Persons to be Heard.
 - a) Connie Ziegler Stout, 1309 Autumn Chase Sq., Bedford, Texas 76022 – Requested to speak to the Council regarding Animal Shelter awareness.

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Connie Ziegler Stout, 1309 Autumn Chase Square – Ms. Ziegler Stout stated that she has lived her for 20 years and she frequently volunteers at the Shelter. She has fostered cats for the Shelter, worked with rescue groups to find them homes and works with the Shelter on placing cats and dogs for adoption. She stated that expectations for shelters are increasing every day including increased transparency. Euthanasia is becoming unacceptable as a way to solve overcrowding. One of the hallmarks of an animal-friendly city is moving towards low-kill or no-kill policies. Across the metroplex and Texas, there are many cities that have made great strides in improving policies as well as finding creative ways to implement ideas and programs to lower animal intake and increase adoptions. These include neuter, trap-neuter-return, foster and volunteer programs, bringing animals to city events and using public relations to market animals and the shelter. She stated that there are many things that Bedford could do now to improve adoption rates at little or no cost. She commended the \$35.00 adoption special in December. She stated that increasing public awareness of the Shelter should be an immediate goal including through the Bedford Connection, the water bill and a better sign for Shelter. She stated the key to improving the Shelter is to implement policies that help staff becoming more engaged and proactive about finding new and alternative ways to place adoptable animals. She felt that current policies may hinder placing animals and make it hard for staff to find solutions. These include not allowing volunteers to assist with offsite adoptions and recently stopping the foster program. She mentioned an incident where a resident wanted to foster an animal when the Shelter was full but it was requested they pay for a permit. She asked that Council make animal welfare a higher priority with the City staff and encouraged the Shelter to look at these policies so as to seek opportunities for improvement on finding ways to increase animal adoptions and a community awareness of the Shelter. She stated that a progressive, well-informed approach to animal welfare will give the City the positive image it desires. As the Shelter makes improvements and it receives recognition, it will help employee morale and is much better for the animals. She asked the City to be proactive to avoid euthanasia and to get animals into good homes. She asked the Council and staff to visit the Shelter to learn more about it and the animals, as well as to partner with the Shelter, volunteers and the community to find more solutions to adopting out more animals.

Council discussed considering those programs mentioned by Ms. Ziegler Stout in January. It was stated that NTE has agreed to put up a temporary sign for the Shelter and a permanent one once construction was completed. There was discussion on Council meeting with each Board and Commission in January to speak about goals and to set a more collaborative tone.

NEW BUSINESS

- 3. Public hearing and consider an ordinance to rezone the property known as a portion of Lot 1A, Harwood Village Shopping Center Addition, located at 510 Harwood Road, Suite I, Bedford, Texas, specifically for the operation of an Auction Barn and Facilities (Gallery 70 Two) from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Auction Barn and Facilities. (Z-231)**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. The business is located at 510 Harwood Road, Suite I in the Harwood Village shopping center. The public hearing was advertised in the November 13, 2012 edition of the Star-Telegram. The applicant is proposing to hold monthly or bi-monthly auctions at this location using their 8,000 square foot in-line retail store. The current hours of operation are Tuesday through Saturday from 10:00 a.m. to 7:00 p.m. and Sundays from 10:00 a.m. to 5:00 p.m. The proposed hours for the auction are Saturdays from 6:30 p.m. to 10:30 p.m. The Comprehensive Plan indicates the location to be commercial and therefore the use of an auction barn would not be in conflict with the Plan. Ms. Reyff stated that the applicant does not want an auction barn but just the ability to hold auctions at their store. The Planning and Zoning Commission approved this item at their November 8, 2012 meeting by a vote of 6-1-0 with the stipulation that the specific use permit be linked to the business name Gallery 70 Two and not to the address.

Mayor Griffin opened the public hearing at 6:55 p.m.

Nobody chose to speak at tonight's public hearing.

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Mayor Griffin closed the public hearing at 6:55 p.m.

In response to a question from Council, Debbie Zubillaga, 4141 Mapleridge Drive, Grapevine stated that initially they will hold auctions monthly towards the end of each month. They will advertise on AuctionZip, local papers, Craigslist and local venues. They will also have an email list.

Motioned by Councilmember Davisson, seconded by Councilmember Olsen, to approve an ordinance to rezone the property known as a portion of Lot 1A, Harwood Village Shopping Center Addition, located at 510 Harwood Road, Suite I, Bedford, Texas, specifically for the operation of an Auction Barn and Facilities (Gallery 70 Two) from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Auction Barn and Facilities (Z-231)

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

4. Public hearing and consider an ordinance to rezone the properties known as Lots 12A and 13A, Block 1, Oak Grove Estates Addition, located at 925 North Industrial Boulevard and 929 North Industrial Boulevard, Bedford, Texas, specifically for the operation of a restaurant (Shipley Do-Nuts) from R-7,500 Single-Family Residential District (R-75) to Heavy Commercial (H). (Z-229)

Ms. Reyff presented information regarding this ordinance. This is to rezone two parcels of property from R-75 Single Family Residential to Heavy Commercial. The applicant is DHR Engineering and they will be scheduled for a re-plat at a later date and will utilize the address of 929 North Industrial Boulevard. This public hearing was published in the November 13, 2012 edition of the Star-Telegram. All the set-back requirements are met by the site plan. 16 parking spaces are required and the applicant is providing 16 spaces. One handicap space is required and one space is being provided. There is one existing point of ingress and egress off of Industrial Boulevard. The drive-through provides for three stacking spaces, which complies with the Zoning Ordinance. In regards to landscaping, 20% of the property is required to be landscaped and this is being provided. Further, 40% of that 20% must be in the front yard and that is being provided. After discussion with staff regarding the elevations, the applicant has provided brick, metal and stone materials. Staff has worked with the applicant to represent the building to reflect a concept that is appealing to the corridor. The Comprehensive Plan shows this location to be commercial so the use of a new restaurant does not conflict with the Plan. The Planning and Zoning Commission approved this item at their November 8, 2012 meeting by a vote of 7-0-0. In answer to a question from Council, Ms. Reyff stated that the fence between the back of the restaurant and the residential neighborhood will be masonry and there will be a 10-foot landscaping buffer as well.

Mayor Griffin opened the public hearing at 7:01 p.m.

Nobody chose to speak at tonight's public hearing.

Mayor Griffin closed the public hearing at 7:01 p.m.

In response to questions from Council regarding the timing on the project, Ngozye Musenda with DHR Engineering, 320 Decker Drive, Irving stated that there have been some issues with utilities and driveway configurations as well as the normal process for planning requirements. The last piece is with TxDOT and the driveway spacing. They hope to get that resolved by next week and they should be submitting plans before Christmas. They should break ground by the end of January or the beginning of February.

Motioned by Councilmember Brown, seconded by Councilmember Turner, to approve an ordinance to rezone the properties known as Lots 12A and 13A, Block 1, Oak Grove Estates Addition, located at 925 North Industrial Boulevard and 929 North Industrial Boulevard, Bedford, Texas, specifically for the

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operation of a restaurant (Shipley Do-Nuts) from R-7,500 Single-Family Residential District (R-75) to Heavy Commercial (H). (Z-229)

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

5. Consider a resolution appointing members to Bedford Boards and Commissions.

This item was approved as amended by consent.

6. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the Texas Interlocal Purchasing System/Texas Arkansas Purchasing System.

This item was approved by consent.

7. Consider a resolution authorizing the City Manger to enter into a contract with Harrison, Walker and Harper (HWH) to replace aging roof, siding and seal windows at the Boys Ranch Activity Center for \$216,874.

This item was approved by consent.

8. 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.

9. Consider a resolution authorizing the City Manager to enter into a contract with Quality Construction for Sanitary Sewer Line Replacement Creek Crossings at various locations in the amount of \$23,438.

This item was approved by consent.

10. Consider a resolution authorizing the City Manager to enter into a one-year lease agreement with Cathedral of Hope Mid-Cities Church to provide meeting space for church services at the Old Bedford School.

This item was approved by consent.

11. Consider a resolution 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 Spring Creek Restaurants.

This item was approved by consent.

12. Consider a resolution authorizing the City Manager to enter into a lease agreement with Arts Council Northeast, relative to the Trinity Arts Building located within the Bedford Boys Ranch Park.

This item was approved by consent.

13. 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**

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Councilmember Olsen reported that the ordinance combining in the Animal Control and Animal Shelter Advisory Boards will be ready for presentation to Council on January 8. There may be a need to postpone the Board meeting scheduled for January 3. The discounted adoption rate has made a huge difference.

✓ **Beautification Commission – Councilmember Turner**

Councilmember Turner stated that the Commission has not met yet. They were unable to meet in November due to a lack of quorum and therefore were not able to cancel their December meeting.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter was absent from tonight's meeting.

✓ **Cultural Commission - Councilmember Nolan**

No report was given.

✓ **Library Board – Councilmember Brown**

No report was given.

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

Councilmember Davisson reported that the Board met last week and the dog park is going before the HEB ISD School Board tonight. It is a given that Oncor will approve it as well and that it should be brought before the Council after the first of the year.

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

Councilmember Turner reported that the Senior Center had a very successive holiday luncheon and that everybody missed Mr. Roy Savage.

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

Councilmember Olsen reported that the Board met last Thursday and they are gearing up for January when they will be discussing the banquet and scholarships. At their meeting on January 3, they will be appointing officers and subcommittees.

14. Council member reports

The Council discussed getting together to look at the houses registered in the City's Christmas decoration contest and choosing a Council award winner. Council agreed to meet at 6:30 p.m. on Thursday, December 20.

15. City Manager/Staff Reports

City Manager Beverly Griffith wished everybody a Merry Christmas.

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

Item #11 was approved during the Regular Session.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:18 p.m.

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Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary