

## Council Minutes August 13, 2013

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 13th day of August, 2013 with the following members present:**

Jim Griffin	Mayor
Chris Brown	Council Members
Michael Boyter	
Ray Champney	
Jim Davisson	
Patricia Nolan	
Roy W. Turner	

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Administrative Services Director
Bill Cooper	Information Services Director
Roger Gibson	Police Chief
Tom Hoover	Public Works Director
Jill McAdams	Human Resources Director
Mirenda McQuagge-Walden	Managing Director
Maria Redburn	Library Manager
Jacquelyn Reyff	Planning Manager
Bill Syblon	Economic Development Director
James Tindell	Fire Chief

### **WORK SESSION**

Mayor Griffin called the Work Session to order at 5:00 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, 8,12,13,14 and 15.

Public Works Director Tom Hoover presented information regarding Item #13. It is a water line project inside the Gardens of Bedford Apartment complex. The cast iron water main is 46 years old and is susceptible to leaks. There have been ten repairs to the line over the last five years and residents have been without water for hours. This project would involve abandoning the existing main and building a new line. Staff discovered that there was no easement for the existing main and it was acquired in July. The low bid for the project is Woody Contractors in the amount of \$125,253.30. The firm has been verified by the City's consulting engineer, Dick Perkins. In answer to questions from Council, Mr. Hoover stated that 75 days is adequate to do the work including cleanup; that the City did not have to pay for the easement; they utilized their surveyors and a person who facilitates the acquisition of easements; and that they had to work with the Federal Government on acquiring the easement.

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Fire Chief James Tindell presented information regarding Item #14. He stated that Council had previously approved \$87,000 to replace 20 SCBAs. However, new standards were imposed on SCBAs and prices were increased. Staff made the determination to buy 40 SCBAs all at once, spreading the payments over seven years. In answer to a question from Council, he stated that he cannot define the life expectancy for the units but that the current ones are 25 years old.

Police Chief Roger Gibson presented information regarding Item #15. He stated that in 1999, the cities of Hurst, Euless and Bedford created a response team for fatality accidents and/or those that may lead to litigation. The City of Grapevine was added to the team in 2009. They have been approached by the City of Colleyville to join the program. As Colleyville will be responding to more accidents in the other cities, they will gain experience for their investigators, while it will help the other cities by having more people to assist.

- **Receive a presentation from Jeff Law, Tarrant Appraisal District Chief Appraiser.**

Jeff Law with the Tarrant Appraisal District (TAD) made a presentation to Council. He stated that there is an upward trend in the City's property tax values. Over the past four years, the certified appraisal roll has risen from \$2.87B to close to \$2.93B this year. As of TADs certification on July 25, there is approximately \$91M under protest; he anticipates that the City would be receiving \$70M of that or more in the updated certification in September. In regards to the impact of construction on values, commercial values have increased from \$870M the previous year to \$927M and he believes that the multifamily sector is where a lot of this could be happening. The recession of 2008 - 2009 had an impact on the residential sector including foreclosures. People moved into apartment complexes, causing occupancy rates, and therefore rents, to go up, and cap rates to go down. This caused an increase in the value of multi-family properties. Along Highway 183, there are going to be some negative impacts, which is being offset by the increase in multi-family values and new construction. In regards to TADs budget, it was \$20.3M this year and the proposed budget for next year is \$21M, or a three percent increase. Per the Property Tax Code, they prepare a budget, which is then presented to their Board of Directors. It is then sent to all taxing entities for a public hearing, which is normally the third Friday in August. He projects that Bedford's share of the budget will be 0.4386 percent.

In answer to questions from Council, Mr. Law stated that he did not have an answer at the time regarding how the City's four percent increase in property values compares to surrounding cities; however, the growth County-wide is two percent. In regards to TADs budget, they are charged to appraise properties at market value and during the recession, while they lowered the value on 300,000 properties, protests increased; that they employ 193 people compared to 202 a few years ago; that they are getting a new computer system; that their budget in regards to employees has remained consistent; and that 73 percent of their budget goes towards employees and benefits. Mr. Law explained to Council the process of determining market value and that they have 900,000 properties to appraise and only 85 appraisers and therefore they do a mass appraisal.

- **Present report on the 2013 City of Bedford Fourth Fest.**

Special Events Coordinator Wendy Hartnett presented a report on the 2013 Bedford Fourth Fest. The goals of the event include providing a community event, fostering economic growth, encouraging citizen involvement, and producing a phenomenal festival to enhance the image of the City. Objectives included continuing the volunteer program, increasing parking prices to increase revenue, continuing multi-year agreements, having a fun and exciting theme, and having departmental synergy. A five-year overview of expenses and revenues shows that expenses have been flattened as much as possible and revenue has been increasing. Further, they reached the optimal number of volunteers. Things that contributed to savings included purchasing glow products in bulk the year before; an increase in on-site parking, which totaled \$4,860; a percentage of the Friends of the Library parking; continuing to start the event at 4:00 p.m.; and the addition of small in-kind sponsors. In the future, they will look at adding more sponsors; continuing to optimize parking options, including reducing the number of shuttles from Pennington Field and maximizing on-site parking; and continuing to theme the event. In answer to questions from Council, she stated that they will have to replenish their product stock next year but that

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there will be savings the following year and that she would look again into working with the School Board on using school buses.

- **Discussion regarding conducting a resident satisfaction survey.**

Managing Director Mirinda McQuagge-Walden presented information regarding the resident satisfaction survey. The proposed RFQ was included in the Council's packet and she requested generalized feedback regarding the timeframe for receiving back the RFQs and how they would like the firm selected. There was discussion on having staff vet the various companies and providing Council the final cut; keeping the process as independent as possible by going to outside vendors; when Council wants the survey to go out to the citizens; the timeframe being guided by the selected company; having at least four companies respond; Council meeting with the top two companies; and designing the survey to be done on a repetitive basis and tweaked each time based on what is going on in the City. In answer to questions from Council, Ms. McQuagge-Walden stated that she would send the RFQ to the three firms discussed during the previous meeting as well as other firms; that an advertisement would be placed in the newspaper; and that the RFQ may be put on the website. There was discussion on the timeline for the RFQs including having the final two firms by the second meeting in September; when to hold interviews; the timing of the survey in relation to the bond election and sale; and that it would take at least two Council meetings to perform interviews and come back with a draft survey. Council was of the consensus to target the second Council meeting in September to present the final two firms; and that staff reduce the companies down to two and then have Council interview the finalists. There was further discussion on quality, not cost, being a determining factor in selecting a firm.

- **Discussion regarding the water main break on Bedford Road.**

Public Works Director Tom Hoover updated Council on the water main break on Bedford Road. At 7:00 p.m., on July 29 he received a call regarding a major water main break in the 1700 block of Bedford Road between Forest Ridge Drive and E.M. Bilger. Public Works crews were on-site within 30 minutes. At the time, it was not clear if it was the 10 inch or 20 inch main. The City does not have equipment big enough to go down to the depth needed in a safe manner. A company was contacted to get their equipment mobilized, while Public Works began closing water vales to isolate the break. The main serves one-third of the City as well as the elevated tank on Bedford Road. The company, Huffman and Huffman, did an excavation down to 12 feet. Pavement had been lifted 10 to 12 inches and an estimated 2M gallons of water had been lost in the elevated tank and the distribution system. In order to keep the City with adequate pressure, Sid McLain with the Trinity River Authority (TRA) changed TRAs pumping routines. The Connect CTY system made phone calls to citizens letting them know about the water main break and Bedford Road being shut down. The damage to the road was extensive, with a piece of pavement 430 feet long and 60 feet wide being damaged. After the leak was fixed, they worked to keep traffic going in one lane in each direction. The County sent over equipment and personnel to pulverize the existing pavement and spread it out to get traffic back on the road. Those grindings were removed the next day and a cement-lime concentration was put down and blended with the existing soil to create a sub-grade. While working, it was discovered that there was a concrete cap going over the large water main, which did not allow enough space for two lanes of traffic, so the entire road had to be shut down.

In answer to a question from Council, Mr. Hoover stated that the cost of the asphalt is close to \$80,000 and the cost for the contractor to fix the main was \$40,000. He suspects the total cost of the repair to be between \$150,000 and \$175,000. There was Council discussion on water line infrastructure including that there were 49 breaks this past year; that not enough funds are put into infrastructure; and, going into the future, Council and staff coming up with a plan to evaluate the water infrastructure. In answer to further questions from Council, Mr. Hoover stated that this incident shows the connection Bedford has with other cities and the County; that breaks are more prone to happen in the summer; and that the City does not have a track hoe, which is a deep digger. Council was of the consensus for staff to do a study on the City's water main infrastructure in order to start making improvements.

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Mayor Griffin adjourned the Work Session at 6:14 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, Lot 1D, Shops at Central Park.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to "Project Oatmeal".**

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park and Section 551.087, deliberation regarding economic development negotiations relative to "Project Oatmeal" at 6:18 p.m.

Council reconvened from Executive Session at 6:24 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 6:32 p.m.

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

Mayor Griffin called the meeting to order. He presented a quick overview of the group/community home process, which has made its way through the Planning and Zoning Commission and is now before the Council. The City is working on an ordinance and designing a registration process that will register these types of homes and which also involves a yearly inspection by the Fire Marshal. The building permits have also been updated to have additional information. Additional steps have been taken with incorporating a Specific Use Permit in the Zoning Ordinance, as well as distance requirements.

### **INVOCATION (Senior Pastor Nosa Onaiwu, Arise & Shine International Ministries)**

Senior Pastor Nosa Onaiwu of Arise & Shine International Ministries gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

### **OPEN FORUM**

Nobody chose to speak under Open Forum.

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

Motioned by Councilmember Champney, seconded by Councilmember Davisson, to approve the following items by consent: 1, 8,12,13,14 and 15.

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

### **APPROVAL OF THE MINUTES**

- 1. Consider approval of the following City Council minutes:**
  - a) July 16, 2013 joint work session**

**b) July 23, 2013 regular meeting**

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) **Joyce Johnson, 1701 Brookhaven Circle, Bedford, Texas 76022 – Requested to speak to the Council regarding traffic court practices and difficulties encountered in disputing a ticket.**

Ms. Johnson withdrew her request to speak.

**OLD BUSINESS**

3. **Consider a resolution authorizing the City Council of the City of Bedford, Texas, to establish a Charter Review Committee; establish the duties of the committee; and provide an effective date.**

City Secretary Michael Wells presented information regarding this resolution. It is to formally establish a Charter Review Committee. Based on Council's input from the previous meeting, each Council member would appoint two members of the Committee while the Mayor would appoint three. After approval of this item, the City Secretary's Office would contact the members of the previous Committee regarding their interest in serving again as well as make applications available on the website and at City facilities. Mr. Wells suggested a cutoff date to receive applications of September 13 with appointments being made at the September 24 Council meeting. He also asked if Council wanted to conduct interviews with the applicants. There was discussion on Council holding a work session with the Committee; that the Council did not meet with the Committee in 2007; Council having the ability to add items to the ballot language; that the city attorney would be sitting on the Committee; concerns over needing a Committee; the previous propositions being trivial; and possible changes to the law in the last five years. In answer to questions from Council, City Attorney Stan Lowry stated that during the previous Committee, there were provisions in the Charter that were decades old and since State law had changed, there was a conflict. Those conflicts were removed, and processes were put in place that included the language "or as required by state law". Though he had not studied this issue for the purposes of this discussion, he stated that he was not aware of anything since 2008 that would conflict with State law. Council was of the consensus to move forward with the appointment process, approving the dates as presented by Mr. Wells, and to not have interviews. There was discussion regarding a blanket email being sent to the Board and Commission members regarding the Committee.

Motioned by Councilmember Nolan, seconded by Councilmember Davisson, to approve a resolution authorizing the City Council of the City of Bedford, Texas, to establish a Charter Review Committee; establish the duties of the committee; and provide an effective date, and whereas the deadline to submit an application will be September 13, 2013 and September 24 they will be presented to Council.

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

Voting in favor of the motion: Councilmember Boyter, Councilmember Davisson, Councilmember Champney, Councilmember Nolan and Councilmember Brown.

Voting in opposition to the motion: Mayor Griffin and Councilmember Turner.

4. **Consider an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 1. "Generally", Section 2-170 "Attendance" and Section 2-171. "Serving on multiple boards, commissions or committees" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.**

Mr. Wells presented information regarding this ordinance. He stated that this item was based on Council's discussion from the previous meeting to add the City Secretary's Office as an alternate contact in cases where a Board or Commission member has more than two absences in a calendar year and the chairperson does not want to release their contact information. Other changes include making the City Secretary's Office the contact for when a chairperson has two or more absences in a calendar year and clarifying that the provision for people not serving on multiple boards, commissions or committees only applies to standing boards, commissions or committees. In answer to a question from Council about the language in the ordinance regarding what the board/commission member is to do when they reach two absences, Mr. Wells read the letter that is sent to those members. In answer to a further question from Council, Mr. Lowry stated these situations could not be voted on during executive session. There was Council discussion on forming a subcommittee for these issues.

Motioned by Councilmember Davisson, seconded by Councilmember Brown, to approve an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 1. "Generally", Section 2-170 "Attendance" and Section 2-171. "Serving on multiple boards, commissions or committees" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

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

## **NEW BUSINESS**

- 5. Public hearing and consider an ordinance to amend Zoning Ordinance Number 2275 specific to Section 3.1 "Schedule of Permitted Uses" and Section 3.2 "Explanation of Uses" and "Specific Use Permit Requirements for Community Home and Group Home"; providing attachment "A" being the text amendments to the Zoning Ordinance declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty and enforcement clause; and providing an effective date. (A-035)**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. In late 2012, Council became aware of a group home in the City. Since that time, Council has met numerous times to discuss this item, specifically to identify group/community homes and what to do with them. The Planning and Zoning Commission met with the City Attorney and staff has developed definitions for group and community homes.

A community home, from a definition taken from State law, is a home operated by: the Texas Department of Health and Mental Retardation, a community center organized under the Texas Health and Safety Code, an entity subject to the Texas Non-Profit Corporation Act, an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for people with mental retardation, and an assisted living facility under the Health and Safety Code provided that the exterior structure retains compatibility with the surrounding residential dwellings. Conditions include: a site plan approved by the Planning and Zoning Commission and the Council; not more than six persons and two supervisors living in the home; to not be within one-half mile of another community home; to not keep for the use of the residents motor vehicles on or adjacent to the property that exceed the number of bedrooms; compatibility with the surrounding residential properties; and an initial and annual registration. They are allowed in all residential zoning districts.

A group home is defined by State law as a residence licensed by the State to be shared by no more than six disabled persons, including resident staff, in which staff provides for the residents with the primary goal to enable residents to live as independently as possible. Ms. Reyff gave the definition of disabled as take from State law. She further stated that this includes foster homes, homes for the physically, mentally and developmentally disabled, congregate living facilities for seniors, and maternity homes. It does not include alcohol and drug treatment centers, work release facilities for convicts or housing facilities that serve as alternates for incarceration. Specific Use Permit (SUP) conditions for

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group homes, in addition to a site plan and public hearing include: not to be established within one-half mile of another group home though they can ask for a distance accommodation; a minimum of 200 square feet of living space per occupant; to not keep for the use of the residents motor vehicles on or adjacent to the property that exceed the number of bedrooms; compatibility with the surrounding residential properties; that a change of ownership or licensed operator requires a new SUP; and an initial and annual registration. They are allowed in all residential zoning districts.

At the Planning and Zoning Commission meeting on July 11, six people spoke during the public hearing. Staff was directed to research the following items: medical waste, which will be in accordance with Texas Commission on Environmental Quality (TCEQ) regulations and the City would contact the TCEQ if there is noncompliance; exterior lighting, which could be handled through the site plan approval of both homes; parking along public streets, which is from State law; the method of addressing non-compliance and enforcement, which would be handled by contacting the State; and the requirement of a Certificate of Occupancy, which is not required in a residentially zoned property but can be accomplished through the annual registration process and the annual inspection by the Fire Marshal.

In answer to a question from Council, it was stated that the parking requirements for community homes are taken from State law, which are then mirrored to group homes, and would not affect the rest of the population. Council was of the consensus to include language that group homes and community homes could not be within one half mile of each other. In answer to further questions from Council, it was stated that the distance was measured in a radius with the home as the point of origin. There was discussion on how to define medical waste and deferring to the TCEQ; sending Code Compliance officers by these homes as often as possible; and needing clarification on medical waste. In regards to the permit application forms, there was discussion on adding language regarding complying with State law and proper disposal as it relates to medical waste; including language regarding pick-up facilities for medical waste; and including the number of bedrooms. In regards to having a CO, it was stated that between the annual registration, zoning application and annual fire inspection, the process goes further than a traditional CO. Further, the registration is built into the City's Firehouse software, which is linked to the fire inspection software. In answer to a question from Council regarding lighting, it was stated that staff is working with Mr. Trigg on this issue including performing inspections in the middle of the night. In regards to the next steps, it was stated that the five current homes would be notified and given a timeframe to register. The new ordinance would also be placed on the City's website. There may be homes out there that the City is unaware of and they would be worked as a non-compliance situation. Any noncompliance issues would be reported to the State. If the City comes across a home that is within a half mile of another home, they would be required to register but could not be forced to move. In regards to a property that was rented and used as a company, it was stated that it makes no difference in that it is land use and the City would deal with the licensee. Further, a change in ownership or license would require a new SUP process.

Mayor Griffin opened the public hearing at 7:30 p.m.

James Trigg, 1316 Wade Drive – Mr. Trigg stated that the Planning and Zoning Commission has done a thorough and thoughtful job to address this issue and believes their recommendations will go a long way to address these problems. He discussed the issue with medical waste and his experience operating a dialysis facility in Denton; and that the amount of waste would be compounded by the number of people living in the home. He stated that this ordinance would allow reputable operators to have a business in the City. The owner of the one near his home is non-reputable and tried to fly under the radar but got caught. He stated that it was all well and good to have ordinances but it will not help unless staff is assigned specific duties and there are people to monitor these regulations. There was discussion on adding the TCEQ definition of medical waste to the ordinance.

Bud Liles, 3916 Hillwood Way – Mr. Liles is an officer of the Brookwood Hills HOA and asked if the ordinance superseded their covenants. Mr. Lowry stated that the zoning ordinance does not supersede the covenants and they have legal right to enforce their additional controls.

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Roger Ponce, 1612 Donna Lane – Mr. Ponce stated he has a lot of experience as a contractor and working with several cities and their regulations, and that giving the stamp of approval to these homes would let them off the hook. The City's hands would be tied unless there are certain guidelines in the ordinance the City can control. The house on Donna Lane has had a couple of open houses where local realtors were invited and there were cars up and down the street including in front of his house. There will be cars in front of his home all the time and that parking is going to be a problem. There is going to be traffic, people who do not know where they are, and people parking on both sides of the street, legally and illegally. It is dealing with a business in a residential neighborhood. He has lived in the City over 20 years and is proud of the City and the School District; he is demoralized that everything has changed, including the nature of their neighborhood. He is devoutly against this. There was discussion on tightening up rules and departments; and addressing open houses, specifically that it would have to apply to everyone.

Martha Ponce, 1612 Donna Lane – Ms. Ponce stated that the house on Donna Lane violated the City's Sign Ordinance in that they did not get a permit, and that the City Manager is aware of the situation. The property owner stated that they had followed the procedures correctly. There was discussion that parking is based on the number of motor vehicles per bedroom as opposed to per resident. She stated that the house may have staff there for extended periods of time and would be in the unique position of knowing the routines of other people in the neighborhood. There is the potential change in the character of the people living there and puts the neighborhood at additional risk. The remodeling of the house does not keep in character with the other residences; it looks like a business and is a business. She stated that the City, because of State and Federal laws, has changed her covenant with the City. She no longer has families living around her. People are living in a home but it is structured as a business. There was discussion regarding her reservations and fears hopefully not coming true. She discussed another home in the neighborhood for disabled children.

Leslie Green, 917 Circle Lane – Ms. Green asked how the City would identify the cars of workers and residents, since workers and residents change out. It was stated that it would not be practical to ask when information changes. However, the ordinance has a defined number of vehicles and for them to be adjacent to the property; therefore if the City sees a number of vehicles over and above the allowed number adjacent to the property, then an inquiry could be made such as with any Code Compliance regulation. Ms. Green stated that PBH-operated facilities are private pay only and are operating for a profit.

Mayor Griffin closed the public hearing at 8:10 p.m.

Motioned Councilmember Turner, seconded by Councilmember Champney, to approve an ordinance to amend Zoning Ordinance Number 2275 specific to Section 3.1 "Schedule of Permitted Uses" and Section 3.2 "Explanation of Uses" and "Specific Use Permit Requirements for Community Home and Group Home"; providing attachment "A" being the text amendments to the Zoning Ordinance declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty and enforcement clause; and providing an effective date. (A-035). Councilmember Champney withdrew his second of the motion. Councilmember Turner amended his motion to include the stipulation that a group home may not be established within a half a mile of a community home and vice versa. Councilmember Champney seconded the amended motion.

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

There was discussion that staff will continue to finalize the permits and that updates would continue to be given to keep residents abreast of additional pieces of information. In regards to timelines, it was stated that it was staff's intent for letters to be sent to the existing homes by Monday.

- 6. Public hearing and consider an ordinance to amend Ordinance 804 for the property known as Stonegate Shopping Center Addition, Tract 1B, located at 429 Bedford Road, Bedford TX, specifically for a Specific Use Permit to allow for a Full Service Gasoline Station/Gasoline Service Station with a Restaurant and State Vehicle Inspection Station with tire sales and**

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**inside storage; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. The property is generally located north of Bedford Road and west of Brown Trail. (Z-236)**

Ms. Reyff presented information regarding this ordinance. This item was published in the July 17 edition of the Star-Telegram. The applicant currently has a gas station with a car wash. He is proposing to build a 990 square foot Subway restaurant and convert the car wash to a State Vehicle Inspection Station with inside tire sales. The existing retail building is 1,100 square feet and the car wash is 853 square feet. The property is zoned Heavy Commercial, which is established to provide for the development of retail and commercial uses. A SUP is being amended to allow for the restaurant and the inspection site with inside tire sales. All setbacks are in compliance with the Zoning Ordinance. The ingress and egress are located along Bedford Road and Brown Trail. The applicant will be closing an existing curb cut and additional landscaping would be put in place. The existing number of parking spaces is six, which will be increasing to 13, which meets the required number in the Zoning Ordinance and gives the opportunity for more landscaping. Stacking spaces for the drive-through are for four vehicles and the landscaping would be improved to 6,200 square feet, in excess of what is required. The location and size of the fire lanes have been approved by the Fire Marshal. Materials include stucco, stone, metal and glass. The property is not located in an existing overlay district. The Comprehensive Plan indicates this location to be commercial and therefore, the request does not conflict with the Plan. The item was approved unanimously at the July 11 Planning and Zoning Commission meeting with the following stipulations: no external display of tires or outside tire sales; all elevations of the restaurant are to match the exhibit and be earth tone in color; all elevations of the convenience store to match the restaurant and be earth tone in color; the inspection station to match the restaurant and convenience store and be earth tone in color; and the hours of the inspection station and tire sales to be from 7:00 a.m. to 7:00 p.m.

Mayor Griffin opened the public hearing at 8:18 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 8:19 p.m.

The Council had a general discussion with the applicant, Sami Ebrahim, about the development and his other developments of a similar nature.

Motioned by Councilmember Davisson, seconded by Councilmember Nolan, to approve an ordinance to amend Ordinance 804 for the property known as Stonegate Shopping Center Addition, Tract 1B, located at 429 Bedford Road, Bedford TX, specifically for a Specific Use Permit to allow for a Full Service Gasoline Station/Gasoline Service Station with a Restaurant and State Vehicle Inspection Station with tire sales and inside storage; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. The property is generally located north of Bedford Road and west of Brown Trail. (Z-236)

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

- 7. Consider a resolution ordering a bond election to be held in the City of Bedford, Texas for the issuance of \$3,200,000 General Obligation Bonds for park improvements (Boys Ranch Lake improvements, trail improvements, channel improvements, recreation facilities, and related improvements at Boys Ranch Park), making provisions for the conduct of the election and resolving other matters incident and related to such election.**

Mr. Wells presented information regarding this ordinance. This item is to formally order a bond election for November 5, 2013. Early voting would be from October 21 through November 1, with the main polling site in the City being the Public Library. However, voters can vote at any Tarrant County early voting location. On Election Day, there would not be a centralized location as counties cannot have more than 5,000 registered voters per polling location. There was discussion regarding adding the

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second phase of the Boys Ranch Master Plan to the election; having the bond election in May in order to save \$18,000; clarification on what the \$3.2M would be for; that \$322,000 was approved for the design and that the City received a \$100,000 grant; that a portion of the money goes to the bond counsel when bonds are sold; what the City would do if the bond does not pass; using certificates of obligation to dredge the lake; issuing bonds right after the election so it is fresh with the voters; and bonds from Bedford 2005 that have not been completed. In regards to timeframes, Nick Bulaich from First Southwest stated that after the election in November, there is a 60-day contest period, which would push issuing the bonds into January. They would issue the bonds towards the end of January and there is 30 day window to close the bond issue, so funds would be in the bank towards the end of February at the earliest. There was discussion regarding the possible refunding of older bond issues and the new money for Dora Street and the Bedford Trails. Once that debt is issued, those propositions would be fully funded. The timeline is to have the funds from the issuance on October 1 and work would start once the bidding is completed.

Motioned by Councilmember Champney, seconded by Councilmember Davisson, to approve a resolution ordering a bond election to be held in the City of Bedford, Texas for the issuance of \$3,200,000 General Obligation Bonds for park improvements (Boys Ranch Lake improvements, trail improvements, channel improvements, recreation facilities, and related improvements at Boys Ranch Park), making provisions for the conduct of the election and resolving other matters incident and related to such election.

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

### **8. Receive the 2013 Certified Ad Valorem Tax Roll from the Tarrant Appraisal District.**

This item is for informational purposes only. No Council action is necessary.

### **9. Receive the certified anticipated collection rate from the Tarrant County Tax Assessor-Collector for the City of Bedford.**

This item is for informational purposes only. No Council action is necessary.

### **10. Consider a proposed tax rate and set public hearings on the proposed tax rate, if required.**

Administrative Services Director Cliff Blackwell presented information regarding this item. This item is to address the tax rate to be considered on September 10. The notice of Bedford's effective tax rate was published in the newspaper and posted on the City's website. Council had a work session on August 9 and addressed this particular item. The current rate is \$0.499115 per \$100 assessed value, the effective tax rate is \$0.495050 per \$100 assessed value, and the rollback rate is \$0.52669 per \$100 assessed value. If Council were to consider a tax rate higher than the effective rate, then they would need to call two public hearings for August 27 and September 3. A notice for those hearings would need to be published in the newspaper. If Council were to consider the effective tax rate, there would be no need for the public hearings.

Motioned by Councilmember Brown, seconded by Councilmember Davisson, to consider a tax rate of \$0.495050 per \$100 assessed valuation to be voted on at the September 10, 2013 meeting.

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

### **11. Call a public hearing on the proposed FY 2013-2014 budget to be held on August 27, 2013 at 6:30 p.m.**

Mr. Blackwell stated that this item is to establish a public hearing to discuss the budget. Expenditures for the following year were originally \$59,288,414. After discussion at the August 9 work session, it was decided to add funding for an intern, Planning and Zoning Commission travel, and seed money for the Economic Development Fund, for a total proposed budget of \$59,404,622. The General Fund makes

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up 47 percent of the budget at \$27,976,808. Proposed revenue is \$60,753,003, with the General Fund's portion being \$28,407,770.

Motioned by Councilmember Champney, seconded by Councilmember Davisson, to call a public hearing on the proposed FY 2013-2014 budget for August 27, 2013 at 6:30 p.m. in the City Hall Council Chambers.

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

**12. Consider a resolution authorizing the City Manager to enter into a contractual agreement with Kaner Medical Group (KMG) to provide pre-paid medical services for eligible City employees and their dependents.**

This item was approved by consent.

**13. Consider a resolution authorizing the City Manager to enter into a contract with Woody Contractors Inc. for Shady Brook Addition, Phase 2, Water Distribution System Improvements in the amount of \$125,253.00.**

This item was approved by consent.

**14. Consider a resolution authorizing the City Manager to enter into a contract with Buy Board Cooperative Purchasing Network for the purchase of 40 Self Contained Breathing Apparatus in the amount of \$228,370.**

This item was approved by consent.

**15. Consider a resolution authorizing the City Manager to enter into an interlocal agreement between the City of Bedford and the cities of Hurst, Euless, Grapevine and Colleyville to establish a shared accident investigation unit called the Combined Reconstruction and Accident Specialist of H.E.B. (C.R.A.S.H.) Unit.**

This item was approved by consent.

**16. Consider a resolution of the City Council of the City of Bedford, Texas amending 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 Dunhill Ratel LLC. (Movie Tavern)**

This item was discussed during the Executive Session.

Motioned by Councilmember Brown, seconded by Councilmember Champney, to approve a resolution of the City Council of the City of Bedford, Texas amending 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 Dunhill Ratel LLC. (Movie Tavern)

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

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

✓ **Animal Shelter Advisory Board - Councilmember Boyter**

No report was given.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner stated that the Commission meets the upcoming Monday evening.

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### ✓ **Community Affairs Commission - Councilmember Boyter**

No report was given.

### ✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission had their strategic planning session the previous evening with artists and other stakeholders. They came away with some great ideas, which they look forward to putting into action quickly.

### ✓ **Library Board - Councilmember Davisson**

Councilmember Davisson stated that the Board will meet the following week.

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

Councilmember Davisson reported earlier in the meeting that the Park Board asked that Phase 1 and Phase 2 of the Boys Ranch Master Plan be included in the bond election.

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

No report was given.

### ✓ **Teen Court Advisory Board - Councilmember Champney**

No report was given.

## **18. Council member reports**

Councilmember Champney reported that the "T" has a grace period for paying of tolls. There is currently \$131,000 in past due tolls that will be enforced. During the grace period, people will only have to pay what is owed without any penalties. Not paying the tolls would subject people to not being able to register their car or having their car impounded.

Mayor Griffin reported that the past Saturday, he and his wife were part of the Summer Reading Club's Mayor's Party, which was to acknowledge summer readers. Medals and awards were given out and many students had read more than 40 hours and some were over the 120 hour mark. For the fourth year in a row, Meadow Creek Elementary School won as a school with more than 7,500 hours read. The Bedford Meadows Shopping Center held a back-to-school community event, which included five food trucks, a band and a car show. The back-to-school effort by 6 Stones for the School District is on August 24 and they are looking for volunteers.

## **19. City Manager/Staff Reports**

City Manager Beverly Griffith reported that the movie Brave would be shown as part of Flick-and-Float at Splash on August 16. The float begins at 8:30 p.m. with the movie beginning at 9:00 p.m. The movie is included in the Splash admission or is \$5.00 at the door. BluesFest begins on a Friday with the "Fuzzy's Friday Frenzy", which kicks off at 6:00 p.m. with an 80s cover band. That will be followed up by Escape, a Journey tribute band. Adam Smith's Texas Harley-Davidson will also be holding their monthly Bike Night Friday Night. On Saturday and Sunday, BluesFest will run from 2:00 p.m. to 11:00 p.m. The Kansas City Barbecue Society contest is now noted to be in the top five percent of team contests in the nation. Seating options include special reserved packages ranging from \$25.00 to \$40.00. There are a limited number and information can be found on the BluesFest website.

## **20. Take any action necessary as a result of the Executive Session**

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Item #16 was discussed during Executive Session.

**ADJOURNMENT**

Mayor Griffin adjourned the meeting at 9:03 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary