

**Council Minutes May 27, 2014**

**STATE OF TEXAS §**

**COUNTY OF TARRANT §**

**CITY OF BEDFORD §**

**The City Council of the City of Bedford, Texas, met in Special Session at 5:30 p.m., Work Session at 6:00 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 27th day of May, 2014 with the following members present:**

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

constituting a quorum.

Councilmember Nolan was absent from the meeting.

Also in attendance:

Steve Farco	Councilmember-Elect
Roger Fisher	Councilmember-Elect

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
Roger Gibson	Police Chief
Mirenda McQuagge-Walden	Managing Director
Maria Redburn	Library Director
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

**SPECIAL SESSION**

Mayor Griffin called the Special Session to order at 5:30 p.m.

- **Administer Statement of Elected Officer and Oath of Office to newly elected Council Members Place 4 and Place 6 and presentation of the Certificates of Election.**

City Secretary Michael Wells administered the Statement of Elected Officials and Oath of Office to newly elected Council Members Steve Farco, Place 4, and Roger Fisher, Place 6. Mayor Griffin presented the Certificate of Election to Council Members Farco and Fisher.

Mayor Griffin adjourned the Special Session at 5:35 p.m.

**WORK SESSION**

Mayor Griffin called the Work Session to order at 6:00 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: 5, 6 and 7.

Deputy City Manager David Miller presented information regarding Item #6. As part of the NTE project, rights-of-way needed to be acquired in order to place the new highway. This item is the cost of those rights-of-way to be paid to the City. Per State law, 50 percent of the value of these rights-of-way can be given back to the City by TxDOT. The current plan is for the \$133,000 to be set against the City's share of the utility costs, which will be presented to Council at their June 24 meeting. There was discussion on utilizing those funds for the Economic Development Fund or for the work on 533 Bedford Road. Staff was directed to verify with TxDOT whether the funds can be received in the form of a check.

Administrative Services Director Cliff Blackwell presented information on Item #7, which is to consider the renewal of a two-year agreement with Valley View Consulting for investment advisory services. The City has done business with Valley View for 12 years. State statutes require that if a municipality utilizes an investment advisor, the agreement has to be done every two years. The Investment Committee met and recommended approval of the agreement. The services they provide include cash flow analysis, bank depository requests for proposals, and investment strategies. Their services are fee-based and are based on the size of the City's portfolio, at approximately eight basis points per quarter. As part of this discussion, Councilmember Turner presented his report on the Investment Committee meeting of March 31. He stated that the City's money is very safe and that it is primarily invested in CDs and money market funds. The earnings over the last quarter were 17 basis points. He has enjoyed working with Valley View, that they have been very helpful to staff, and he recommends continuing that relationship. In answer to questions from Council, Mr. Blackwell stated that as this is a professional services agreement, the City has the leeway not to go through the bidding process; that the agreement has not changed and the fee structure of eight basis points has remained in place; that Valley View has 36 clients statewide, primarily municipalities; that he is confident that the City pays less than what other entities pay for their services; and that CDs earn an average of 33 to 50 basis points but when grouped with the money market accounts, the overall average yield is 17 basis points.

- **Discussion and report on progress made to remove debris on the property formerly known as Stonegate Pools located at 533 Bedford Road. \*\*This item requested by Councilmember Boyter.**

Councilmember Boyter requested this item be placed on the agenda for discussion. Mr. Miller gave an update on the progress on the property. Council took action on this item at their last meeting. Both debris piles have been removed from the site. Asbestos testing is being performed on the remaining structures on the site and staff will bring back an action plan to Council once those results are back. In answer to questions from Council, Mr. Miller stated that the determination of what can be done with the rest of the structures depends on the results of the asbestos testing, which usually takes two to three weeks once a sample is taken; that the reason these tests were not performed at the time of the previous testing was that these structures were not in the same condition as the debris pile; that he does know that there is a per test charge but does not know if there is a trip charge; and that discussion regarding what is to be done with the rest of the property would need to be discussed during an Executive Session.

### **EXECUTIVE SESSION**

**To convene in the conference room, if time permits, 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 Bedford Forum Addition, Block 4 Lot CR.**
- b) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 3737 Cummings Road.**

## **Council Minutes May 27, 2014**

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Bedford Forum Addition, Block 4 Lot CR, and Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 3737 Cummings Road at 6:20 p.m.

Council reconvened from Executive Session at approximately 6:36 p.m. Council was unable to finish the Executive Session and will convene again at the end of the Regular Session.

Mayor Griffin adjourned the Work Session at 6:38 p.m.

### **REGULAR SESSION 6:30 P.M.**

The Regular Session began at 6:38 p.m.

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

Mayor Griffin called the meeting to order.

### **INVOCATION (Senior Pastor Nosa Onaiwu, Arise and Shine Int'l Ministries)**

Senior Pastor Nosa Onaiwu of Arise and Shine Int'l Ministries gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given

### **OPEN FORUM**

Tom Culbert, 1925 Charleston, Bedford - Mr. Culbert signed up to speak on Item #8. He stated that he is concerned about how the dances are being run at the Senior Center. There was a band that drew 73 people in mid-February but has not been rescheduled. Every band since then has drawn less, partly due to the weather. He stated that if there is a band that is hot and draws well, they should be rescheduled; however, their next time to play is not until June 30. 50 people need to attend for the event to break even and he stated that the bands should be asked to take less money. He stated that there was discussion on having dances every other Monday, which would be a death wish for the dance. Councilmember Turner, the Council liaison to the Senior Citizen Advisory Board, stated that the Senior Center Manager Cathy Haskell is aware of these issues and is looking into it.

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

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 5, 6 with the stipulation from the standpoint of the funds that would be accrued back to the City to be utilized either in economic development or for remediation of 533 Bedford Road, and 7.

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

### **COUNCIL RECOGNITION**

#### **1. Proclamation declaring June, July and August as Summer Reading Club Season.**

Mayor Griffin read a proclamation declaring June, July and August as Summer Reading Club Season. Susan Hulse, Librarian for Bedford Heights Elementary School, was present to accept the proclamation.

### **APPROVAL OF THE MINUTES**

**2. Consider approval of the following City Council minutes:**

- a) **May 13, 2014 regular meeting**
- b) **May 20, 2014 special meeting**

Motioned by Councilmember Champney, seconded by Councilmember Davisson, to approve the minutes of the May 13, 2014 regular meeting and the May 20, 2014 special meeting.

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

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

Abstaining from voting: Councilmember Farco and Councilmember Fisher

**NEW BUSINESS**

- 3. Public hearing and consider an ordinance to amend Ordinance 10-2978, specific to the Bedford Comprehensive Land Use Plan (2010) for two parcels from Schools and Churches/Semi-Public and Commercial to Medium Density Residential. The parcels are known as a portion of Lot 1R, Block 1, Bedford Baptist Temple Addition, located at 2403 Bedford Road and Tract 2A, Abstract 94, Mary Ann Barnes Survey, located at 2300 Bedford Road, Bedford, Texas; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. The properties are generally located north of Bedford Road and east of Central Drive. (A-038)**

Planning Manager Jacquelyn Reyff presented information regarding this item, which is to amend the City's Comprehensive Land Use Plan for the subsequent rezoning of properties at 2403 and 2300 Bedford Road for the purpose of constructing 22 Medium-Density Residential Single-Family Detached homes. The properties are currently utilized by the Church at Meadow Creek, which has a contract to sell the properties to a development company for the development of the homes. The applicant is requesting to rezone the properties from Single-Family Residential Detached District R-9,000 to Planned Unit Development (MD-3), Medium-Density Residential – Single-Family Detached District. In order for this to happen, the Council would have to amend the Plan, the purpose of which is to give direction to future development to prevent the creation of incompatible physical impacts. The current Plan was adopted in 2010 and it is not uncommon to amend the Plan, and the requested change would not impose any future issues as the surrounding land uses are primarily residential and contiguous. The Planning and Zoning Commission approved this item at their April 24 meeting by a vote of 4-0-1.

Ms. Reyff presented information on Item #4, which is the second piece of the proposed development. The request is to rezone the properties from Single-Family Residential Detached District to Planned Unit Development (PUD) Medium-Density Residential – Single-Family Detached District. The properties are currently zoned R-9,000 and are proposed to go to a PUD with very closely matched MD-3 standards. The total land area is approximately four acres and the medium finished floor areas shall not be less than 1,600 square feet. The development would consist of 22 units. The heights match the proposed zoning but there is a small difference in the lot widths, at a proposed 40 feet compared to 45 feet. The applicant is requesting front yard setbacks of 15 feet and the side yards of five feet or zero on one side and a 10 foot maintenance easement on the other, all of which follows MD-3 standards. There is a change in the rear yard setbacks from 15 feet to 10 feet. Parking is two spaces per unit for a total of 44 spaces. Ingress and egress will be along Bedford Road across from Park Place Boulevard. The streets will be public, and owned and maintained by the City. The lot coverage numbers meet the required percentages of the Zoning Ordinance. The applicant is proposing to provide 44 trees, including one canopy and one ornamental for each lot. Sidewalks will be of concrete and five feet wide. There will be a masonry screening wall along Bedford Road, the elevation of which is indicated on the landscape plan, and will be maintained by the HOA. A detention pond is shown to the east of the homes, which will be maintained by the HOA, and include amenities such as a gazebo and additional trees. At the time of

## Council Minutes May 27, 2014

platting, issues related to engineering and drainage will be required to meet the City's Code of Ordinances. Variances from the MD-3 zoning standards include rear yard setbacks reduced from 15 feet to 10 feet and minimum lot widths reduced from 45 feet to 40 feet. This item was approved by the Planning and Zoning Commission at their April 24 meeting by a vote of 4-0-1.

In answer to questions from Council, Ms. Reyff stated that there were representatives from the two subdivisions south of Bedford Road at the Commission meeting that expressed concerns regarding the effect of storm water and runoff on their homes; that Tom Hoover with Baird, Hampton and Brown attended the meeting to discuss drainage; that what is being reviewed is conceptual engineering that would eventually be flushed out and would need to be accepted by the City to meet the Code of Ordinances at the time of platting; and that as the streets would be public, parking would be allowed on both sides and there would be room for fire trucks.

Mayor Griffin opened the public hearing on Item #3 and Item #4 at 7:02 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:03 p.m.

Motioned by Councilmember Davisson, seconded by Councilmember Champney, to approve an ordinance to amend Ordinance 10-2978, specific to the Bedford Comprehensive Land Use Plan (2010) for two parcels from Schools and Churches/Semi-Public and Commercial to Medium Density Residential. The parcels are known as a portion of Lot 1R, Block 1, Bedford Baptist Temple Addition, located at 2403 Bedford Road and Tract 2A, Abstract 94, Mary Ann Barnes Survey, located at 2300 Bedford Road, Bedford, Texas; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. The properties are generally located north of Bedford Road and east of Central Drive. (A-038)

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

- 4. Public hearing and consider an ordinance to rezone the properties known as Lot 1R, Block 1, Bedford Baptist Temple Addition, located at 2403 Bedford Road and Tract 2A, Abstract 94, Mary Ann Barnes Survey, located at 2300 Bedford Road, Bedford, Texas, from "R-9,000" Single-Family Residential Detached District, Section 4.2 of the City of Bedford Zoning Ordinance to Planned Unit Development District (PUD), Section 4.15 of the City of Bedford Zoning Ordinance, for Avalon Place; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. The properties are generally located north of Bedford Road and east of Central Drive. (Z-247)**

This item was discussed at the same time as Item #4.

Motioned by Councilmember Davisson, seconded by Councilmember Champney, to approve an ordinance to rezone the properties known as Lot 1R, Block 1, Bedford Baptist Temple Addition, located at 2403 Bedford Road and Tract 2A, Abstract 94, Mary Ann Barnes Survey, located at 2300 Bedford Road, Bedford, Texas, from "R-9,000" Single-Family Residential Detached District, Section 4.2 of the City of Bedford Zoning Ordinance to Planned Unit Development District (PUD), Section 4.15 of the City of Bedford Zoning Ordinance, for Avalon Place; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. The properties are generally located north of Bedford Road and east of Central Drive. (Z-247)

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

- 5. Consider a resolution authorizing the City Manager to execute an Interlocal Agreement with the cities of Bedford Colleyville, Euless, Grapevine, Haltom City, Hurst, Keller, North Richland Hills, Richland Hills, Roanoke, Southlake, Trophy Club MUD #1, Watauga and**

**Westlake. This group of cities is also known as the Northeast Fire Department Association (NEFDA) to establish a fund for the replacement of jointly used emergency response equipment.**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to execute Quitclaim Deeds with the State of Texas for property interests included in agreements 183-U-0503 and 183-U-0503-0002 of the North Tarrant Express Project.**

This item was approved by consent with the stipulation from the standpoint of the funds that would be accrued back to the City to be utilized either in economic development or for remediation of 533 Bedford Road.

- 7. Consider a resolution authorizing the City Manager to renew a two-year agreement with Valley View Consulting, L.L.C., to provide investment advisory services.**

This item was approved by consent.

- 8. 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 for only the second time in the past seven years, the Commission lacked a quorum and were unable to meet. He urged people to go by the Community Garden on Highway 157.

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

Councilmember Boyter recognized Commission members Ruth Culver, Amy Sabol, Gary Morlock, and Roy Savage, who were in attendance. The Commission hosted an HOA roundtable the previous Wednesday. A local insurance agent discussed the topic of HOA insurance considerations, and there were other discussions regarding mosquitoes, West Nile Virus, and drought contingency planning. Representatives from 16 different HOAs, representing 1,200 households, were in attendance. The Commission will be hosting a Mayor's Roundtable regarding the results of the citizen survey at 7:00 p.m. on June 12 at the Library. More details can be found on the City's website.

- ✓ **Investment Committee – Councilmember Turner**

Councilmember Turner gave his report during the Work Session.

- ✓ **Library Board - Councilmember Davisson**

Councilmember Davisson reported that the Board discussed the recent Library survey and that the positives far outweigh the negatives.

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

Councilmember Davisson reported that 631 people attended the opening of Splash, which included season ticket holders and Summer Reading Club members.

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

## Council Minutes May 27, 2014

Councilmember Turner reported that the Board will meet next month.

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

No report was given.

### **9. Council member Reports**

Mayor Griffin stated that at the June 10 meeting, there will be discussion on Council liaison and Mayor Pro Tem assignments, as well as the meeting schedule for the remainder of the year based on the recent Charter amendment that passed regarding Council meetings. They are working on a Saturday work session for the end of June to discuss Boards and Commissions including mission statements, Council priorities, a preview of the budget, and aspects of the citizen survey that they want to address and improve. He stated that there was an article about the survey in the City-by-City section of the Star-Telegram.

Councilmember Fisher stated that he is excited and humbled that the citizens again elected him to Council. He is looking forward to working with staff and Council.

Councilmember Farco stated that he is looking forward to working with staff. He is excited and humbled by the voters for electing him and he hopes to do a good job.

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

City Manager Beverly Griffith reported that there will be a Twilight Thursday event on May 29, starting at 7:00 p.m. at the Old Bedford School, which is rescheduled from May 8. The band is Hazard County, which is modern rock with a mix of Nashville country. There will be an irrigation quick-fix class on Monday, June 9 at 6:30 p.m. at the Library. From June 10-13 and June 14-18, aspiring engineers from ages five to 11 can attend "Learning with Legos" classes at the Boys Ranch Activity Center. Bedford Splash and the Roy Savage Pool at Central Park will open daily starting on May 31.

Councilmember Champney stated that the Twilight Thursday event with Behan, a Celtic band, will also be rescheduled.

### **EXECUTIVE SESSION**

**To convene 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 Bedford Forum Addition, Block 4 Lot CR.**
- b) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 3737 Cummings Road.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Bedford Forum Addition, Block 4 Lot CR, and Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 3737 Cummings Road at 7:17 p.m.

### **11. Adjourn into Regular Session**

Council reconvened from Executive Session at approximately 7:45 p.m.

### **12. 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 7:46 p.m.

---

Jim Griffin, Mayor

ATTEST:

---

Michael Wells, City Secretary