

AGENDA

**Regular Meeting of the Bedford City Council
Tuesday, April 23, 2013
Bedford City Hall Building A
2000 Forest Ridge Drive
Bedford, Texas 76021**

**Council Chamber Work Session 5:30 p.m.
Council Chamber Regular Session 6:30 p.m.**

**COMPLETE COUNCIL AGENDAS AND BACKGROUND INFORMATION ARE AVAILABLE FOR REVIEW
ONLINE AT <http://www.bedfordtx.gov>**

WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.

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 "Project Oatmeal".
- b) 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: Bedford Forum Addition development regulations.
- c) Pursuant to Section 551.074: personnel matters – annual performance review of the City Manager.
- d) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition.

REGULAR SESSION 6:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Dr. Timothy Pierce, Woodland Heights Baptist Church)

PLEDGE OF ALLEGIANCE

OPEN FORUM

(The public is invited to address the Council on any topic that is posted on this agenda. Citizens desiring to speak on Public Hearing(s) must do so at the time the Public Hearing(s) are opened. In order to speak during Open Forum a person must first sign in with the City Secretary prior to the Regular Session being called to order. Speakers will be called upon in the order in which they sign in. Any person not signing in prior to the commencement of the Regular Session shall not be allowed to speak under Open Forum. Further, Open Forum is limited to a maximum of 30 minutes. Should speakers not use the entire 30 minutes Council will proceed with the agenda. At the majority vote of the Council the Mayor may extend the time allotted for Open Forum.)

CONSIDER APPROVAL OF ITEMS BY CONSENT

COUNCIL RECOGNITION

1. Proclamation declaring May 2013 as Motorcycle Safety Awareness Month in the City of Bedford.

2. Proclamation recognizing the week of April 21–27, 2013 as National Crime Victims' Rights Week.
3. Employee Service Recognition

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes:
 - a) April 4, 2013 special meeting
 - b) April 9, 2013 regular meeting

PERSONS TO BE HEARD

5. Gary Morlock, 2910 Wayside Drive, Bedford, Texas - Requested to speak to the Council regarding the Community Affairs Outreach Meeting on "School Safety" to be held on Tuesday, May 7, 2013.

OLD BUSINESS

6. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Ordinance No. 2275, by amending Section 4.17 "CSED" Cheek-Sparger Entrance District; by amending Section 4.18 "HC" Highway Corridor Overlay District; by removing all references to the "CSED" Cheek-Sparger Entrance District from the Zoning Ordinance; by amending the official Zoning Map of the City of Bedford to designate the expanded "HC" Highway Corridor Overlay District; providing a revised Zoning Map illustrating the change in district as attachment "A"; providing attachment "B" being the text amendments to the Zoning Ordinance; providing a severability clause; providing a penalty and enforcement clause; and providing an effective date. (Tabled at the March 26, 2013 Council Meeting)
7. Consider a resolution amending Section 1 of the Interlocal Agreement between the cities of Bedford, Euless and Hurst for the combining efforts for the provision of a Teen Court Program in Municipal Court. (Tabled at the February 26, 2013 Council Meeting)
8. Consider a resolution amending Article 1, Section 1.02 and adding a mission statement to the H.E.B. Teen Court Advisory Board Bylaws. (Tabled at the February 26, 2013 Council Meeting)

NEW BUSINESS

9. Public Hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Ordinance No. 2275 Section 5.5 Screening Requirements, specific to Section 5.5.B(1), Fences Abutting Incompatible Districts; providing that this ordinance shall be cumulative; providing a severability clause; providing a savings clause; providing a penalty clause; and providing an effective date.
10. Consider a resolution appointing one or more qualified persons to serve as an alternate judge temporarily in the absence of the municipal court judge for the City of Bedford, Texas.
11. Consider a resolution authorizing the City Manager to purchase a replacement 2013 Ford F-150 in the amount of \$22,979.78 from Sam Pack's Five Star Ford through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Agreement.
12. Consider a resolution authorizing the City Manager to enter into an Interlocal Cooperation Agreement between the City of Bedford and the County of Tarrant for the purpose of implementing a West Nile Virus Mosquito Surveillance and Response Program.
13. Discussion and possible staff direction regarding the use of budgeted sidewalk funds. **This item requested by Councilmember Brown

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

- ✓ **Animal Shelter Advisory Board - Councilmember Olsen**
- ✓ **Beautification Commission – Councilmember Turner**
- ✓ **Community Affairs Commission - Councilmember Boyter**
- ✓ **Cultural Commission - Councilmember Nolan**
- ✓ **Library Board – Councilmember Brown**
- ✓ **Parks & Recreation Board - Councilmember Davisson**
- ✓ **Senior Citizen Advisory Board - Councilmember Turner**
- ✓ **Teen Court Advisory Board - Councilmember Olsen**

15. Council member reports

16. City Manager/Staff Reports

- a) **Update on Persons to be Heard: Traffic study on Memphis Drive.**

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

(Any item on this posted agenda may be discussed in executive session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.)

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Friday, April 19, 2013 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

Michael Wells, City Secretary

Date Notice Removed

(Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in City functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight (48) hours prior to the scheduled starting time of a posted council meeting by calling 817.952.2101.)



Council Agenda Background

PRESENTER: Jim Griffin, Mayor

DATE: 04/23/13

Council Recognition

ITEM:

Proclamation declaring May 2013 as Motorcycle Safety and Awareness Month in the City of Bedford.

City Manager Review: _____

DISCUSSION:

Members of the Patriots Motorcycle Club will be on hand to accept the proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are relatively unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all, fatalities through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and

WHEREAS, the citizens of our community should become aware of the inherent danger involved in operating a motorcycle and for riders and motorists to give each other the mutual respect they deserve.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the month of May, 2013, as:

Motorcycle Safety and Awareness Month

in the City of Bedford and urge all residents to do their part to increase safety and awareness in our community.

*In witness whereof, I have hereunto set my hand and
caused the seal of the City of Bedford to be affixed this
23rd day of April, 2013.*

JIM GRIFFIN, MAYOR





Council Agenda Background

PRESENTER: Jim Griffin, Mayor

DATE: 04/23/13

Council Recognition

ITEM:

Proclamation recognizing the week of April 21–27, 2013 as National Crime Victims' Rights Week.

City Manager Review: _____

DISCUSSION:

National Crime Victims' Rights Week began in April 1981. For over three decades, National Crime Victims' Rights Week has successfully promoted awareness of victims' rights and services, and honored countless crime victims and survivors.

During this week, crime victims and victim advocates will be honored with rallies, candlelight vigils, and commemorative events across the country. This year's theme, "New Challenges. New Solutions." reflects the increasingly complex mission of victim advocates today.

Roger Gibson, Police Chief and Lucy Amphay, Crime Victims' Coordinator, will be accepting this proclamation.

ATTACHMENTS:

Proclamation



Council Agenda Background

PRESENTER: Jim Griffin, Mayor

DATE: 04/23/13

Council Recognition

ITEM:

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City Manager Review: _____

DISCUSSION:

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Roger Gibson, Police Chief and Lucy Amphay, Crime Victims' Coordinator, will be accepting this proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, since 1981, citizens across our state and nation have observed National Crime Victims' Rights Week to focus attention on the plight of crime victims; and

WHEREAS, 18.7 million Americans are victims of crime each year, and may experience physical, emotional, psychological, and financial harm as a result of such crime; and

WHEREAS, the continued commitment by concerned citizens and leaders in Texas, in both the public and private sectors, is needed to provide, expand, and coordinate quality services for crime victims and their families; and

WHEREAS, today, thousands of victim assistance programs nationwide provide help and support to child victims of violence and sexual abuse, stalking victims, survivors of homicide victims, victims of drunk-driving crashes, victims of domestic violence, sexual violence, and other crimes; and

WHEREAS, the nation has made significant progress in affirming and strengthening victims' rights and services. However, challenges remain to ensure that crime victims and survivors are treated with dignity and respect; and

WHEREAS, National Crime Victims' Rights Week provides an opportunity to renew our nation's commitment to serving all victims of crime in the United States – to help ensure their access to the help they deserve and the rights they are promised.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the week of April 21–27, 2013, as:

National Crime Victims' Rights Week

and reaffirm the City of Bedford's commitment to respect and enforce crime victims' rights and address their needs during Crime Victims' Rights Week and throughout the year; and express our appreciation for those victims and crime survivors who have turned personal tragedy into a motivating force to improve our response to victims of crime and build a more just community.

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this
23rd day of April, 2013.*

JIM GRIFFIN, MAYOR




Council Agenda Background

PRESENTER: Beverly Griffith, City Manager

DATE: 04/23/13

Council Recognition

ITEM:

Employee Service Recognition

City Manager Review: _____

DISCUSSION:

The following employee has completed a service period and is eligible for recognition:

William Shelton 5 years Public Services

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 04/23/13

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) April 4, 2013 special meeting
- b) April 9, 2013 regular meeting

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

April 4, 2013 special meeting
April 9, 2013 regular meeting

STATE OF TEXAS §
COUNTY OF TARRANT §
CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in special session at 8:30 p.m. in the Building A Conference Room of City Hall, 2000 Forest Ridge Drive, on the 4th day of April, 2013 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Jim Davisson	
Sherri Olsen	
Roy W. Turner	

constituting a quorum.

Councilmember Nolan arrived at 8:40 p.m.

Staff present included:

Beverly Griffith	City Manager
Michael Wells	City Secretary

CALL TO ORDER

Mayor Griffin called the meeting to order at 8:34 p.m.

EXECUTIVE SESSION

To convene in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- Pursuant to Section 551.074: personnel matters – annual performance review of the City Manager.

Council convened into Executive Session pursuant to Texas Government Code Section 551.074: personnel matters – annual performance review of the City Manager at 8:34 p.m. Council reconvened from Executive Session at 11:00 p.m.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 11:00 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

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 9th day of April, 2013 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
Cathy Cunningham	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Administrative Services Director
Roger Gibson	Police Chief
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Jackie Reyff	Planning Manager
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: 4, 6, 7, 8 and 9.

Special Events Manager Wendy Hartnett presented information regarding Item #6. She stated that the Director of Marketing for Western Enterprises was present as well to answer any questions from Council. The company has been doing the fireworks show for the City for 19 years. There were issues with the show last year and the City received a 100% refund. In answer to questions from Council, there has not been an increase in the contract for several years. A few years ago, it was lowered by 5% and has not increased since.

Library Manager Maria Redburn presented information regarding Item #9. This is for the annual renewal of the Innovative Interfaces maintenance agreement for an integrated library system. It covers hardware and software including the online catalog, the circulation functions, cataloging functions, e-commerce, fines and fees. By having a turnkey system, the company provides 24/7 coverage. The company makes the best effort to return phone calls within two hours of receipt and to have repairs to software done within 48 hours of notice. If a server goes down, it is replaced with the exact same model. If they did not have a turnkey system, the result would be a lot of downtime. The original price for renewal was \$40,000. By contract, the company can request an increase every year. Through

negotiations and by eliminating the serial module, they were able to come to an agreement that saved \$3,090. In answer to a question from Council, Ms. Redburn stated that the City has been with the company since approximately 1996.

• **Discussion regarding the Highway 183 Corridor Overlay District.** **This item requested by Councilmember Olsen

Councilmember Olsen requested this item be placed on the agenda for discussion. She stated that the original desire of Council was to have the same parameters on Highway 183 that are on Highway 121 and Cheek-Sparger. She stated that there have been a lot of misconceptions since this issue was first brought up for consideration. The original desire was to change the footprint along Highway 183. The Highway 121 and Cheek-Sparger overlays create a beautiful view when driving in from Grapevine and from previous work sessions, the simple goal was to bring Highway 183 up to the same standards as Highway 121. When they were brought the proposed ordinance, she found deletions, additions and changes that she was not personally in support of. She stated that staff recommendations brought residents into the line-of-fire. The letter sent to residents brought confusion and misunderstanding. At the last Council meeting, one of the speakers brought some concerns regarding his shopping center. She asked Council if there would be any thought or desire to forming a subcommittee made up of residents, staff, the Planning and Zoning Commission and shopping center owners to get their input and to put their fears to rest.

There was Council discussion on public hearings and the opportunities for citizens and shopping centers to comment on this issue; issues related to transplanting the Highway 121 overlay, where there were not a lot of businesses when it was developed, to Highway 183, which currently has a lot of businesses; the removal of landscape maintenance agreements and having landscape plans that are maintained going forward; alleviation for businesses along Highway 183; the ability to change the look of properties along Highway 183 if the opportunity becomes available; and changes to the ordinance not being conducive to how Council wants Highway 183 to look. There was discussion between Council and staff regarding miscommunication and misperceptions; specifically, that the letter from the City to property owners stated that residential properties were excluded from provisions of the Overlay District and another letter, not distributed by the City and received by several property owners, did contain misinformation.

Planning Manager Jacquelyn Reyff presented information regarding the Development Department's efforts to notify property owners. They contacted over 1,200 property owners about the zoning change in February. They were contacted by 51 owners through walk-ins, telephone calls and emails. 11 people signed up to speak at the Planning and Zoning Commission meeting and seven people ultimately spoke. During the March 26 Council meeting, four people spoke. On April 4, Development sent another letter to the 11 people who spoke at the Planning and Zoning Commission meeting about the Council meeting on April 23. Information has been placed on the front page of the City's website and the public hearing was published in the newspaper per State law. The Department's call log will be included in Council packet for April 23.

There was discussion between Council and staff regarding the impact of the letter not distributed by the City on the Commission and Council meetings; confusion regarding comments from Dan Boutwell at the previous meeting; why Council had not received a copy of the letter; the concern of residents regarding their property values if adjacent property gets rezoned; how to address what will happen in the future; taking residential properties out of the Overlay District; and a citizen lying about what Council is doing to stir up trouble.

In answer to questions, Development Director Bill Syblon stated that there are residential properties currently in the Highway 121 Overlay District. The same methodology used to determine what properties are included in the Highway 121 Overlay District was used along Highway 183, namely that it went out 200 feet on either side of the Highway. The original Highway 121 Overlay District did include residential properties; however, the new one being proposed would exempt residential properties moving forward.

Council requested copies of the letter and for the presentation that Development will be making at the

next Council meeting.

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 “Project Oatmeal”.**
- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to “Project Oatmeal” and Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition at 6:16 p.m.

Council reconvened from Executive Session at 6:31 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 6:37 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Pastor Kevin Smith, Faith Christian Fellowship Church of Hurst)

Pastor Kevin Smith of Faith Christian Fellowship Church of Hurst gave tonight’s invocation.

PLEDGE OF ALLEGIANCE (Cub Scout Pack #0407, Leader: Andy Bearden)

Cub Scout Pack #0407, lead by Elisa Risley and Cub Scouts Kyle Risley, Ashton Smith, Dylan Gause, David Morgan, Sam Teinert and Matthew Walls, lead the Pledge of Allegiance. Mayor Griffin announced that the Cub Scouts had all just earned the rank of Wolf Den.

OPEN FORUM

Dorothy McWhorter, 1600 Martha Drive – Ms. McWhorter requested to speak on Item #10. She stated that she received an email from Councilmember Turner on April 8, which she read to the Council. (A copy of the email is on file in the City Secretary’s Office) She stated that \$150 or \$150,000 was not the issue; compensating hard working people was not the issue; greed, hate and anger were not the issue; Mr. Caruso was not the issue; and her finding favor or liking was not the issue. She stated the issue was Councilmember Turner introducing legislation to buy lunches before the election. Due to the timing of the proposed legislation, she believed it would be appropriate to table this item until after the election. She stated that timing was the issue. In regards to the last sentence of the email, she asked what Councilmember Turner’s qualifications were to tell her what to do and what was best for her.

Councilmember Turner stated that he has watched the City for the past 15 years and that it went through a great turmoil. He stated that Ms. McWhorter has never come out for or supported anything in the City except for a constraint on spending. He then read an email from Ms. McWhorter that he stated preceded his email. He stated he wished that she would find something along the way that she is glad the Council has accomplished and hoped she had the opportunity to meet something in Bedford that made her happy. He stated the idea of the luncheon came up in the Beautification meeting, on which he

serves as liaison. He stated if he was trying to buy votes, he would not have taken it to Council but would have done it on his own and used his own funds. He stated that if the City had to pay for 50 people to collect trash, it would be well over \$1,000. In answer to a question, he stated that he has served as liaison to the Beautification Commission for the past six years.

In answer to questions from Council, Ms. McWhorter stated that she is not against people volunteering and that she had donated \$200 for a family's Christmas dinner in Bedford. She stated that she has offered to serve on the City's Boards and Commission but has not been called. There was discussion on the issue not being about the money but being about politics or timing.

Ralph Chaney - 3553 Richwood Circle – Mr. Chaney requested to speak on the Work Session item. He stated that politics was a specter haunting Bedford. He has watched Councils flow one way and another. At one time, there was a Council that was pro-active and got things accomplished and there was not a lot of bickering. He was frustrated by watching people bicker for political purposes only and waste time. He stated there is a good group of people on Council but they have an attitude and mentality to muddle things up. He asked how many times the Highway Corridor Overlay had to be reworked to please everybody. He stated that if they do not understand the materials, then they are in the wrong place. He was frustrated to see seven members screw up the City and become reactionary. He stated that the City is moving in the right direction and that the Council is preventing that from happening and he hoped that they would get their act together.

Deborah Chaney - 3553 Richwood Circle- Ms. Chaney requested to speak on Item #10. She stated that she served as chairperson of the Beautification Commission and that she is saddened to see Clean Up Bedford Day become politicized. That Day began when she was chairperson and the first year, they had their Commission members and one Scout Troop who cleaned the length of Harwood Road. They had 268 volunteers the last year she served as chairperson. She had hoped is that it would become a huge City event, which would end at the Boys Ranch with a picnic. She stated she was glad that the idea was brought up in the Commission meeting and that Councilmember Turner brought it forward. She stated that it is not about the money but that it has become a political issue.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Brown, seconded by Councilmember Davisson, to approve the following items by consent: 4, 6, 7, 8 and 9

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

COUNCIL RECOGNITION

1. Proclamation declaring April 2013 as Child Abuse Prevention Month in the City of Bedford.

Mayor Griffin read a proclamation declaring April 2013 as Child Abuse Prevention Month in the City of Bedford. Courtney Garrison, Alliance for Children Center Coordinator, was on hand to accept the proclamation. Ms. Garrison thanked the Council and the City for supporting her organization. She stated it was important to talk to the community about what they do and to prevent abuse from happening to lower the number of child abuse cases.

2. Proclamation declaring April 2013 as National Safe Digging Month in the City of Bedford.

Mayor Griffin read a proclamation declaring April 2013 as National Safe Digging Month in the City of Bedford. Patrice Kleypas and Tom Hoover from the Public Works Department were on hand to accept the proclamation. Mr. Hoover stated that Ms. Kleypas is the Department's coordinator with Texas 811 Regulations and Requirements. The Department processes over 5,000 locates every year to mark water, sewer and storm drainage lines in the City's easements and rights-of-way. The results create a safe work place for both public and private and protect the City's infrastructure. He encouraged citizens to call 811 prior to digging.

3. Proclamation recognizing the week of April 14-20, 2013 as National Public Safety Telecommunicators Week.

Mayor Griffin read a proclamation recognizing the week of April 14-20, 2013 as National Public Safety Telecommunicators Week. Police Chief Roger Gibson, Communications Supervisor over the Dispatch Division Amy James and Lead Dispatcher Anne Smith were on hand to accept the proclamation. Chief Gibson stated that the role of a dispatcher is a complex assignment and mentally tasking. He stated that all 911, non-emergency calls come into dispatch. There are approximately 25,000 calls for service generated and another 33,000 initiated calls each year. Technology, specifically cell phones, has made their job more complex. Ms. James and Ms. Smith are the two most tenured employees and also serve as supervisors. Under their leadership, the turnover rate in that Division has dropped dramatically.

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes:

a) March 26, 2013 regular meeting

This item was approved by consent.

NEW BUSINESS

5. Public hearing and consider an ordinance to rezone a portion of the property known as Lot 3, Block 1, Parkwood Village Addition, located at 201 Harwood Road, Suite 150, Bedford, Texas, specifically for the operation of a banquet hall (Glorious Villa) from Heavy Commercial to Heavy Commercial/Specific Use Permit/Banquet and Meeting Facilities. The property is generally located north of Harwood Road and west of Brown Trail. (Z-233)

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. The business would operate under the name Glorious Villa and the applicant has requested a specific use permit to operate a banquet hall. The size of the lease space is approximately 6,600 square feet. The site is sufficiently landscaped for this type of use. The parking for the banquet hall is 27 parking spaces and it is in compliance with the proposed use. The hours of operation are expected to be Friday, Saturday and Sunday and no time restrictions were placed by the Planning and Zoning Commission. Occupancy was indicated to be approximately 100 people. The Comprehensive Plan shows this location to be commercial so the use does not conflict with the Plan. This item was approved unanimously at the March 14 Commission meeting. In answer to a question from Council, Ms. Reyff stated that there were no objections raised at the Commission meeting.

Mayor Griffin opened the public hearing at 7:12 p.m.

Nobody chose to speak during tonight's public hearing.

Mayor Griffin closed the public hearing at 7:12 p.m.

Motioned by Councilmember Davisson, seconded by Councilmember Turner, to approve an ordinance to rezone a portion of the property known as Lot 3, Block 1, Parkwood Village Addition, located at 201 Harwood Road, Suite 150, Bedford, Texas, specifically for the operation of a banquet hall (Glorious Villa) from Heavy Commercial to Heavy Commercial/Specific Use Permit/Banquet and Meeting Facilities. The property is generally located north of Harwood Road and west of Brown Trail. (Z-233)

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

6. Consider a resolution authorizing the City Manager to enter into a contract with Western Enterprises Inc. for the 2013 4thFest Fireworks Program in the amount of \$29,000.

This item was approved by consent.

7. Consider a resolution authorizing the City Manager to enter into a lease agreement for one

year with the DFW Tejanos Organization for the purpose of conducting practices and games at the Stormie Jones soccer fields.

This item was approved by consent.

8. Consider a resolution authorizing the City Manager to enter into a lease agreement for one year with the Tri-Cities Baseball Association for the purposes of having league games and practices at both the Boys Ranch Park and the Meadowpark Athletic Complex.

This item was approved by consent.

9. Consider a resolution authorizing the City Manager to expend funds for an annual payment in the amount of \$36,300 for the renewal of the extended maintenance and technical support agreement with Innovative Interfaces, Inc.

This item was approved by consent.

10. Discussion regarding the Council providing lunch for the Clean Up Bedford Day volunteers on Saturday, April 22, 2013. **This item requested by Councilmember Turner

Councilmember Turner requested this item be placed on the agenda for discussion. He stated that this item started out as a simple request that had nothing to do with politics or elections. If it is perceived as political, then he would back away from it. He stated that Subway can feed 80 people with sandwiches, chips and cookies for \$150. In answer to a question regarding the source of funding, Councilmember Turner stated that the Council does have a budget for purposes such as this and his intent was to get a discussion going on how they would like to be involved with this, either through City funds or individual donations.

There was discussion and comments regarding receiving guidance from citizens regarding their will for what the Council is doing for the City; Ms. Chaney's efforts regarding Clean Up Bedford Day; the importance of volunteering; focusing on the future and improving the quality of life in the community; thanking the City's volunteers; the Council's mission statement and how it relates to Clean Up Bedford Day; that during the last two years there has been a total of 17,000 volunteer hours; getting those interested in their own personal agenda involved in the City; and seeing if Allied Waste would contribute to this item. No action was taken on this item. Several Council members contributed money towards the lunch.

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

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

Councilmember Olsen reported that the Spring Pet Fair is scheduled for this Saturday from 10:00 a.m. to 2:00 p.m. There will be a record 26 vendors at the event. Carter Blood Care will be present to accept blood donations. There will be a pet photographer, hamburgers, hotdogs, drinks, popcorn and presentations by the arson and police dogs.

✓ **Beautification Commission – Councilmember Turner**

No report was given.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported that the Energy Smart Expo is scheduled for Saturday, April 20 at the old library building from 1:00 p.m. to 5:00 p.m. It is a free public event focusing on residential consumers and local business that will provide an opportunity to experience energy saving options.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission met last night and they are in the midst of helping with the planning for the Cultural Crawl. They are also coming up with a plan to market cultural events and organizations within the City.

✓ **Library Board – Councilmember Brown**

Councilmember Brown reported that the Board will meet next Wednesday. He and Councilmember Davisson hold a “Meet Your Council” event at the Library the first Saturday of every month from 11:00 a.m. to 1:00 p.m.

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

Councilmember Davisson reported that the Board met earlier this month. The donations for the Dog Park have reached \$5,500.

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

No report was given.

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

Councilmember Olsen reported that the Board's scholarship banquet is scheduled for April 25 at the Hurst Conference Center and challenged the Council to get their reservations in. She stated that people can purchase tickets for \$25.00 and to contact Mindy Eichorst in Teen Court for tickets.

12. Council member reports

Mayor Griffin reported that the CPR Spring Blitz is this Friday and Saturday and four of the houses are in Bedford. This is a partnership between 6Stones, businesses and faith-based organizations. On Saturday, they will be commemorating that they have reached 200 homes. He reported that a Bedford Firefighter is battling cancer and on Thursday, Applebee's will be donating a portion of people's tickets to his fund.

13. City Manager/Staff Reports

City Manager Beverly Griffith reported that Twilight Thursdays have started and will run for the next seven weeks. Next Thursday will be Texas Heritage Music and for the first time, there will be a food truck. She reported that summer day-camp registration begins this Saturday from 7:00 a.m. to 5:00 p.m. for Bedford residents only. Registration opens up to non-residents beginning on Monday, April 15. Full payment is due at the time of registration. She reported that there will be a Murder Mystery Dinner titled “Addicted to Murder” Saturday, April 20 starting at 6:30 p.m. at the Old Bedford School. Tickets are \$75.00 per couple or \$40.00 per person. More information can be found at the Old Bedford School website. She reported that on April 27, that the Clean Up Bedford Day groups will be meeting at 8:00 a.m. at Meadow Park. Also at Meadow Park will be Chunk Your Junk Day for bulky trash items but no household hazardous waste. Also on that day from 10:00 a.m. to 2:00 p.m. will be the drug take-back event at the Law Enforcement Center for any expired or unused medications and used syringes.

14. 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 7:41 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: See below

DATE: 04/23/13

Persons to be Heard

ITEM:

- a) Gary Morlock, 2910 Wayside Drive, Bedford, Texas – Requested to speak to the Council regarding the Community Affairs Outreach Meeting on “School Safety” to be held on Tuesday, May 7, 2013.

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Letter of Request

From: Gary Morlock [REDACTED]
Sent: Wednesday, April 17, 2013 10:16 AM
To: Wells, Michael
Cc: STEVE GRUBBS
Subject: Request to speack at City Council Meeting, April, 23, 2013

Mr Wells -

I request to be put on the agenda under "persons to be heard" for the April 23, 2013 City Council meeting.

The subject is the Community Affairs Outreach Meeting on "School Safety" to be held on Tuesday May 7, 2013.

Gary Morlock - Volunteer, Secretary
Community Affairs Commission
City of Bedford

2910 Wayside Dr
Bedford 76021
[REDACTED]



Council Agenda Background

PRESENTER: Jacquelyn Reyff, Planning Manager
Dan Boutwell, Planning Consultant

DATE: 04/23/13

Council Mission Area: Foster economic growth.

ITEM:

Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Ordinance No. 2275, by amending Section 4.17 “CSED” Cheek-Sparger Entrance District; by amending Section 4.18 “HC” Highway Corridor Overlay District; by removing all references to the “CSED” Cheek-Sparger Entrance District from the Zoning Ordinance; by amending the official Zoning Map of the City of Bedford to designate the expanded “HC” Highway Corridor Overlay District; providing a revised Zoning Map illustrating the change in district as attachment “A”; providing attachment “B” being the text amendments to the Zoning Ordinance; providing a severability clause; providing a penalty and enforcement clause; and providing an effective date. (Tabled at the March 26, 2013 Council Meeting)

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

This item is a City Council initiated request to amend Zoning Ordinance Number 2275 to extend the Highway Corridor (HC) Overlay District to include properties within 200’ of State Highways 121, 183, and the Cheek-Sparger Entrance District (CSED) with the intent to create one continuous Master Highway Corridor (MHC) Overlay District through the entire City and to amend the Zoning Map accordingly.

History and Background:

The Central Business District (CBD) overlay was the first overlay district in the City and was approved in 1983. The CSED was the second overlay district to be included in the City’s Zoning Ordinance and was adopted in 1997. The HC Overlay District was originally approved by the City Council on February 10, 1998.

In May of 2010, a City Council and Staff initiative to expand the HC Overlay District was discussed due to the impending expansion of State Highway 183 by the Texas Department of Transportation and to offer relief by amending the Zoning Ordinance. At the time, in addition to expanding the HC Overlay District, it was also recommended by Staff to remove the CBD overlay due to its lack of development standards. This action was considered by the Planning and Zoning Commission but was ultimately tabled and no further action was taken. The HC Overlay District currently only encompasses properties along State Highway 121.

The CBD does not have specific development standards, but does require a site plan approval from the Planning and Zoning Commission and City Council.

The CSED Overlay was established to encourage the uniform and consistent development of the Cheek-Sparger Road corridor at the northeast entrance to the City. Specific development standards for the corridor were developed and every new project is expected to be built with these in mind. Site plan approval is also necessary from the Planning and Zoning Commission and City Council.

The HC Overlay District was established to provide a set of standards applicable to future non-residential development and redevelopment within the Highway 121 corridor area. These standards are intended to protect and enhance the appearance of the State Highway 121 corridor, promote the

unique character of the City, protect and enhance property values within the corridor, prevent the establishment of incompatible types of development, and create a sense of place within the corridor. Site plan approval by the City Council is required for all developments in all zoning districts in the corridor before a building permit will be issued.

City Council Work Session December 5, 2012

Interest by the City Council in expanding the HC Overlay District was expressed and City Council held a work session on December 5, 2012. Specific to that discussion was a consensus that the HC Overlay District be expanded to include those properties within 200' of State Highway 183 and the properties currently within the Cheek-Sparger Entrance District (CSED). The HC Overlay District as it exists now only includes those properties adjacent to State Highway 121 and within 200' to the east and the west of State Highway 121.

Additional discussion centered on the removal of language in Section 4.18.K, which refers to non-conforming situations, specifically those items concerning landscaping and screening. Per the proposed amended ordinance, those items are removed and in its place is a reference to Section 2.3, Nonconforming Lots of Record, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises. This was recommended due to redundancy of language in the current Zoning Ordinance. The removal of the maintenance agreement section was also discussed because it has proven to be unenforceable and difficult to administer. Upon the advice of the City Attorney this has legal implications and is better enforced through code requirements as opposed to contracts and agreements.

Joint City Council and Planning and Zoning Commission Work Session January 24, 2013:

The City Council and Planning and Zoning Commission met in a joint work session on January 24, 2013. The discussion was centered on the expansion of the HC Overlay District and the corresponding development standards of such an ordinance. A consensus was reached that now is the time to explore the expansion of the HC Overlay District to include properties which front State Highway 183 and repeal the CSED and include those properties in the HC Overlay District as well.

Planning and Zoning Commission Meeting February 28, 2013

Discussion during the public hearing of the Planning and Zoning Commission consisted of four residents who were concerned about residentially zoned properties shown on the Zoning Map being Attachment A.

Two business owners were concerned about the possibility that their properties would lose legal non-conforming status if more than 50% or more of those properties were destroyed by a catastrophic disaster, and the financial implications that could happen if those properties were expected to come into compliance with the amended HC Overlay District.

Based on discussion during the public hearing, the Planning and Zoning Commission recommended approval of this item at their February 28, 2013 meeting by a vote of 6-1-0 with the following stipulations, which have been addressed in the most recent draft ordinance:

1. Amend Attachment A being the Zoning Map, to remove residentially zoned properties from the designated Highway Corridor Overlay District area. There was consensus on this item after discussion from the public hearing;
2. Reinstate in Section 4.18.D. Prohibited Uses items numbered (24) Pawn Shops and (30) Sexually Oriented Businesses. There was consensus on this item after discussion from the public hearing;
3. Remove Section 4.18.G(1)h. Parking Regulations and Traffic Circulation. This section was not removed previous to the Planning and Zoning Commission, but it was asked by Staff to remove it because it dealt with relief from these standards due to the highway land acquisition and construction;
4. Remove Section 4.18.H(1)c. Landscaping and Screening Regulations. This section was not removed previous to the Planning and Zoning Commission, but it was asked by Staff to remove it because it dealt with relief from these standards due to the highway land acquisition and construction.

Staff has reflected these changes in the Zoning Map and the draft ordinance amendment as well as a change to the name of the corridor from Highway Corridor Overlay District (HC) to Master Highway Corridor Overlay District (MHC) because of the new overlay district being all encompassing throughout all freeway corridors within the City.

This item was tabled at the March 26, 2013 City Council Meeting and the Public Hearing remains open.

Staff briefed City Council during its Work Session on April 9, 2013 to clarify information related to the MHC Draft Ordinance.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending the City of Bedford Zoning Ordinance, Ordinance No. 2275, by amending Section 4.17 "CSED" Cheek-Sparger Entrance District; by amending Section 4.18 "HC" Highway Corridor Overlay District; by removing all references to the "CSED" Cheek-Sparger Entrance District from the Zoning Ordinance; by amending the official Zoning Map of the City of Bedford to designate the expanded "HC" Highway Corridor Overlay District; providing a revised Zoning Map illustrating the change in district as attachment "A"; providing attachment "B" being the text amendments to the Zoning Ordinance; providing a severability clause; providing a penalty and enforcement clause; and providing an effective date.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Attachment A, MHC Overlay Map (separate attachment)
Attachment B, Section 4.18 of the Zoning Ordinance
Section 4.18 of the Zoning Ordinance Redline
February 28, 2013 Planning & Zoning Minutes
March 26, 2013 City Council Minutes
Copy of Star Telegram Legal Notice
Highway Corridor Call Log
PowerPoint Presentation
Notification Letter

ORDINANCE NO. 13-

AN ORDINANCE AMENDING THE CITY OF BEDFORD ZONING ORDINANCE, ORDINANCE NO. 2275, BY AMENDING SECTION 4.17 "CSED" CHEEK-SPARGER ENTRANCE DISTRICT; BY AMENDING SECTION 4.18 "HC" HIGHWAY CORRIDOR OVERLAY DISTRICT; BY REMOVING ALL REFERENCES TO THE "CSED" CHEEK-SPARGER ENTRANCE DISTRICT FROM THE ZONING ORDINANCE; BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BEDFORD TO DESIGNATE THE EXPANDED "HC" HIGHWAY CORRIDOR OVERLAY DISTRICT; PROVIDING A REVISED ZONING MAP ILLUSTRATING THE CHANGE IN DISTRICT AS ATTACHMENT "A"; PROVIDING ATTACHMENT "B" BEING THE TEXT AMENDMENTS TO THE ZONING ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY AND ENFORCEMENT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is authorized by Section 211.005. "Districts" of the Texas Local Government Code to zone property into districts in accordance with a Comprehensive Plan; and,

WHEREAS, the City Council of Bedford, Texas deems it necessary in order to lessen the congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; and avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and,

WHEREAS, the Planning and Zoning Commission and the City Council of Bedford, Texas have advertised and mailed notices of public hearings to receive comments on the proposed Zoning Ordinance amendments; and,

WHEREAS, the Planning and Zoning Commission and the City Council of Bedford, Texas have after thoughtful deliberation voted to approve these Zoning Ordinance amendments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the Official Zoning Map as authorized in *Section 2.1.A—Official Zoning Map*, be amended to reflect the boundary of the "HC" Highway Corridor Overlay district as shown on Attachment "A", said amended district to be subsequently amended as provided by the amendment procedures contained in the City of Bedford Zoning Ordinance.

SECTION 2. That *Section 4.17 "CSED" Cheek-Sparger Entrance District* shall be amended by removing it from the ordinance and designating Section 4.17 as being reserved for future expansion.

SECTION 3. That *Section 4.18 "HC" Highway Corridor Overlay District* shall be amended as provided in Attachment "B".

SECTION 4. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 5. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. That this Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

SECTION 7. That any person, organization, corporation, partnership or entity that violates, disobeys, omits, neglects or fails to comply with the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense or violation. Each day that an offense or violation occurs shall constitute a separate offense.

PASSED AND APPROVED this 23th day of April 2013, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

Attachment B

Section 4.18 “MHC” Master Highway Corridor Overlay District

4.18.A Purpose

The "MHC", Master Highway Corridor Overlay District, is established to provide a set of standards applicable to future development and redevelopment within the State Highway 121 and 183 Corridor areas. These standards are intended to protect and enhance the appearance of the State Highway 121 and 183 corridors, promote the unique character of the City of Bedford, protect and enhance property values within the corridor, prevent the establishment of incompatible types of development, and coordinate efforts of various developers within the State Highway 121 and 183 corridors.

4.18.B Boundary of Area

The "MHC" Master Highway Corridor Overlay area is designated as the lots, tracts, and parcels of land so indicated on the official zoning map for the City of Bedford. This area consists generally of that property which is located adjacent to and within two hundred (200) feet of the right-of-way of State Highway 121 and 183. If any portion of said property is located within the two hundred (200) feet threshold, the entire limits of the property have been included.

<<INSERT GRAPHIC>>

4.18.C Use Regulations

All uses in the underlying districts, as listed in Section 3.1 Schedule of Permitted Principal Uses, shall be permitted in the "MHC", Master Highway Corridor Overlay District, unless otherwise listed in Section 4.18.D Prohibited Uses. The Restricted Uses listed in Section 4.18.E may be allowed with compliance to the restrictions and in accordance with an approved site plan. Accessory uses as permitted in the underlying district shall also be permitted. All legal and valid uses existing on the effective date of this ordinance at specific locations shall remain legal and valid uses. The owners of the property where such uses are located shall be permitted to expand or remodel. All expansions or remodels shall comply with the underlying basic ordinance and the requirements in the "MHC", Master Highway Corridor Overlay District.

4.18.D Prohibited Uses

In the "MHC" Master Highway Corridor Overlay District the following uses shall be prohibited:

- (1) Auction Barns and Facilities
- (2) Automatic Coin or Attendant Operated Car Wash Establishments
- (3) Automotive Glass, Trim, and Upholstery Shops
- (4) Bakeries, Wholesale
- (5) Beverage Processing, Bottling and Packing (soft drinks and fruit juices)
- (6) Building and Related Contractors Construction Yards and Storage Buildings
- (7) Candy and Confectionery Manufacturing and Packing
- (8) Cemeteries and Mausoleums
- (9) Chemicals and Allied Products Manufacturing and Packaging
- (10) Dairy Products Manufacturing and/or Wholesale Distribution
- (11) Equestrian Riding Stables and Show Rings
- (12) Farm Machinery and Farm Implements, Sales and Service
- (13) Food Catering
- (14) Fruit and Vegetable Processing (including canning, preserving, drying and freezing)
- (15) Heavy Construction Equipment and Implements (including repair service)
- (16) Industrial Spray Painting and Paint Mixing
- (17) Laundry, Dry Cleaning, and Dyeing Plants
- (18) Massage Salons
- (19) Meat, Fish, or Poultry Markets (including slaughtering and fish cleaning)
- (20) Metals and Metal Products Manufacturing and Assembly
- (21) Moving, Transfer and Storage Warehouse and Distribution Centers
- (22) Multi-family Dwellings, Apartments and Condominiums
- (23) Outdoor Drive-in Theaters
- (24) Pawn Shops
- (25) Pest and Rodent Exterminating Services
- (26) Printing, Publishing, and Allied Products
- (27) Recreational Vehicle Campgrounds
- (28) Rehabilitation Care Facilities (Criminal-psychiatric, mental disorders and substance abuse only)
- (29) Rental Services with Outside Storage

- (30) Sexually Oriented Businesses
- (31) Stone, Glass, and Clay Products Manufacturing
- (32) Textiles and Fiber Products Manufacturing and Assembly
- (33) Water Well Drilling Services
- (34) Welding Shops
- (35) Wholesale Automotive Vehicle and Equipment Establishments
- (36) Wholesale Food Facilities
- (37) Wood, Paper and Leather Products Assembly and Manufacturing

4.18.E Restricted Uses

In the "MHC" Master Highway Corridor Overlay District the following uses shall be restricted as noted below:

- (1) Restrict Outdoor Sales or Storage to a maximum outside display area of twenty-five (25%) of the building area; except that New Automobile Dealerships shall be permitted to display automobiles outside without restrictions.
- (2) Apartment(s) as Secondary Use only with self-service Storage Facilities (mini-warehouses)
- (3) Automotive Repair Shops and Garages, shall be restricted such that repair activities shall be conducted indoors and automobiles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (4) Boats and Marine Craft Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all boats and marine craft awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (5) Mobile Home, Campers, and Recreation Vehicle Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all mobile homes, campers, and recreation vehicles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (6) Convenience stores with drive-through windows must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the State Highway 121 and 183 frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (7) Drive-in or drive-through restaurants must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the Airport Freeway frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (8) Motorcycle and Motor Scooter Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all motorcycles and motor scooters awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (9) Self-service Storage Facilities (mini-warehouses), with no outside vehicle or boat storage within view from the public right-of-way.

- (10) Used Car and Truck Sales except that Used Car and Truck Sales shall be permitted as an accessory use to a New Car Dealership under the condition that the land area dedicated to used car sales shall not exceed twenty (20%) percent of the total combined area within the dealership dedicated to new and used car sales.

4.18.F Height and Area Regulations

In addition to the requirements of Section 5.1, Height and Area Regulations the following will apply:

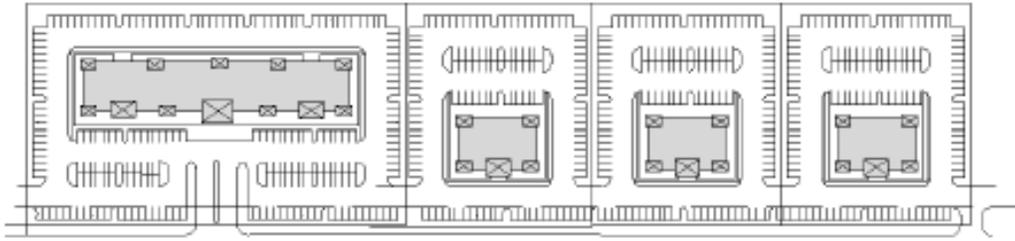
- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district.
 - a. Maximum height shall be permitted in the underlying district.
 - b. Side and rear yards shall be as permitted in the underlying district.
- (2) Residential Regulations: The height and area regulations shall be as permitted in underlying districts.

4.18.G Parking Regulations and Traffic Circulation

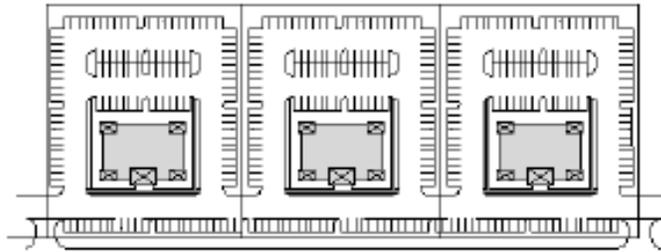
See Section 5.2, Parking & Loading Regulations.

- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying non-residential zoning district
 - a. Access to individual developments shall be obtained through mutual access and cross-access drives on-site. Multiple driveway entrances for individual lots shall be prohibited, unless it is determined that it is physically impossible to provide shared access to the lot or if extenuating circumstances can be demonstrated and are approved by the City Council after recommendation by the Planning and Zoning Commission.
 - b. A raised curb shall be required for all parking and driving surfaces.
 - c. Curb stops shall be required on all parking spaces that "head-in" to any landscaped area. These curb stops shall be placed so that the overhang of a vehicle is contained totally within the limits of the parking space.
 - d. A traffic circulation plan shall be prepared and provided, with the Specific Use Permit site plan, for all new development. The traffic circulation plan shall identify proposed vehicular and pedestrian connectivity.
 - e. All entrance drives from the State Highway 121 and 183 frontage roads shall be accented with decorative street pavers; and shall be clearly detailed on the site plan.
 - f. Paved parking areas shall have at least ten (10) percent of the paved surface area dedicated to decorative street treatment as approved by the City Engineer.
 - g. Vehicular and pedestrian connections shall be provided to adjacent non-residential and residential developments where such connections will mutually enhance both developments by allowing cross-access. Relief from this requirement may be granted administratively by the Director of Development or his/her designee upon documentation of merit of such relief by the applicant. The Director of Development or his/her designee may defer decision of merit to the Zoning Board of Adjustment at his/her discretion.
- (2) Residential Regulations: Parking regulations and traffic circulation regulations shall be as permitted in the underlying districts.

Master Highway Corridor Frontage Road

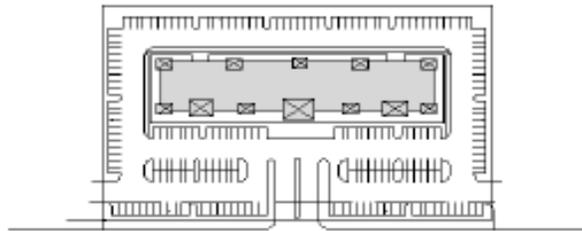


Parking lots should be designed such that a minimum number of curb cuts are required along the Master Highway Corridor frontage road. This may be accomplished by incorporating policies and regulations that require shared driveways and access easements, which run across several properties. The above example illustrates how at least six properties (the two properties adjoining these also have access) may be served by two drive entrances.



Master Highway Corridor Frontage Road

Parking lots for small single tenant commercial developments along the Master Highway Corridor frontage road should utilize shared driveways and should include access easements that require cooperative efforts of adjacent property owners. The zoning ordinance may require shared drives and cross access easements. At the time of platting, each development should be required to extend the easement to the next property.



Master Highway Corridor Frontage Road

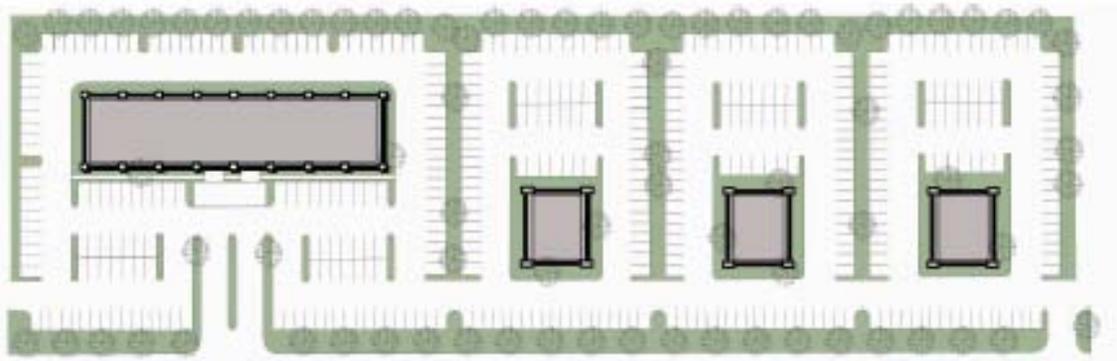
On properties that have larger multi-tenant developments, a central drive entrance should be required. Each development should be required to provide an “entrance throat” that will direct traffic and provide for stacking space at intersections with Highway 121 and 183. This limited access will permit the City and State to control traffic at this location. The development is also required to extend access to both of its borders to enable the traffic access onto Highway 121 and 183 to continue to be controlled.

Note: The locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern. A variety of spacing with parking lots being located in the front yard should be provided.

4.18.H Landscaping and Screening Regulations

Landscaping consisting of live plant material shall be provided for all non-residential development located within the “MHC” Master Highway Corridor Overlay District. In addition to the requirements of Section 5.6, Landscaping Requirements the following will apply:

- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district designation:
 - a. Thirty (30) foot landscape buffer shall be provided in the front yard area. This thirty (30) feet may be located on the road right of way, to the extent permitted by TXDOT. The applicant must receive written approval from TXDOT prior to submitting any proposal to landscape highway right-of-way to the City for approval. However, the portion of the thirty (30) foot width located on-site shall not be less than ten (10) feet. Any and all of this landscape buffer shall be provided, in addition to the portion initially or subsequently provided within state right-of-way, on site.
 - b. The thirty (30) foot landscape buffer shall contain trees of three (3) inch caliper and twelve (12) feet in height planted on thirty (30) foot centers. Landscape buffer trees shall be trees identified as Desirable Trees in The City of Bedford Subdivision Regulations Article 7, Tree Preservation Ordinance. Additionally, shrubs, berms, or a combination thereof, shall be provided between the trees such that a screen of a minimum of three (3) feet in height shall screen the parking areas.



Master Highway Corridor Frontage Road

Note: Locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern or layout. A variety of spacing with parking lots being located in the front yard should be provided.

4.18.I Development Standards

All development located in the “MHC” Master Highway Corridor Overlay District overlay shall comply with the following development standards:

- (1) All building exteriors shall be constructed of one hundred (100) percent masonry material, exclusive of windows and doors, including the area above the first-floor ceiling-plate line. Alternative construction materials, which are demonstrated to be critical to the architectural theme of the structure, may be used as approved by the City Council upon recommendation by the Planning and Zoning Commission.

- (2) Masonry materials shall be of earth tones and shall be submitted to the Planning and Zoning Commission for recommendation and to the City Council for approval. For the purpose of this section, earth tones shall be understood to consist of darker and pastel shades of the color spectrum, which may generally be found in the natural environment. These colors shall not generally consist of the vibrants or fluorescents of the color spectrum.
- (3) All ground-mounted equipment shall be screened from view with masonry construction similar to the primary structure.
- (4) On structures five thousand (5,000) square feet or less, pitched roof construction will be required. No flat or built-up roof construction shall be permitted. All mechanical equipment shall be screened from view from any public right-of-way by screening which is compatible to the architectural style of the main structure. Line-of-sight drawings will be required to illustrate that adequate screening is provided.
- (5) Design of structures greater than five thousand (5,000) square feet shall include relief to walls and roofs. Single uninterrupted surface-planes shall not be permitted. The roof of structures may be a flat roof construction, but must provide a variation of roofline, which may include a partial pitched roof for architectural relief. Mechanical equipment located on roofs shall be screened from view from any public right-of-way. Line-of-sight drawings will be required to illustrate that adequate screening is provided.
- (6) With the exception of signs located within 25 feet of the frontage roads of State Highway 121 and 183, all freestanding signs shall be ground-mounted monument style signage. The maximum height of monument signs shall be six (6) feet, including structure and sign. The maximum square footage shall be fifty (50) square feet. The structure of the sign shall be constructed of similar masonry material as the primary structure. Pole signs shall be permitted within twenty-five (25) feet of the frontage roads of State Highway 121 and 183.
- (7) Banner signs and signs of a temporary nature, which are deemed to be necessary due to the construction activity of State Highway 121 and 183 may be permitted upon approval of the Administrative official. Such approval may be deferred to the Planning and Zoning Commission and City Council upon the discretion of the Administrative Official.
- (8) Any canopy system must provide columns constructed of similar masonry material as the primary structure.
- (9) The site plan shall provide a lighting plan detailing the layout of fixtures, elevations, lamp type, and average maintained illumination of each fixture.
- (10) Exterior lighting fixtures shall not exceed a maximum height of thirty (30) feet; and shall direct light toward the ground. Alternatives may be approved by the City Council upon recommendation by the Planning and Zoning Commission on a case-by-case basis when used to complement the architectural character of the development.
- (11) An automobile repair shop permitted as an accessory use to a new car dealership shall conduct all repair activities indoors and shall screen all automobiles awaiting repair from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with the building and site character.
- (12) With the exception of existing buildings and structures, a drive-in or drive-through restaurant must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the Highway 121 and 183 frontage roads. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must architecturally compatible with the design of the restaurant building.
- (13) With the exception of existing buildings and structures, Banks, Savings and Loans, and Finance Offices that utilize a drive-through facility must locate the drive-through window(s) and all stacking of the drive-through window(s) to the rear or side of the building and not between the

building and the Highway 121 and 183 frontage roads. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must architecturally compatible with the design of the building.

4.18.J Site Plan

All Zoning Districts underlying the "MHC" Master Highway Corridor Overlay District must have a site plan approved by the City Council before a building permit will be issued. Such site plan must be submitted to the Planning and Zoning Commission prior to presentation of the site plan to the City Council for approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition, a color schedule shall be submitted showing the colors to be used for all improvements proposed on the site, including buildings, signage, light fixtures, accessory structures, etc. (Color rendering shall be provided to illustrate the color schedule.)

4.18.K Non-Conforming Situations

Non-conformity shall be governed by the regulations as presented in Section 2.3, "Nonconforming Lots of Record, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises" of this zoning ordinance.

4.18.L Underlying Residentially Zoned Districts

Underlying zoning districts (R-15,000, R-9,000, R-7,500, R-6,500, MD-1, MD-2, MD-3, MD-4, and MF) are exempt from the "MHC" Master Highway Corridor Overlay District regulations. However in the event an underlying zoning district shall change to a non-residential district, being a S-Commercial, L-Commercial, H-Commercial, or I-Commercial zoning district, such non-residential district shall comply with the requirements of the "MHC" Master Highway Corridor Overlay District, with the exception of any legal non-conforming condition as recognized by these zoning ordinances.

Section 4.18 “MHC” Master Highway Corridor Overlay District

4.18.A Purpose

The "MHC", Master Highway Corridor District, is established to provide a set of standards applicable to future development and redevelopment within the State Highway 121 and 183 Corridor areas. These standards are intended to protect and enhance the appearance of the State Hwy-Highway 121 and 183 corridors, promote the unique character of the City of Bedford, protect and enhance property values within the corridor, prevent the establishment of incompatible types of development, and coordinate efforts of various developers within the State Hwy-Highway 121 and 183 corridors.

4.18.B Boundary of Area

The "MHC" Master Highway Corridor Overlay area is designated as the lots, tracts, and parcels of land so indicated on the official zoning map for the City of Bedford. This area ~~initially was determined to~~ consists generally of that property which is located adjacent to and within two hundred (200) feet of the right-of-way of State Hwy-Highway 121 and 183. If any portion of said property is located within the two hundred (200) feet threshold, the entire limits of the property have been included.

<<INSERT GRAPHIC>>

4.18.C Use Regulations

All uses in the underlying districts, as listed in Section 3.1 Schedule of Permitted Principal Uses, shall be permitted in the "MHC", Master Highway Corridor Overlay District, unless otherwise listed in Section 4.18.D Prohibited Uses. The Restricted Uses listed in Section 4.18.E may be allowed with compliance to the restrictions and in accordance with an approved site plan. Accessory uses as permitted in the underlying district shall also be permitted. All legal and valid uses existing on the effective date of this ordinance at specific locations shall remain legal and valid uses. The owners of the property where such uses are located shall be permitted to expand or remodel. All expansions or remodels shall comply with the underlying basic ordinance and the requirements in the "MHC", Master Highway Corridor Overlay District.

4.18.D Prohibited Uses

In the "MHC" Master Highway Corridor Overlay District the following uses shall be prohibited:

- (1) Auction Barns and Facilities
- (2) Automatic Coin or Attendant Operated Car Wash Establishments
- (3) Automotive Glass, Trim, and Upholstery Shops
- (4) Bakeries, Wholesale
- (5) Beverage Processing, Bottling and Packing (soft drinks and fruit juices)
- (6) Building and Related Contractors Construction Yards and Storage Buildings
- (7) Candy and Confectionery Manufacturing and Packing
- (8) Cemeteries and Mausoleums
- (9) Chemicals and Allied Products Manufacturing and Packaging
- (10) Dairy Products Manufacturing and/or Wholesale Distribution
- (11) Equestrian Riding Stables and Show Rings
- (12) Farm Machinery and Farm Implements, Sales and Service
- (13) Food Catering
- (14) Fruit and Vegetable Processing (including canning, preserving, drying and freezing)
- (15) Heavy Construction Equipment and Implements (including repair service)
- (16) Industrial Spray Painting and Paint Mixing
- (17) Laundry, Dry Cleaning, and Dyeing Plants
- (18) Massage Salons
- (19) Meat, Fish, or Poultry Markets (including slaughtering and fish cleaning)
- (20) Metals and Metal Products Manufacturing and Assembly
- (21) Moving, Transfer and Storage Warehouse and Distribution Centers
- (22) Multi-family Dwellings, Apartments and Condominiums
- (23) Outdoor Drive-in Theaters
- (24) Pawn Shops**
- (25) Pest and Rodent Exterminating Services
- (26) Printing, Publishing, and Allied Products
- (27) Recreational Vehicle Campgrounds
- (28) Rehabilitation Care Facilities (Criminal-psychiatric, mental disorders and substance abuse only)
- (29) Rental Services with Outside Storage

(30) Sexually Oriented Businesses

- (31) Stone, Glass, and Clay Products Manufacturing
- (32) Textiles and Fiber Products Manufacturing and Assembly
- (33) Water Well Drilling Services
- (34) Welding Shops
- (35) Wholesale Automotive Vehicle and Equipment Establishments
- (36) Wholesale Food Facilities
- (37) Wood, Paper and Leather Products Assembly and Manufacturing

4.18.E Restricted Uses

In the "MHC" Master Highway Corridor Overlay District the following uses shall be restricted as noted below:

- (1) Restrict Outdoor Sales or Storage to a maximum outside display area of twenty-five (25%) of the building area; except that New Automobile Dealerships shall be permitted to display automobiles outside without restrictions.
- (2) Apartment(s) as Secondary Use only with self-service Storage Facilities (mini-warehouses)
- (3) Automotive Repair Shops and Garages, shall be restricted such that repair activities shall be conducted indoors and automobiles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (4) Boats and Marine Craft Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all boats and marine craft awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (5) Mobile Home, Campers, and Recreation Vehicle Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all mobile homes, campers, and recreation vehicles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (6) Convenience stores with drive-through windows must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the State Highway 121 and 183 Airport Freeway frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (7) Drive-in or drive-through restaurants must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the Airport Freeway frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (8) Motorcycle and Motor Scooter Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all motorcycles and motor scooters awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (9) Self-service Storage Facilities (mini-warehouses), with no outside vehicle or boat storage within view from the public right-of-way.

- (10) Used Car and Truck Sales except that Used Car and Truck Sales shall be permitted as an accessory use to a New Car Dealership under the condition that the land area dedicated to used car sales shall not exceed twenty (20%) percent of the total combined area within the dealership dedicated to new and used car sales.

4.18.F Height and Area Regulations

In addition to the requirements of Section 5.1, Height and Area Regulations the following will apply:

- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district.
 - a. Maximum height shall be permitted in the underlying district.
 - b. ~~Minimum front yard setback from the front property line of the property contiguous to State Highway 121 and 183 shall be thirty (30) feet. Property with existing structures, which have been subject to a reduction of front yard area due to acquisition of right of way for construction of US Highway 121 or 183, shall be exempt from the thirty (30) foot minimum front yard setback requirement.~~
 - c. Side and rear yards shall be as permitted in the underlying district.
- (2) Residential Regulations: The height and area regulations shall be as permitted in underlying districts.

4.18.G Parking Regulations and Traffic Circulation

See Section 5.2, Parking & Loading Regulations.

- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying non-residential zoning district
 - a. Access to individual developments shall be obtained through mutual access and cross-access drives on-site. Multiple driveway entrances for individual lots shall be prohibited, unless it is determined that it is physically impossible to provide shared access to the lot or if extenuating circumstances can be demonstrated and are approved by the City Council after recommendation by the Planning and Zoning Commission.
 - b. A raised curb shall be required for all parking and driving surfaces.
 - c. Curb stops shall be required on all parking spaces that "head-in" to any landscaped area. These curb stops shall be placed so that the overhang of a vehicle is contained totally within the limits of the parking space.
 - d. A traffic circulation plan shall be prepared and provided, with the Specific Use Permit site plan, for all new development. [The traffic circulation plan shall identify proposed vehicular and pedestrian connectivity.](#)
 - e. All entrance drives from the State Highway 121 and 183 frontage roads shall be accented with decorative street pavers; and shall be clearly detailed on the site plan.
 - f. Paved parking areas shall have at least ten (10) percent of the paved surface area dedicated to decorative street treatment as approved by the City Engineer.

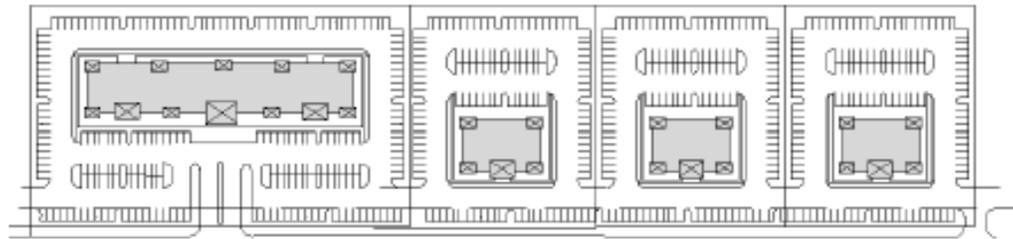
~~[Vehicular and pedestrian connections shall be provided to adjacent non-residential and residential developments where such connections will mutually enhance both developments by allowing cross-access. Relief from this requirement may be granted administratively by the Director of Development or his/her designee upon documentation of merit of such relief by the applicant. The Director of](#)~~

Development or his/her designee may defer decision of merit to the Zoning Board of Adjustment at his/her discretion.

The reduction of parking lot area through acquisition by governmental police power, including driving lanes, parking spaces, and parking lot landscaping on non-commercial properties with existing structures, as of the effective date of this ordinance, shall be permitted upon application and approval by the administrative official. Said parking lot area, including driving lanes, parking spaces, and parking lot landscaping shall be considered as meeting the zoning regulation for the City of Bedford and are not considered as being a non-conforming condition.

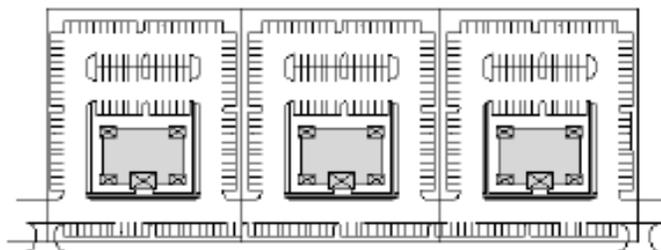
- g. Vehicular and pedestrian connections shall be provided to adjacent non-residential and residential developments where such connections will mutually enhance both developments by allowing cross-access. Relief from this requirement may be granted administratively by the Director of Development or his/her designee upon documentation of merit of such relief by the applicant. The Director of Development or his/her designee may defer decision of merit to the Zoning Board of Adjustment at his/her discretion.*

- (2) Residential Regulations: Parking regulations and traffic circulation regulations shall be as permitted in the underlying districts.



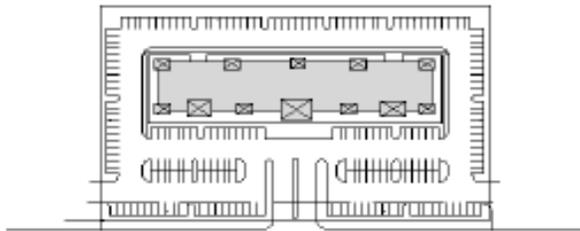
Master Highway 121 Corridor Frontage Road

Parking lots should be designed such that a minimum number of curb cuts are required along the Master Highway Corridor Hwy 121 frontage road. This may be accomplished by incorporating policies and regulations that require shared driveways and access easements, which run across several properties. The above example illustrates how at least six properties (the two properties adjoining these also have access) may be served by two drive entrances.



Master Highway 121 Corridor Frontage Road

Parking lots for small single tenant commercial developments along the Master Highway Corridor Hwy 121 frontage road should utilize shared driveways and should include access easements that require cooperative efforts of adjacent property owners. The zoning ordinance may require shared drives and cross access easements. At the time of platting, each development should be required to extend the easement to the next property.



Master Highway 121 Corridor Frontage Road

On properties that have larger multi-tenant developments, a central drive entrance should be required. Each development should be required to provide an “entrance throat” that will direct traffic and provide for stacking space at intersections with Hwy 121 Highway 121 and 183. This limited access will permit the City and State to control traffic at this location. The development is also required to extend access to both of its borders to enable the traffic access onto Highway 121 and 183 Hwy 121 to continue to be controlled.

Note: The locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern. A variety of spacing with parking lots being located in the front yard should be provided.

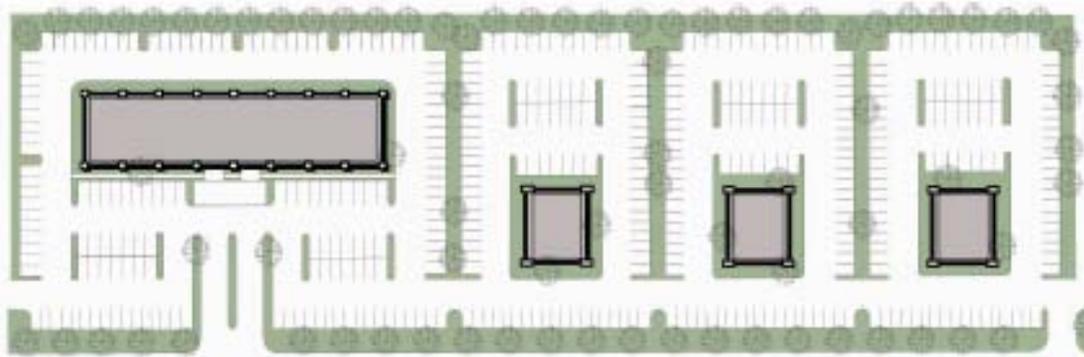
4.18.H Landscaping and Screening Regulations

Landscaping consisting of live plant material shall be provided for all non-residential development located within the “MHC” Master Highway Corridor Overlay District State Hwy 121 Overlay district. In addition to the requirements of Section 5.6, Landscaping Requirements the following will apply:

- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district designation:
 - a. Thirty (30) foot landscape buffer shall be provided in the front yard area. This thirty (30) feet may be located on the road right of way, to the extent permitted by TXDOT. The applicant must receive written approval from TXDOT prior to submitting any proposal to landscape highway right-of- way to the City for approval. However, the portion of the thirty (30) foot width located on-site shall not be less than ten (10) feet. Any and all of this landscape buffer shall be provided, in addition to the portion initially or subsequently provided within state right-of-way, on site.

- b. The thirty (30) foot landscape buffer shall contain trees of three (3) inch caliper and twelve (12) feet in height planted on thirty (30) foot centers. Landscape buffer trees shall be trees identified as Desirable Trees in The City of Bedford Subdivision Regulations Article 7, Tree Preservation Ordinance. Additionally, shrubs, berms, or a combination thereof, shall be provided between the trees such that a screen of a minimum of three (3) feet in height shall screen the parking areas.

~~Property with existing structures, which have been subject to a reduction of front yard area due to acquisition of right of way for construction of US Highway 121 or 183, shall be exempt from the thirty (30) foot landscape buffer requirement. These properties may be subject to the relief provision as provided in Section 5.6.J.~~



Master Highway 121 Corridor Frontage Road

Note: Locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern or layout. A variety of spacing with parking lots being located in the front yard should be provided.

Highway Corridor Landscaping Design

~~Residential Regulations: Screening consisting of any combination of berms, live plant material, and decorative walls must be provided along any perimeter boundary abutting the rights of way of State Hwy 121 Highway 121 and 183 for all new residential development receiving a building permit for construction after February 1, 1998<<INSERT DATE>>. This screening shall be constructed, installed, or located such that it provides a sound and visual barrier from State Hwy 121 Highway 121 and 183. The applicant shall submit an acoustical mitigation plan, provided by a registered professional engineer qualified in acoustics, for approval prior to the final platting of any property with an underlying residential district designation. The acoustical mitigation plan must meet the decibel limits as recorded in Section 54-34, Noise of Article II, Bedford City Code.~~

4.18.I Development Standards

All development located in the “MHC” Master Highway Corridor Overlay District overlay shall comply with the following development standards:-:

- (1) All building exteriors shall be constructed of one hundred (100) percent masonry material, exclusive of windows and doors, including the area above the first-floor ceiling-plate line. Alternative construction materials, which are demonstrated to be critical to the architectural

theme of the structure, may be used as approved by the City Council upon recommendation by the Planning and Zoning Commission.

- (2) Masonry materials shall be of earth tones and shall be submitted to the Planning and Zoning Commission for recommendation and to the City Council for approval. For the purpose of this section, earth tones shall be understood to consist of darker and pastel shades of the color spectrum, which may generally be found in the natural environment. These colors shall not generally consist of the vibrants or fluorescents of the color spectrum.
- (3) All ground-mounted equipment shall be screened from view with masonry construction similar to the primary structure.
- (4) On structures five thousand (5,000) square feet or less, pitched roof construction will be required. No flat or built-up roof construction shall be permitted. All mechanical equipment shall be screened from view from any public right-of-way by screening which is compatible to the architectural style of the main structure. Line-of-sight drawings will be required to illustrate that adequate screening is provided.
- (5) Design of structures greater than five thousand (5,000) square feet shall include relief to walls and roofs. Single uninterrupted surface-planes shall not be permitted. The roof of structures may be a flat roof construction, but must provide a variation of roofline, which may include a partial pitched roof for architectural relief. Mechanical equipment located on roofs shall be screened from view from any public right-of-way. Line-of-sight drawings will be required to illustrate that adequate screening is provided.
- ~~(6)~~—With the exception of signs located within 25 feet of the frontage roads of State ~~Hwy 121 and 183~~ Highway 121 and 183, all freestanding signs shall be ground-mounted monument style signage. The maximum height of monument signs shall be six (6) feet, including structure and sign. The maximum square footage shall be fifty (50) square feet. The structure of the sign shall be constructed of similar masonry material as the primary structure. Pole signs shall be permitted within twenty-five (25) feet of the frontage roads of State ~~Hwy 121 and 183~~ Highway 121 and 183.
- (6)
- (7) Banner signs and signs of a temporary nature, which are deemed to be necessary due to the construction activity of ~~SH 121 and SH 183~~ State Highway 121 and 183 may be permitted upon approval of the Administrative official. Such approval may be deferred to the Planning and Zoning Commission and City Council upon the discretion of the Administrative Official.
- (8) Any canopy system must provide columns constructed of similar masonry material as the primary structure.
- (9) The site plan shall provide a lighting plan detailing the layout of fixtures, elevations, lamp type, and average maintained illumination of each fixture.
- (10) Exterior lighting fixtures shall not exceed a maximum height of thirty (30) feet; and shall direct light toward the ground. Alternatives may be approved by the City Council upon recommendation by the Planning and Zoning Commission on a case-by-case basis when used to complement the architectural character of the development.
- (11) An automobile repair shop permitted as an accessory use to a new car dealership shall conduct all repair activities indoors and shall screen all automobiles awaiting repair from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with the building and site character.
- ~~(12)~~—With the exception of existing buildings and structures, a drive-in or ~~drive~~ drive-through restaurant must locate the drive-through window and all stacking of the drive-through window

to the rear or side of the building and not between the building and the [Airport Freeway Highway 121 and 183](#) frontage roads. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must architecturally compatible with the design of the restaurant building.

(12) _____

- (13) ~~With the exception of existing buildings and structures, Banks, Savings and Loans, and Finance Offices that utilize a drive-through facility must locate the drive-through window(s) and all stacking of the drive-through window(s) to the rear or side of the building and not between the building and the Highway 121 and 183 frontage roads. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must architecturally compatible with the design of the restaurant building.~~

4.18.J Site Plan

All Zoning Districts underlying the "MHC" ~~Master~~ Highway Corridor Overlay District must have a site plan approved by the City Council before a building permit will be issued. Such site plan must be submitted to the Planning and Zoning Commission prior to presentation of the site plan to the City Council for approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition, a color schedule shall be submitted showing the colors to be used for all improvements proposed on the site, including buildings, signage, light fixtures, accessory structures, etc. (Color rendering shall be provided to illustrate the color schedule.)

4.18.K Non-Conforming Situations

Non-conformity shall be governed by the regulations as presented in Section 2.3, "Nonconforming Lots of Record, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises" of this zoning ordinance.

~~All structures that are nonconforming at the time of the adoption of the "HC", Highway Corridor Overlay District, or which are deemed nonconforming as a result of the regulations presented herein, shall be subject to the following:~~

- ~~(1) As pertaining to use only, existing uses that are legal uses in the underlying districts but are caused to be nonconforming by the regulations in the "HC", Highway Corridor Overlay District, shall be considered as being legally conforming uses. However, the site and area requirements of 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards" shall not be given legal nonconforming status; but shall be subject to the regulations of this section. The only provision of 4.18.H, "Development Standards", applicable to nonconforming structures is 4.18.H (3)~~
- ~~(2) Non-conformity shall be governed by the regulations as presented in Section 2.3, "Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures and Nonconforming Uses of Structures and Premises" of this zoning ordinance, with the exception of Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards".~~
- ~~(3) All area related non-conformities relative to Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards" shall be brought into compliance prior to March 1, 2003. This does not apply to structures, which do not meet the architectural standards defined in this Section 4.18, "HC" Highway Corridor Overlay District.~~
- ~~(4) Any site, which is nonconforming to those regulations listed in Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards", shall submit a site~~

assessment, in the form on a site plan, which indicates the manner in which any applicable nonconformity will be brought into compliance.

- (5) Any site requiring a site assessment, in the form of a site plan as stated in item d above, shall be submitted prior to March 1, 1999. The zoning administrator shall be authorized to approve any site assessment plan that meets the requirements of the "HC" Highway Corridor Overlay district. Site assessment plans, which are determined by the zoning administrator to not meet the requirements of the "HC" Corridor Overlay district, shall be subject to approval by the City Council, upon recommendation by the Planning and Zoning Commission.
- (6) Relief to any nonconforming situation caused by Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards" may be provided by the City Council upon recommendation by the Planning and Zoning Commission, upon demonstration that unusual and extraordinary conditions exists, which are beyond the control of the applicant.

~~4.18.L Maintenance Agreements~~

~~An agreement, in perpetuity, as approved by the City, shall be signed by the applicant/owner for maintenance of all landscape areas, sidewalks, parking and driving areas, and parking lot lighting. The maintenance agreement shall be a covenant running with the land and shall be filed for record in the Deed of Records of Tarrant County and binding on all owners, lessees, successors, and assigns of the subject property or any part thereof. The maintenance agreement shall include the maintenance of sidewalks, lighting systems, parking areas, irrigation and sprinkler systems, and the care of all required landscaping, trees, shrubs, grass, and all other live plant material.~~

~~4.18.L Conditional Exemption~~

~~A property is exempted from the regulations contained in this section (Section 4.18 – Highway Corridor Overlay district) to the extent that it has been altered, changed or affected, resulting from the exercise of governmental police powers and the area, location, or quantity of property has been physically impacted due to construction or widening of S.H. 183/121. Said exemption shall be granted administratively by the Administrative Official upon documentation of said change or loss to the property or structure. The Administrative Official may, upon his/her discretion defer the approval of said exemption to the Planning and Zoning Commission; or the applicant may appeal the decision of the Administrative Official to the Planning and Zoning Commission. In such case, the decision of the Planning and Zoning Commission shall be deemed final and further appeal shall be to District Court.~~

~~4.18.L Underlying Residentially Zoned Districts~~

~~*Underlying zoning districts (R-15,000, R-9,000, R-7,500, R-6,500, MD-1, MD-2, MD-3, MD-4, and MF) are exempt from the "MHC" Master Highway Corridor Overlay District regulations. However in the event an underlying zoning district shall change to a non-residential district, being a S-Commercial, L-Commercial, H-Commercial, or I-Commercial zoning district, such non-residential district shall comply with the requirements of the "MHC" Master Highway Corridor Overlay District, with the exception of any legal non-conforming condition as recognized by these zoning ordinances.*~~

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF FEBRUARY 28, 2013**

APPROVED

Motion: Commissioner Henning made a motion to approve the meeting minutes of January 24, 2013, correct as written.

Commissioner Sinisi seconded the motion and the vote was as follows:

Motion approved 7-0-0 Chairman Stroope declared the motion approved.

PUBLIC HEARING

- 3. Zoning Case Z-233, public hearing and consider a request to rezone a portion of property known as Lot 3, Block 1, Parkwood Village Addition, located at 201 Harwood Road, Suite 150, Bedford, Texas from Heavy Commercial to Heavy Commercial/Specific Use Permit/Banquet and Meeting Facilities. The property is generally located north of Harwood Road and west of Brown Trail.**

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager who reviewed Zoning Case Z-233.

There was no one present to represent this case.

Chairman Stroope opened the public hearing at 7:10 PM and there being no one to speak, left the public hearing open until the next Planning and Zoning meeting.

The Commission discussed the application. The Commission wanted to know the hours of operation for Sundays.

Motion: Commissioner Carlson made a motion to table Zoning Case Z-233 to the next scheduled Planning and Zoning meeting.

Commissioner Henning seconded the motion and the vote was as follows:

Motion approved 7-0-0. Chairman Stroope declared the motion approved.

- 4. Zoning Ordinance Amendment A-032, public hearing and consider an amendment to Ordinance No. 2275, being a Zoning Ordinance of the City of Bedford; creating an amended "HC" Highway Corridor Overlay District which contains parcels located adjacent to State Highway 183, State Highway 121 and Cheek Sparger Road; and replacing the existing "HC" Highway Corridor Overlay District and repealing the "CSED" Cheek-Sparger Entrance District.**

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager, who summarized Ordinance Amendment A-032 and introduced Dan Boutwell, City Planner Consultant, Municipal Planning Resources (MPRG) who reviewed Zoning Ordinance A-032.

Chairman Stroope opened the public hearing at 7:49 PM, and recognized the following:

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF FEBRUARY 28, 2013**

APPROVED

Bob Archer, 724 Kentwood Circle, Bedford Texas, stated the residential properties should be removed from the Highway Corridor map.

Coy Quine, 301 South Sherman, Suite 100, Richardson, Texas, stated the proposed Highway Corridor Overlay District would negatively affect the ability of his businesses to continue operations by putting financial burdens on the business to comply with the new regulations and standards if the need to rebuild after a disaster were to occur.

Al Zim, 1804 Reliance Parkway, Bedford, Texas, stated the proposed Highway Corridor Overlay District would negatively affect the ability of his businesses to continue operations by putting financial burdens on the business to comply with the new regulations if there is a change in the use of the building, and there is need to rebuild after a disaster were to occur.

The following people spoke in favor of removing residentially zoned properties from the Highway Corridor Overlay District map.

Keith Quigley, 3849 Brookshire, Bedford, Texas.

Darrell Hart, 609 Kentwood Circle, Bedford Texas.

Erin Gisler, 2414 Durango Ridge, Bedford, Texas.

Robert Bradley, 705 Saddlebrook Drive, Bedford, Texas.

Chairman Stroope closed the public hearing at 8:38 PM.

The Commission discussed the application.

Motion: Commissioner Henning made a motion to approve Zoning Ordinance Amendment A-032 with the following stipulations:

- Amend the Highway Corridor Overlay District map, to remove all residentially zoned properties.
- Reinstate: (24) Pawn Shops and (30) Sexually Oriented Businesses in Section 4.18D Prohibited Uses.
- Remove Section 4.18.G, (1) h. Parking Regulations and Traffic Circulation
- Remove Section 4.18.H, (1) c. Landscaping and Screening Regulations

Commissioner Sinisi seconded the motion and the vote was as follows:

Ayes: Commissioners Sinisi, Henning, Austin, Pierson, Vice Chairman Reese, Chairman Stroope

Nays: Commissioner Carlson

Abstention: None

Motion approved 6-1-0. Chairman Stroope declared the motion approved.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF FEBRUARY 28, 2013**

APPROVED

ADJOURNMENT

Chairman Stroope adjourned the Planning and Zoning meeting at 8:56 PM.

**Chairman Stroope, Chairman
Planning and Zoning Commission**

ATTEST:

**Yolanda Alonso
Planning and Zoning Secretary**

Council Minutes March 26, 2013

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 4:00 p.m. in the Conference Room and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 26th day of March, 2013 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
Cliff Blackwell	Administrative Services Director
Roger Gibson	Police Chief
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Jackie Reyff	Planning Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

WORK SESSION

Mayor Griffin called the Work Session to order at 4:02 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: 3, 7, 11 and 12.

On Item #7, Council and staff discussed noise from the food trucks being covered by the City's Noise Ordinance and that the trucks are restricted to commercial areas. It was decided to leave this item on consent unless somebody chose to speak on it under Open Forum.

Public Works Director Tom Hoover and Misty Christian of Kimley-Horn and Associates presented information on Item #12. This is to provide engineering services for design improvements at Sulfur Branch, which is being affected by the NTE construction project. There are complications with existing facilities, channels and a bridge at that location which may cause a hydrological event. If the City comes up with a design of what the downstream will look like, NTE has agreed to build a portion of it beyond their current construction as well as an access ramp. The City has 11 months to complete this project. There was discussion regarding examining the upstream conditions; ensuring that the floodplain is not adversely affected by the NTE construction; that this project would be extended under Bedford Road at a later time; that this particular item is part of the study phase and that detailed engineering drawings

Council Minutes March 26, 2013

will be developed when the time comes for building; that the costs include geotechnical surveying to get a grasp of existing conditions; that the funds for this project comes from the 2011 GOs; and that engineering services are not allowed to be bid.

Council was of the consensus to move Item #5 before Persons to be Heard.

Mayor Griffin adjourned the Work Session at 4:28 p.m.

EXECUTIVE SESSION

To convene before the Regular Session, if time permits, in the conference room in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- a) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for group homes.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to “Project Oatmeal”.**
- c) Pursuant to Section 551.074: personnel matters – annual performance review of the City Manager.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for group homes, Section 551.087, deliberation regarding economic development negotiations relative to “Project Oatmeal” and Section 551.074: personnel matters – annual performance review of the City Manager at 4:28 p.m.

Council reconvened from Executive Session at 7:07 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 9:08 p.m.

Council reconvened from Executive Session at 2:11 a.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 6:30 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Jim Pack, CityLife Church)

Jim Pack of CityLife Church gave tonight’s invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Charles Ready, 7324 Meadowbrook Drive – Mr. Ready stated that he is here to answer any questions

regarding Item #7.

Don Bartko, 1317 Wade Drive – Mr. Bartko spoke on Item # 4. He stated that he lives right around the corner from 604 Donna Lane. He stated that he had been in a similar situation as the Mayor was on this issue. He had returned from Vietnam in 1967 and was assigned to as post engineer at a hospital, a position similar to the City Manager. One of the wards was loaded with young men returned from Vietnam with injuries and the ward had no air conditioning or comforts. He was told by his commanding officer to get air conditioning for the ward but he came up against Army, Federal and state regulations. He told his commanding officer who still wanted the air conditioning and wanted him to find a way to do it. He worked on the project further, including driving to Washington D.C. to see the Surgeon General and argue his case. He came back with the money. He advised the Mayor to not say it cannot be done but find away to do it.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Turner, seconded by Councilmember Brown, to approve the following items by consent: 3, 7, 11 and 12

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

COUNCIL RECOGNITION

1. Proclamation declaring April 2013 as Energy Efficiency Month in Bedford.

Mayor Griffin read a proclamation declaring April 2013 as Energy Efficiency Month in Bedford. David Franklin from the Community Affairs Commission was on hand to accept the proclamation. Mr. Franklin stated that the Consumer Energy Expo will be held from 1:00 p.m. to 5:00 p.m. on Saturday, April 20 at the old library.

2. Employee Service Recognition

The following employees received recognition for dedicated service and commitment to the City of Bedford:

Carol Robinson, Police Department – 5 years of service
Josh Brown, Fire Department - 10 years of service

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:

- a) **March 12, 2013 regular meeting**

This item was approved by consent.

PERSONS TO BE HEARD

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

- a) **James Trigg, 1316 Wade Drive, Bedford, Texas – Requested to speak to the Council regarding zoning violations at 604 Donna.**

James Trigg, 1316 Wade Drive – Mr. Trigg thanked the people who came out to tonight's meeting to show their concerns for the City. He stated that he was impressed by what the Council had shared and that it told him that the issue was not being swept under the rug. He stated that there are distance regulations for group homes in that they cannot be within half a mile from each other and that the owner of the one on Donna Lane is looking at a property less than three blocks away. He questioned who is

going to enforce this regulation and how is it going to be done. He stated that the City's building permit form does not have a place to indicate that the building would be a group home and presented a handout showing an area on the permit form where this could be indicated. He stated that somebody would then have to look at it and take the second step to verify the distance. This issue was important to him because his neighborhood is unique and a potential target to be swallowed by group homes. The homes in the neighborhood are single level with large square footages, are older and not as pricey, have large lots to allow for expansion and attached garages that can be converted to living space cheaply. He stated that if Council does not do something happen on distance regulations then they have failed the City.

Council discussed revising the permits and tying it in with the registration process; properties that do not require a building permit; and the distance requirements including doing it by proximity as opposed to a number.

b) Joyce Johnson, 1701 Brookhaven Circle, Bedford, Texas – Requested to speak to the Council regarding the handling of disputed traffic citations.

Joyce Johnson, 1701 Brookhaven Circle – Ms. Johnson spoke regarding the handling of disputed traffic tickets. She stated that the judge and prosecutor are independent and do not supervise the courts, which is done by the City. She stated that she became aware that disputed traffic tickets are handled like a lawsuit and that a legal document must be filed to obtain documents, which creates a hardship that is not fair or acceptable. She stated that those in legal practice must refrain from putting a hardship on a defendant, obstruct justice or facilitate coercion. She stated that her path to file the motion was blocked in the following ways: free access to documents was denied; she was required to provide a motion; no form was made available; the City does not have a law library or reference books with the form; she was told to get an attorney; that in filing a motion, it would be "considered"; that she knows of no law permitting denial of documents need by a defendant to defend themselves; and that she was not advised that she could file an open records request. She stated that such requirements create a hardship and that the cost of hiring an attorney would be more than the fine and court costs, which has the potential to force drivers to pay the ticket instead of pursuing their right to dispute it. She stated that when she was told she could file an open records request, it too was made conditional and asked how are open records used or defined by the City. She stated handing disputed tickets like a lawsuit and handling it in the matter described is unfair and unacceptable. She asked if an audit needed to be done on the funds gained in such a manner. She requested that there be changes to policies and that these practices be removed from the City.

OLD BUSINESS

5. Update on issues related to 604 Donna Lane.

This item was discussed prior to Persons to be Heard.

Mayor Griffin presented an update on issues related to 604 Donna Lane. He stated that to a very large degree, the City cannot prohibit the use because of Federal and State laws. He stated that a number of residents made comments about restrictions for this particular use or facility but that any restrictions would have to apply to everyone in the neighborhood. He stated that Council and staff have analyzed the City's options and discussed a fair and legally responsive plan to include possible ordinance revisions. The plan includes: requiring annual registration of group facilities; requiring copies of State required inspection documents as part of the registration process; the City moving for immediate closure of assisted living facilities, as defined by State law, that do not have the required inspections; that community homes, as defined by State law, be required to submit a detailed site plan for approval to make sure it is compatible with the surrounding neighborhood; amending the Zoning Ordinance to create assisted living facilities in residentially zoned districts, which cannot be used to deny the use but allows the City to have a thorough review, including a site plan, through the Planning and Zoning Commission and Council; and requiring a detailed explanation of the use on the permit forms. He further stated that State Representative Phillips has introduced HB691, which has to do with governing

applications of homes for juvenile criminals. He advised residents that they should talk to their State representatives and senators.

NEW BUSINESS

- 6. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Ordinance No. 2275, by amending Section 4.17 "CSED" Cheek-Sparger Entrance District; by amending Section 4.18 "HC" Highway Corridor Overlay District; by removing all references to the "CSED" Cheek-Sparger Entrance District from the Zoning Ordinance; by amending the official Zoning Map of the City of Bedford to designate the expanded "HC" Highway Corridor Overlay District; providing a revised Zoning Map illustrating the change in district as attachment "A"; providing attachment "B" being the text amendments to the Zoning Ordinance; providing a severability clause; providing a penalty and enforcement clause; and providing an effective date.**

Development Director Bill Syblon presented information regarding this item. He stated this was the culmination of several months of discussions between Council, staff, property owners and the Planning and Zoning Commission. Council had requested that an all encompassing overlay district be created. A Master Highway Corridor Overlay District was presented to the Planning and Zoning Commission on March 12, which recommended its approval with changes by a vote of 6-1-0. The changes from the Commission included: removing all residential properties from the District map based on feedback at the public hearing; adding pawn shops and sexually-oriented businesses as categories on the list of prohibited uses; and the staff initiated removal of Sections 4.18.G(1)h and 4.18.H(1)c as they were relics of the 2010 version of the District. Council discussed adding residentially owned properties back to the District map and referring to Section 4.18L; that if residential property abutting the highway were rezoned commercial, they would not fall under the District; allowing those that raised objections to the including the residentially owned properties in the District a chance to speak before making changes; whether the addition of pawn shops and sexually oriented businesses back to the list of prohibited uses was a valid change; changes from the current Highway 121 District including setbacks, maintenance agreements and Section 4.18H; sending the District back to the Commission; and tabling this item to a future Council meeting.

Mayor Griffin called the Public Hearing to order at 7:40 p.m.

Betty Moody, 720 Saddlebrook Drive South – Ms. Moody spoke on behalf of herself and her husband and stated they wanted to be on the record that they opposed the passage of this zoning amendment. She had received notice on April 27, 2010 of a hearing for the proposed amendment, which included a map of the boundaries of the District. She stated that the Council chamber was filled with residents, many speaking out in opposition to the amendments and the matter was placed on hold. She stated that she received a notice this year on February 8 for another public hearing. The wording was different and a clause was added stating if a property was zoned residential, than the ordinance and amendments would not apply. She stated that Section 4.18L of the draft ordinance states that in the event of a change to the underlying zoning district to a non-residential district, then the residential district shall comply with the requirements of the District, with the exception of any legal, non-conforming conditions. She stated that some property owners were concerned that their property values would decrease. The property that backs up to her fence may be rezoned for commercial use and as their property is not within the District, they would not be compensated for a loss of value in their property. She stated that according to the question and answer sheet published in 2010 by the City, one of the principal purposes of the District to consolidate existing districts along the corridor and she saw no reason for taking a particular block of the residential area into the District. She asked that Council consider taking out the specific property, from Saddlebrook Drive South down to Queens Way, from the Zoning Ordinance amendment. She stated that residents have not had an opportunity to speak out on this and the letter dated April 27, 2010 was somewhat misleading.

There was discussion regarding residential properties being included on the District map; that residential properties are exempt from the District; that in the event property became commercial, it would have to

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abide by the District; that the Comprehensive Plan states that the best use of property adjacent to the highway is for commercial type development and that the property in question was zoned residential when the Plan was developed; that in order for property to be rezoned from residential to commercial, a developer would have to come to the City for that zoning change; that if the property were not included now and it were to become commercial, then it could not then be put under the District; that commercial nodes are directed towards major intersections and roadways; and that commercial properties adjacent to residential would have to meet all the requirements of screening, set-backs and other protection items in the District.

Coy Quine, Vice President of Tsca-231 Limited Partnership - Mr. Quine's group owns the Cimarron Plaza Shopping Center. He stated that the way the Overlay District is written, it is for developers and he is an owner. Their Shopping Center consists of seven parcels, of which they own four. If a casualty of greater than 50% occurs to one of their buildings, they would have to rebuild it in the new District, which would require a change in landscaping. They have already spent money on installing Xeriscape landscaping and reconfigured their layout to meet the City's parking requirements after the taking of three acres. After all the reconfiguration, they now have a legally conforming building. He presented different scenarios where if a particular building sustains a casualty of greater than 50%, it would require such things as installing 30-foot landscaping buffers, tearing down buildings and signs, and/or rearranging traffic patterns. He asked that a clause be put in for rebuilding in case of a casualty of the existing building. He stated that insurance does not cover what they paid for the facility. They have already spent \$750,000 in remodeling when they first heard about the Highway 183 widening and made concessions to keep tenants. He stated that as the District is currently written, each parcel stands on its own as and asked for some relief if they suffer a casualty.

There was discussion on the Xeriscape landscaping on the interior of the property; getting the Shopping Center to look like it did several years ago; that parking is the real issue and the Shopping Center cannot function without it; that staff bring back to Council the status of negotiations with property owners along the Highway and TxDOT; whether there would be an opportunity for Mr. Quine to make input into the process; and bringing up the value and how the City looks.

Joyce Johnson, 1701 Brookhaven Circle - Ms. Johnson stated that the core issue is what happens to people in businesses. They are looking for something tangible, in writing that says that a property is going to be protected as residential real estate. She stated that it does not make sense that a business suffers a catastrophe and they cannot recover because of a road; they need protection with something that holds up in court.

Hank Henning, 2604 Morningside Drive – Mr. Henning asked for a point of clarification regarding moving residential property to commercial and why the same could not be done with an overlay district. He stated that it bothered those in the residential areas and asked why if residential properties were removed from the map, and then they were rezoned commercial, why could it not then be put under the Overlay District. There was discussion between Mr. Henning, Council and the City Attorney regarding this issue.

Council was of the consensus to leave the public hearing open and to table this item to the April 23, 2013 Council meeting.

Motioned by Councilmember Olsen, seconded by Councilmember Davisson, to continue the public hearing and table this item to the April 23 Council meeting.

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

- 7. Consider an ordinance amending Chapter 66, "Health and Sanitation" of the City of Bedford Code of Ordinances by amending Section 66-63. "Definitions" and adding a new Section 66-44. "Mobile Food Units"; providing that this ordinance shall be cumulative; providing a severability clause; providing a savings clause; providing a penalty clause; and providing an effective date.**

This item was approved by consent.

- 8. Consider an ordinance amending Ordinance No. 08-2905 awarding the contract to Allied Waste Services of Fort Worth, LLC, successor-in-interest to Allied Waste Systems, Inc., for Solid Waste Collection Services to include Article II. "Definitions"; Article IV. Section K. "Indemnification"; Article IV. Section W. "Modification of Rates"; and granting an extension of the contract for an additional five year term commencing on January 14, 2014.**

Deputy City Manager David Miller presented information regarding this Item and Item #9. This is for the renewal of contracts with Allied Waste, which are set to expire in January. The renewals would be for an additional five years with rate increases three times over the next six years, in May 2013, May 2015 and May 2017. The rates would be as follows: Current - \$7.15 for solid waste, \$1.96 for recycling and \$1.43 for senior recycling; May 2013 - \$7.42 for solid waste, \$2.03 for recycling and \$1.48 for senior recycling; May 2015 - \$7.70 for solid waste, \$2.11 for recycling and \$1.54 for senior recycling; and May 2017 - \$7.98 for solid waste, \$2.19 for recycling and \$1.60 for senior recycling. Currently, the rate for trash and recycling is \$9.11. The contracts would be renewed until January of 2019 with the end rate being \$10.17, for a total increase of \$1.06 for residential rates.

In answer to questions for Council, Mr. Miller stated that the contract with Allied Waste has been in place for approximately 10 years. There was discussion that going out for bid on the contracts may have lead to much higher rates; that the City has lower rates than many surrounding cities; and Allied Waste's performance and their contribution to beautification and other City events.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve an ordinance amending Ordinance No. 08-2905 awarding the contract to Allied Waste Services of Fort Worth, LLC, successor-in-interest to Allied Waste Systems, Inc., for Solid Waste Collection Services to include Article II. "Definitions"; Article IV. Section K. "Indemnification"; Article IV. Section W. "Modification of Rates"; and granting an extension of the contract for an additional five year term commencing on January 14, 2014.

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

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

Abstaining from voting on the motion: Councilmember Nolan.

- 9. Consider an ordinance amending Ordinance No. 08-2906 awarding the contract to Allied Waste Services of Fort Worth, LLC, successor-in-interest to Allied Waste Systems, Inc., for Recycling Services to include Article II. "Definitions"; Article IV. Section K. "Indemnification"; Article IV. Section W. "Modification of Rates"; and granting an extension of the contract for an additional five year term commencing on January 14, 2014.**

This item was discussed during the previous item.

Motioned by Councilmember Brown, seconded by Councilmember Davisson, to approve an ordinance amending Ordinance No. 08-2906 awarding the contract to Allied Waste Services of Fort Worth, LLC, successor-in-interest to Allied Waste Systems, Inc., for Recycling Services to include Article II. "Definitions"; Article IV. Section K. "Indemnification"; Article IV. Section W. "Modification of Rates"; and granting an extension of the contract for an additional five year term commencing on January 14, 2014.

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

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

Abstaining from voting on the motion: Councilmember Nolan.

Councilmember Olsen requested that it be on the record that everybody is interested in this type of service being purchased and it is something the City has to have. The City has a great relationship with Allied Waste and they do a good job. She is never for rate increases but based on City recommendations and all the research done by staff that this was the best way to go for the citizens without having a much higher increase.

Councilmember Nolan requested that it be on the record that she is abstaining because she really believes in transparency and would have liked to see after 10 years these contracts go out to bid.

10. Consider a resolution accepting the report from the independent auditor and the audited financial statements for the fiscal year ended September 30, 2012.

Administrative Services Director Cliff Blackwell presented information regarding this resolution. He stated that the City's charter requires a yearly audit by an independent certified public accountant. The firm of BKD, L.L.P. was selected last summer and they are in year one of a three year contract with two optional one year extensions.

Kevin Kemp of BKD presented the final version of their audit. He stated that the governing body needs to approve the documents before they can sign their opinions and release information. He further stated that they have completed their audit in accordance generally accepted auditing standards and believes the financial statements as presented are in accordance with generally accepted accounting principles. He then presented some financial highlights. The City's assets exceeded its liabilities by over \$57M and of that, \$8M is unrestricted to be used to meet the ongoing obligations of the City. There are fund balances of \$12.9M of which 36.9% is unassigned, or 18% of expenditures. The recommended percentage by the GFOA is 25%. All fund balances were positive across the board. There was a decrease in debt of \$6M, which was offset by a bond issue of \$5M. He stated that all financial statements have estimates, including the allowance for doubtful accounts, useful lives of capital assets and obligations for post-employment benefits, and that they were in agreement with the City's estimates. He stated that there was a transition in the Finance Department and that they did propose adjusting some journal entries as part of the closing process. He stated that there were inefficiencies because of an outdated IT system and recommended that the City look at a canned software package. He stated that they did meet more in greater detail Finance Committee.

There was discussion on staff turnover and that the City has received the Certificate of Achievement for Excellence in Financial Reporting for the last 16 years.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve a resolution accepting the report from the independent auditor and the audited financial statements for the fiscal year ended September 30, 2012.

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

11. Consider a resolution authorizing the City Manager to enter a contract with Huguley Assessment Center in the amount of \$19,215 to perform physical assessments for Bedford Fire Department personnel for the year 2013-2014.

This item was approved by consent.

12. Consider a resolution authorizing the City Manager to enter into a professional services contract with Kimley-Horn and Associates, Inc. in the amount of \$55,000 for engineering services for the conceptual design of Sulphur Branch Channel Improvements (SH121 to Bedford Road) Project.

This item was approved by consent.

13. Discussion on how the City Manager will be reviewed. **This item requested by Councilmember Nolan

Councilmember Nolan requested this item be placed on the agenda for discussion. She stated she wanted to be sure that Council were under the same assumptions on how the City Manager would be reviewed and to go through step-by-step on what is going to happen and that everybody was on board with that. There was discussion regarding personnel matters being handled in Executive Session and that the process was laid out at the previous meeting. There was further discussion regarding the interpretation of the results, Council not having the opportunity to meet with each other and that the process is the same as in previous years.

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

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

Councilmember Olsen reported that the Pet Fair will be held on Saturday, April 13.

✓ **Beautification Commission – Councilmember Turner**

Councilmember Turner reported on the Crud Cruiser event where 70 cars showed up. This is a slight decrease over previous years due to spring break and more careful planning will be done. The annual Clean-Up Bedford Day will be held on Saturday, April 27 and he invited everyone to join the Commission for that event. He further invited everyone for the BRAC Clean-Up Day, where new shrubs and flowers will be planted and the monument will be pressure cleaned.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter encouraged residents to come to the Consumer Energy Expo at the old library on Saturday, April 20. More information can be found on the City's website.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission met the previous night and is continuing to see what their next action item will be.

✓ **Library Board – Councilmember Brown**

No report was given.

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

Councilmember Davisson reported that the next meeting of the Board is on April 4.

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

No report was given.

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

Councilmember Olsen reported that the Board will meet on Thursday, April 4 and that also have their upcoming banquet.

15. Council member reports

Council Minutes March 26, 2013

Mayor Griffin reported that the Community Garden had their kickoff last weekend and that Ms. Griffin, Councilmember Nolan and Councilmember Turner worked on the Council and Beautification beds. The recent freeze did not kill the vegetables. He reported that the CPR Spring Blitz is scheduled for April 12 – 13. He had the opportunity to serve meals to Bedford residents through Meals on Wheels of Tarrant County and he will be doing the same next week with Metroport Meals on Wheels.

16. City Manager/Staff Reports

City Manager Beverly Griffith reported that the annual Easter Egg Hunt will be held on Saturday, March 30 at 10:00 a.m. at the Boys Ranch Activity Center. April 4 will be the start of Twilight Thursdays at the Old Bedford School, with a Beatles tribute band that night and Texas Heritage Music on April 11. The concerts run from 7:00 p.m. to 8:30 p.m. Van Cliburne tickets are currently on sale for Sunday, May 5 at 3:00 p.m. Tickets are \$25.00 and more information can be found on the Old Bedford School website.

She reported that a long time firefighter was recently diagnosed with cancer. He has been with the City for 20 years and has two kids. Applebee's has partnered with the Fire Department to do a fundraiser on April 11, where, with a flier, they will donate 15% of a person's ticket to the Bedford Professional Firefighters Association.

17. 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 2:12 a.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary



CITY OF
BEDFORD

Discover the Center

March 5, 2013

PLEASE DELIVER TO:

Legal Publications
Attn: Christine Lopez
Fort Worth Star-Telegram
400 West 7th Street
Fort Worth, TX 76102

SENT VIA E-MAIL: clopez@star-telegram.com on Tuesday, March 5, 2013

FROM:

City of Bedford
Yolanda Alonso, Planning and Zoning

Dear Christine,

Please publish the following in "Legal Notices" Thursday, March 7, 2013.

MESSAGE:

CITY OF BEDFORD
PUBLIC HEARING

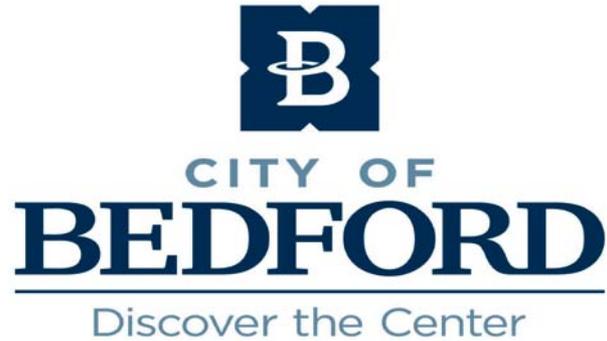
The City of Bedford City Council will hold a Public Hearing on the following amendment to the Zoning Ordinance on Tuesday, March 26, 2013 at 6:30 PM, at City Hall, Council Chamber, 2000 Forest Ridge Drive, Building A, Bedford, Texas:

Public hearing and consideration of an amendment to Ordinance No. 2275, being a Zoning Ordinance of the City of Bedford; creating an amended "HC" Highway Corridor Overlay District which contains parcels located adjacent to State Highway 183, State Highway 121 and Cheek Sparger Road; and replacing the existing "HC" Highway Corridor Overlay District and repealing the "CSED" Cheek-Sparger Entrance District. A-032

Yolanda Alonso
Planning and Zoning

A-032 HIGHWAY CORRIDOR OVERLAY DISTRICT F.A.Q.'S REGARDING PUBLIC HEARING LETTER

DATE	ZONED	QUESTION, CONCERN, COMMENTS
02/11/13	C	If a commercial property were to say, burn to the ground, would it then have to conform to the HC Overlay District development standards upon rebuild?
02/12/13	C	Owns commercial property that abutts the district, needs a description of Overlay district.
02/12/13	C	E-mail request: Copy of the original Ordinance that is being amended.
02/12/13	C	How will this affect my commerical property if we already have approval to add a Subway to our gas station (Exxon - Cheek Sparger & 121).
02/13/13	C	Email request: Copy of proposed ordinance via e-mail. Can not attend meeting.
02/14/13	C	Need to identify property? Please research mailing address 5300 S Collins Arlington TX (Trinity River Authority).
02/14/13	C	Cannot locate comm prop on map, please send another with map with arrow, and also send a copy of the proposed Highway Corridor Overlay standards.
02/14/13	C	Already have approved SUP for hotel (Residence Inn) on 7 acres next to Holiday Inn (Bedford Forum Addition), how will this affect construction of it, when the time comes?
02/15/13	C	Own an old (1977) building at 1400 Brown Trail will it have to be renovated?
02/15/13	C	Manage a group of office buildings on Bedford Rd just S of 183, will this affect them?
02/20/13	C	Asked for an explanation of the Overlay District and when would a property be required to adhere to the HC standards.
02/20/13	C	Property owner (self storage business) already located in the "HC" district wanted to know how this will affect his two properties.
02/20/13	MF	Copper Hills Apts. Asked for an explanation of the HC, & asked verifying it was not a rezoning of properties.
02/22/13	C	Restaurant manager, asked for clarification specifically when a property would need to conform to new standards.
02/27/13	C	Texas Orthopedic asked if their future expansion would be expempt for the new HC
02/27/13	C	Wal-Mart Super Center asked for definition of Overlay District.
02/27/13	C	Property owner asked if he needed to comply with the Overlay District.
02/27/13	C	Property owner asked if his property would need to comply with the Overlay District.
02/27/13	C	Property owner asked if his property would need to comply with the Overlay District.
02/28/13	C	Property owner asked if his property would need to comply with the Overlay District.
02/28/13	C	Property owner asked if her property would need to comply with the Overlay District and when.
02/28/13	C	Property owner asked if his property would need to comply with the Overlay District.
02/28/13	C	Property owner asked if her business would be prohibited, message with the Overlay District
23		CALLS OR VISITS FROM COMMERCIAL PROPERTY OWNERS
02/12/13	CHURCH	How would this affect a Church property that abutts the district.
1		CALLS OR VISITS FROM CHURCH PROPERTY OWNERS
02/12/13	R	How will this affect the value of my (residential) property?
02/12/13	R	How will this affect the value of my (residential) property?
02/12/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/12/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/12/13	R	This issue was put on hold previously, why is it being re-introduced?
02/12/13	R	What is an "Overlay District"?
02/13/13	R	How will this affect the value of my (residential) property?
02/13/13	R	How will this affect the value of my (residential) property?
02/13/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/13/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/13/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/13/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/13/13	R	Why would a residential property owners be notified if property is exempt?
02/13/13	R	According to Bedford's zoning map, my subdiv is zoned "R-75", is it being changed?
02/13/13	R	Comment: Lived in Bedford since 1960, would like to see building standards put in place in South Bedford, along the Pipeline Road corridor.
02/14/13	R	Calling on behalf of elderly sister, does this apply to houses or just businesses?
02/14/13	R	Letter says info is on website, but I don't see it. (He just needed to scroll down further)
02/15/13	R	Is this in preparation to take property by eminent domain for highway expansion? My property is on Paintbrush Ln. Google Maps refers to 121 at Sam Rayburn Toll Rd-why?
02/15/13	R	We live in Bandera Estates, does this affect our homes?
02/18/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/18/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/19/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/19/13	R	Property owner opposed to the amendment now, same as she and her subdivision were opposed to it in 2010. Left a letter of opposition, and stated that she and her neighbors will be present at the Public Hearing.
02/21/13	R	Property owner asked for an explanation of the letter/Overlay District/how it affects them.
02/26/13	R	Received two letters in opposition, letter read "Zoning" change.
02/27/13	R	Property owner asked how the overlay was selected in his residential neighborhood.
27		CALLS OR VISITS FROM RESIDENTIAL PROPERTY OWNERS



**Highway Corridor Overlay District
Work Session Discussion
City Council Meeting**

April 9, 2013

Section 4.18.A

Purpose

Current Ordinance

The "HC", Highway Corridor District, is established to provide a set of standards applicable to future development and redevelopment within the Highway 121 Corridor area. These standards are intended to protect and enhance the appearance of the State Hwy 121 corridor, promote the unique character of the City of Bedford, protect and enhance property values within the corridor, prevent the establishment of incompatible types of development, and coordinate efforts of various developers within the State Hwy 121 corridor.

Proposed Ordinance

The "MHC", **Master** Highway Corridor Overlay District, is established to provide a set of standards applicable to future development and redevelopment within the **State** Highway 121 **and 183** Corridor areas. These standards are intended to protect and enhance the appearance of the **State** Highway 121 **and 183** corridors, promote the unique character of the City of Bedford, protect and enhance property values within the corridor, prevent the establishment of incompatible types of development, and coordinate efforts of various developers within the State **Highway** 121 **and 183** corridors.

Section 4.18.B

Boundary of Area

Current Ordinance

The "HC" Highway Corridor Overlay area is designated as the lots, tracts, and parcels of land so indicated on the official zoning map for the City of Bedford. This area initially was determined to consist generally of that property which is located adjacent to and within two hundred (200) feet of the right-of-way of State HWY 121. If any portion of said property is located within the two hundred (200) feet threshold, the entire limits of the property have been included.

Proposed Ordinance

The "MHC" Master Highway Corridor Overlay area is designated as the lots, tracts, and parcels of land so indicated on the official zoning map for the City of Bedford. This area consists generally of that property which is located adjacent to and within two hundred (200) feet of the right-of-way of State **Highway 121 and 183**. If any portion of said property is located within the two hundred (200) feet threshold, the entire limits of the property have been included.

Section 4.18.C

Use Regulations

Current Ordinance

All uses in the underlying districts, as listed in Section 3.1 Schedule of Permitted Principal Uses, shall be permitted in the "HC", Highway Corridor Overlay District, unless otherwise listed in Section 4.18.D Prohibited Uses. The Restricted Uses listed in Section 4.18.E may be allowed with compliance to the restrictions and in accordance with an approved site plan. Accessory uses as permitted in the underlying district shall also be permitted. All legal and valid uses existing on the effective date of this ordinance at specific locations shall remain legal and valid uses. The owners of the property where such uses are located shall be permitted to expand or remodel. All expansions or remodels shall comply with the underlying basic ordinance and the requirements in the "HC", Highway Corridor Overlay District.

Proposed Ordinance

All uses in the underlying districts, as listed in Section 3.1 Schedule of Permitted Principal Uses, shall be permitted in the "MHC", **Master** Highway Corridor Overlay District, unless otherwise listed in Section 4.18.D Prohibited Uses. The Restricted Uses listed in Section 4.18.E may be allowed with compliance to the restrictions and in accordance with an approved site plan. Accessory uses as permitted in the underlying district shall also be permitted. All legal and valid uses existing on the effective date of this ordinance at specific locations shall remain legal and valid uses. The owners of the property where such uses are located shall be permitted to expand or remodel. All expansions or remodels shall comply with the underlying basic ordinance and the requirements in the "MHC", **Master** Highway Corridor Overlay District.

Section 4.18.D

Prohibited Uses

Current Ordinance

In the "HC" Highway Corridor Overlay District the following uses shall be prohibited:

- (1) Auction Barns and Facilities
- (2) Automatic Coin or Attendant Operated Car Wash Establishments
- (3) Automotive Glass, Trim, and Upholstery Shops
- (4) Bakeries, Wholesale
- (5) Beverage Processing, Bottling and Packing (soft drinks and fruit juices)
- (6) Building and Related Contractors Construction Yards and Storage Buildings
- (7) Candy and Confectionery Manufacturing and Packing
- (8) Cemeteries and Mausoleums
- (9) Chemicals and Allied Products Manufacturing and Packaging
- (10) Dairy Products Manufacturing and/or Wholesale Distribution
- (11) Equestrian Riding Stables and Show Rings
- (12) Farm Machinery and Farm Implements, Sales and Service
- (13) Food Catering
- (14) Fruit and Vegetable Processing (including canning, preserving, drying and freezing)
- (15) Heavy Construction Equipment and Implements (including repair service)
- (16) Industrial Spray Painting and Paint Mixing
- (17) Laundry, Dry Cleaning, and Dyeing Plants
- (18) Massage Salons
- (19) Meat, Fish, or Poultry Markets (including slaughtering and fish cleaning)
- (20) Metals and Metal Products Manufacturing and Assembly
- (21) Moving, Transfer and Storage Warehouse and Distribution Centers
- (22) Multi-family Dwellings, Apartments and Condominiums
- (23) Outdoor Drive-in Theaters
- (24) Passenger Terminals: Bus
- (25) Pawn Shops
- (26) Pest and Rodent Exterminating Services
- (27) Printing, Publishing, and Allied Products
- (28) Recreational Vehicle Campgrounds
- (29) Rehabilitation Care Facilities (Criminal-psychiatric, mental disorders and substance abuse only)
- (30) Rental Services with Outside Storage
- (31) Sexually Oriented Businesses
- (32) Stone, Glass, and Clay Products Manufacturing
- (33) Textiles and Fiber Products Manufacturing and Assembly
- (34) Water Well Drilling Services
- (35) Welding Shops
- (36) Wholesale Automotive Vehicle and Equipment Establishments
- (37) Wholesale Food Facilities
- (38) Wood, Paper and Leather Products Assembly and Manufacturing

Proposed Ordinance

In the "MHC" **Master** Highway Corridor Overlay District the following uses shall be prohibited:

- (1) Auction Barns and Facilities
- (2) Automatic Coin or Attendant Operated Car Wash Establishments
- (3) Automotive Glass, Trim, and Upholstery Shops
- (4) Bakeries, Wholesale
- (5) Beverage Processing, Bottling and Packing (soft drinks and fruit juices)
- (6) Building and Related Contractors Construction Yards and Storage Buildings
- (7) Candy and Confectionery Manufacturing and Packing
- (8) Cemeteries and Mausoleums
- (9) Chemicals and Allied Products Manufacturing and Packaging
- (10) Dairy Products Manufacturing and/or Wholesale Distribution
- (11) Equestrian Riding Stables and Show Rings
- (12) Farm Machinery and Farm Implements, Sales and Service
- (13) Food Catering
- (14) Fruit and Vegetable Processing (including canning, preserving, drying and freezing)
- (15) Heavy Construction Equipment and Implements (including repair service)
- (16) Industrial Spray Painting and Paint Mixing
- (17) Laundry, Dry Cleaning, and Dyeing Plants
- (18) Massage Salons
- (19) Meat, Fish, or Poultry Markets (including slaughtering and fish cleaning)
- (20) Metals and Metal Products Manufacturing and Assembly
- (21) Moving, Transfer and Storage Warehouse and Distribution Centers
- (22) Multi-family Dwellings, Apartments and Condominiums
- (23) Outdoor Drive-in Theaters
- ~~(24) Passenger Terminals: Bus~~
- (24) Pawn Shops
- (25) Pest and Rodent Exterminating Services
- (26) Printing, Publishing, and Allied Products
- (27) Recreational Vehicle Campgrounds
- (28) Rehabilitation Care Facilities (Criminal-psychiatric, mental disorders and substance abuse only)
- (29) Rental Services with Outside Storage
- (30) Sexually Oriented Businesses
- (31) Stone, Glass, and Clay Products Manufacturing
- (32) Textiles and Fiber Products Manufacturing and Assembly
- (33) Water Well Drilling Services
- (34) Welding Shops
- (35) Wholesale Automotive Vehicle and Equipment Establishments
- (36) Wholesale Food Facilities
- (37) Wood, Paper and Leather Products Assembly and Manufacturing

Section 4.18.E

Restricted Uses

Current Ordinance

In the "HC" Highway Corridor Overlay District the following uses shall be restricted as noted below:

(1) Restrict Outdoor Sales or Storage to a maximum outside display area of twenty-five (25%) of the building area; except that New Automobile Dealerships shall be permitted to display automobiles outside without restrictions.

(2) Apartment(s) as Secondary Use only with self-service Storage Facilities (mini-warehouses)

(3) Automotive Repair Shops and Garages, shall be restricted such that repair activities shall be conducted indoors and automobiles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.

(4) Boats and Marine Craft Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all boats and marine craft awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.

(5) Mobile Home, Campers, and Recreation Vehicle Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all mobile homes, campers, and recreation vehicles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.

Proposed Ordinance

In the "MHC" **Master** Highway Corridor Overlay District the following uses shall be restricted as noted below:

(1) Restrict Outdoor Sales or Storage to a maximum outside display area of twenty-five (25%) of the building area; except that New Automobile Dealerships shall be permitted to display automobiles outside without restrictions.

(2) Apartment(s) as Secondary Use only with self-service Storage Facilities (mini-warehouses)

(3) Automotive Repair Shops and Garages, shall be restricted such that repair activities shall be conducted indoors and automobiles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.

(4) Boats and Marine Craft Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all boats and marine craft awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.

(5) Mobile Home, Campers, and Recreation Vehicle Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all mobile homes, campers, and recreation vehicles awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.

Section 4.18.E

Restricted Uses *(continued)*

Current Ordinance

- (6) Convenience stores with drive-through windows must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the Airport Freeway frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (7) Drive-in or drive-through restaurants must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the Airport Freeway frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (8) Motorcycle and Motor Scooter Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all motorcycles and motor scooters awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (9) Self-service Storage Facilities (mini-warehouses), with no outside vehicle or boat storage within view from the public right-of-way.
- (10) Used Car and Truck Sales except that Used Car and Truck Sales shall be permitted as an accessory use to a New Car Dealership under the condition that the land area dedicated to used car sales shall not exceed twenty (20%) percent of the total combined area within the dealership dedicated to new and used car sales.

Proposed Ordinance

- (6) Convenience stores with drive-through windows must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the **State Highway 121 and 183** frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (7) Drive-in or drive-through restaurants must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the Airport Freeway frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must be architecturally compatible with the design of the restaurant building.
- (8) Motorcycle and Motor Scooter Sales and Service, with a maximum outside display area of twenty-five (25%) of the building area and all motorcycles and motor scooters awaiting repair shall be screened from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with building and site character.
- (9) Self-service Storage Facilities (mini-warehouses), with no outside vehicle or boat storage within view from the public right-of-way.
- (10) Used Car and Truck Sales except that Used Car and Truck Sales shall be permitted as an accessory use to a New Car Dealership under the condition that the land area dedicated to used car sales shall not exceed twenty (20%) percent of the total combined area within the dealership dedicated to new and used car sales.

Section 4.18.F

Height and Area Regulations

Current Ordinance

In addition to the requirements of Section 5.1, Height and Area Regulations the following will apply:

- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district.
 - a. Maximum height shall be permitted in the underlying district.
 - b. Minimum front yard setback from the front property line of the property contiguous to State Highway 121 shall be thirty (30) feet.
 - c. Side and rear yards shall be as permitted in the underlying district.
- (2) Residential Regulations: The height and area regulations shall be as permitted in underlying districts.

Proposed Ordinance

In addition to the requirements of Section 5.1, Height and Area Regulations the following will apply:

- (1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district.
 - a. Maximum height shall be permitted in the underlying district
 - ~~b. Minimum front yard setback from the front property line of the property contiguous to State Highway 121 and 183 shall be thirty (30) feet. Property with existing structures, which have been subject to a reduction of front yard area due to acquisition of right-of-way for construction of US Highway 121 or 183, shall be exempt from the thirty (30) foot minimum front yard setback requirement.~~
 - b. Minimum front yard setback from the front property line of the property contiguous to State Highway 121 and 183 shall be thirty (30) feet.
 - c. Side and rear yards shall be as permitted in the underlying district.
- (2) Residential Regulations: The height and area regulations shall be as permitted in underlying districts.

Section 4.18.G

Parking Regulations and Traffic Circulation

Current Ordinance

See Section 5.2, Parking & Loading Regulations.

(1) Non-residential Regulations: The following regulations shall apply to all property having an underlying non-residential zoning district

- a. Access to individual developments shall be obtained through mutual access and cross-access drives on-site. Multiple driveway entrances for individual lots shall be prohibited, unless it is determined that it is physically impossible to provide shared access to the lot or if extenuating circumstances can be demonstrated and are approved by the City Council after recommendation by the Planning and Zoning Commission.
- b. A raised curb shall be required for all parking and driving surfaces.
- c. Curb stops shall be required on all parking spaces that "head-in" to any landscaped area. These curb stops shall be placed so that the overhang of a vehicle is contained totally within the limits of the parking space.
- d. A traffic circulation plan shall be prepared and provided, with the Specific Use Permit site plan, for all new development.
- e. All entrance drives from the State Hwy 121 frontage road shall be accented with decorative street pavers; and shall be clearly detailed on the site plan.
- f. Paved parking areas shall have at least ten (10) percent of the paved surface area dedicated to decorative street treatment as approved by the City Engineer.

(2) Residential Regulations: Parking regulations and traffic circulation regulations shall be as permitted in the underlying districts.

Proposed Ordinance

See Section 5.2, Parking & Loading Regulations.

(1) Non-residential Regulations: The following regulations shall apply to all property having an underlying non-residential zoning district

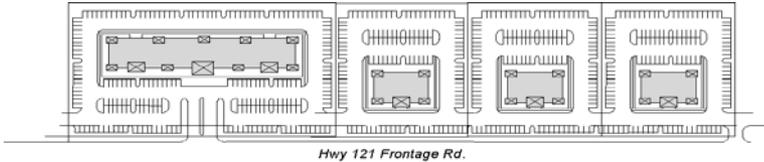
- a. Access to individual developments shall be obtained through mutual access and cross-access drives on-site. Multiple driveway entrances for individual lots shall be prohibited, unless it is determined that it is physically impossible to provide shared access to the lot or if extenuating circumstances can be demonstrated and are approved by the City Council after recommendation by the Planning and Zoning Commission.
- b. A raised curb shall be required for all parking and driving surfaces.
- c. Curb stops shall be required on all parking spaces that "head-in" to any landscaped area. These curb stops shall be placed so that the overhang of a vehicle is contained totally within the limits of the parking space.
- d. A traffic circulation plan shall be prepared and provided, with the Specific Use Permit site plan, for all new development. **The traffic circulation plan shall identify proposed vehicular and pedestrian connectivity.**
- e. All entrance drives from the State Highway 121 and 183 frontage roads shall be accented with decorative street pavers; and shall be clearly detailed on the site plan.
- f. Paved parking areas shall have at least ten (10) percent of the paved surface area dedicated to decorative street treatment as approved by the City Engineer.
- g. **Vehicular and pedestrian connections shall be provided to adjacent non-residential and residential developments where such connections will mutually enhance both developments by allowing cross-access. Relief from this requirement may be granted administratively by the Director of Development or his/her designee upon documentation of merit of such relief by the applicant. The Director of Development or his/her designee may defer decision of merit to the Zoning Board of Adjustment at his/her discretion.**

(2) Residential Regulations: Parking regulations and traffic circulation regulations shall be as permitted in the underlying districts.

Section 4.18.G

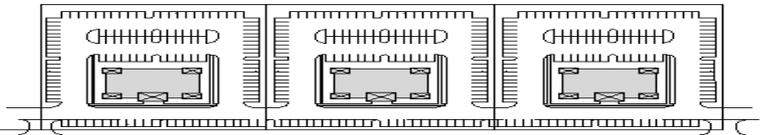
Parking Regulations and Traffic Circulation *(continued)*

Current Ordinance



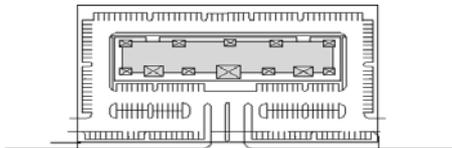
Hwy 121 Frontage Rd.

Parking lots should be designed such that a minimum number of curb cuts are required along the Hwy 121 frontage road. This may be accomplished by incorporating policies and regulations that require shared driveways and access easements, which run across several properties. The above example illustrates how at least six properties (the two properties adjoining these also have access) may be served by two drive entrances.



Hwy 121 Frontage Rd.

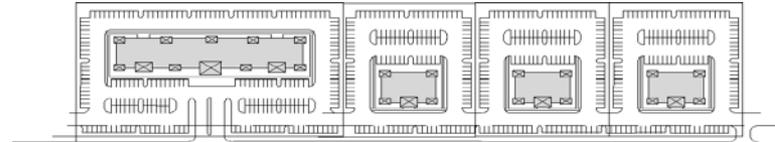
Parking lots for small single tenant commercial developments along Hwy 121 should utilize shared driveways and should include access easements that require cooperative efforts of adjacent property owners. The zoning ordinance may require shared drives and cross access easements. At the time of platting, each development should be required to extend the easement to the next property.



Hwy 121 Frontage Rd.

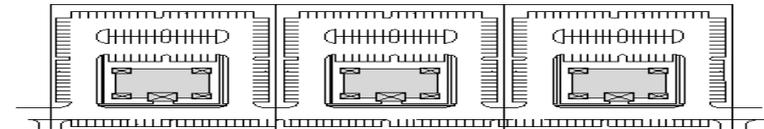
On properties that have larger multi-tenant developments, a central drive entrance should be required. Each development should be required to provide an “entrance throat” that will direct traffic and provide for stacking space at intersections with Hwy 121. This limited access will permit the City and State to control traffic at this location. The development is also required to extend access to both of its borders to enable the traffic access onto Hwy 121 to continue to be controlled. Note: The locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern. A variety of spacing with parking lots being located in the front yard should be provided.

Proposed Ordinance



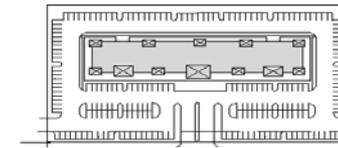
Master Highway Corridor Frontage Road

Parking lots should be designed such that a minimum number of curb cuts are required along the Master Highway Corridor frontage road. This may be accomplished by incorporating policies and regulations that require shared driveways and access easements, which run across several properties. The above example illustrates how at least six properties (the two properties adjoining these also have access) may be served by two drive entrances.



Master Highway Corridor Frontage Road

Parking lots for small single tenant commercial developments along the Master Highway Corridor frontage road should utilize shared driveways and should include access easements that require cooperative efforts of adjacent property owners. The zoning ordinance may require shared drives and cross access easements. At the time of platting, each development should be required to extend the easement to the next property.



Master Highway Corridor Frontage Road

On properties that have larger multi-tenant developments, a central drive entrance should be required. Each development should be required to provide an “entrance throat” that will direct traffic and provide for stacking space at intersections with Highway 121 and 183. This limited access will permit the City and State to control traffic at this location. The development is also required to extend access to both of its borders to enable the traffic access onto Highway 121 and 183 to continue to be controlled. Note: The locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern. A variety of spacing with parking lots being located in the front yard should be provided.

Section 4.18.H

Landscaping and Screening Regulations

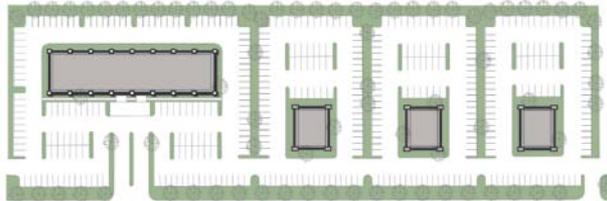
Current Ordinance

Landscaping consisting of live plant material shall be provided for all non-residential development located within the State Hwy 121 Overlay district. In addition to the requirements of Section 5.6, Landscaping Requirements the following will apply:

(1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district designation:

a. Thirty (30) foot landscape buffer shall be provided in the front yard area. This thirty (30) feet may be located on the road right of way, to the extent permitted by TXDOT. The applicant must receive written approval from TXDOT prior to submitting any proposal to landscape highway right-of-way to the City for approval. However, the portion of the thirty (30) foot width located on-site shall not be less than ten (10) feet. Any and all of this landscape buffer shall be provided, in addition to the portion initially or subsequently provided within state right-of-way, on site.

b. The thirty (30) foot landscape buffer shall contain trees of three (3) inch caliper and twelve (12) feet in height planted on thirty (30) foot centers. Landscape buffer trees shall be trees identified as Desirable Trees in The City of Bedford Subdivision Regulations Article 7, Tree Preservation Ordinance. Additionally, shrubs, berms, or a combination thereof, shall be provided between the trees such that a screen of a minimum of three (3) feet in height shall screen the parking areas.



Highway 121 Frontage Rd.

Note: Locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern or layout. A variety of spacing with parking lots being located in the front yard should be provided.

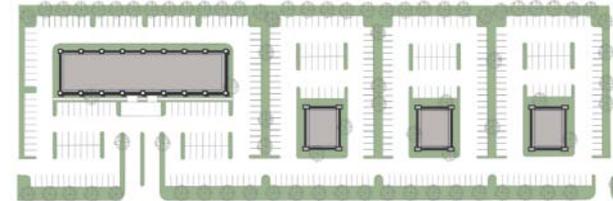
Proposed Ordinance

Landscaping consisting of live plant material shall be provided for all non-residential development located within the "MHC" Master Highway Corridor Overlay District. In addition to the requirements of Section 5.6, Landscaping Requirements the following will apply:

(1) Non-residential Regulations: The following regulations shall apply to all property having an underlying, non-residential zoning district designation:

a. Thirty (30) foot landscape buffer shall be provided in the front yard area. This thirty (30) feet may be located on the road right of way, to the extent permitted by TXDOT. The applicant must receive written approval from TXDOT prior to submitting any proposal to landscape highway right-of-way to the City for approval. However, the portion of the thirty (30) foot width located on-site shall not be less than ten (10) feet. Any and all of this landscape buffer shall be provided, in addition to the portion initially or subsequently provided within state right-of-way, on site.

b. The thirty (30) foot landscape buffer shall contain trees of three (3) inch caliper and twelve (12) feet in height planted on thirty (30) foot centers. Landscape buffer trees shall be trees identified as Desirable Trees in The City of Bedford Subdivision Regulations Article 7, Tree Preservation Ordinance. Additionally, shrubs, berms, or a combination thereof, shall be provided between the trees such that a screen of a minimum of three (3) feet in height shall screen the parking areas.



Master Highway Corridor Frontage Road

Note: Locations of buildings and parking areas are typical and do not necessarily represent a recommended pattern or layout. A variety of spacing with parking lots being located in the front yard should be provided.

Section 4.18.H

Landscaping and Screening Regulations *(continued)*

Current Ordinance

(2) Residential Regulations: Screening consisting of any combination of berms, live plant material, and decorative walls must be provided along any perimeter boundary abutting the right-of-way of State Hwy 121 for all new residential development receiving a building permit for construction after February 1, 1998. This screening shall be constructed, installed, or located such that it provides a sound and visual barrier from State Hwy 121. The applicant shall submit an acoustical mitigation plan, provided by a registered professional engineer qualified in acoustics, for approval prior to the final platting of any property with an underlying residential district designation. The acoustical mitigation plan must meet the decibel limits as recorded in Section 54-34, Noise of Article II, Bedford City Code.

Proposed Ordinance

Highway Corridor Landscape Design

~~(2) Residential Regulations: Screening consisting of any combination of berms, live plant material, and decorative walls must be provided along any perimeter boundary abutting the right-of-way of State Hwy 121 for all new residential development receiving a building permit for construction after February 1, 1998. This screening shall be constructed, installed, or located such that it provides a sound and visual barrier from State Hwy 121. The applicant shall submit an acoustical mitigation plan, provided by a registered professional engineer qualified in acoustics, for approval prior to the final platting of any property with an underlying residential district designation. The acoustical mitigation plan must meet the decibel limits as recorded in Section 54-34, Noise of Article II, Bedford City Code.~~

Section 4.18.I

Development Standards

Current Ordinance

All development located in the “HC” Highway Corridor Overlay District overlay shall comply with the following development standards.

(1) All building exteriors shall be constructed of one hundred (100) percent masonry material, exclusive of windows and doors, including the area above the first-floor ceiling-plate line. Alternative construction materials, which are demonstrated to be critical to the architectural theme of the structure, may be used as approved by the City Council upon recommendation by the Planning and Zoning Commission.

(2) Masonry materials shall be of earth tones and shall be submitted to the Planning and Zoning Commission for recommendation and to the City Council for approval. For the purpose of this section, earth tones shall be understood to consist of darker and pastel shades of the color spectrum, which may generally be found in the natural environment. These colors shall not generally consist of the vibrants or fluorescents of the color spectrum.

(3) All ground-mounted equipment shall be screened from view with masonry construction similar to the primary structure.

(4) On structures five thousand (5,000) square feet or less, pitched roof construction will be required. No flat or built-up roof construction shall be permitted. All mechanical equipment shall be screened from view from any public right-of-way by screening which is compatible to the architectural style of the main structure. Line-of-sight drawings will be required to illustrate that adequate screening is provided.

(5) Design of structures greater than 5,000 square feet shall include relief to walls and roofs. Single uninterrupted surface-planes shall not be permitted. The roof of structures may be a flat roof construction, but must provide a variation of roofline, which may include a partial pitched roof for architectural relief. Mechanical equipment located on roofs shall be screened from view from any public right-of-way. Line-of-sight drawings will be required to illustrate that adequate screening is provided.

(6) With the exception of signs located within 25 feet of the frontage road of State Hwy 121, all freestanding signs shall be ground-mounted monument style signage. The maximum height of monument signs shall be six (6) feet, including structure and sign. The maximum square footage shall be fifty (50) square feet. The structure of the sign shall be constructed of similar masonry material as the primary structure. Pole signs shall be permitted within twenty-five (25) feet of the frontage road of State Hwy 121.

Proposed Ordinance

All development located in the “MHC” Master Highway Corridor Overlay District overlay shall comply with the following development standards:

(1) All building exteriors shall be constructed of one hundred (100) percent masonry material, exclusive of windows and doors, including the area above the first-floor ceiling-plate line. Alternative construction materials, which are demonstrated to be critical to the architectural theme of the structure, may be used as approved by the City Council upon recommendation by the Planning and Zoning Commission.

(2) Masonry materials shall be of earth tones and shall be submitted to the Planning and Zoning Commission for recommendation and to the City Council for approval. For the purpose of this section, earth tones shall be understood to consist of darker and pastel shades of the color spectrum, which may generally be found in the natural environment. These colors shall not generally consist of the vibrants or fluorescents of the color spectrum.

(3) All ground-mounted equipment shall be screened from view with masonry construction similar to the primary structure.

(4) On structures five thousand (5,000) square feet or less, pitched roof construction will be required. No flat or built-up roof construction shall be permitted. All mechanical equipment shall be screened from view from any public right-of-way by screening which is compatible to the architectural style of the main structure. Line-of-sight drawings will be required to illustrate that adequate screening is provided.

(5) Design of structures greater than **five thousand** (5,000) square feet shall include relief to walls and roofs. Single uninterrupted surface-planes shall not be permitted. The roof of structures may be a flat roof construction, but must provide a variation of roofline, which may include a partial pitched roof for architectural relief. Mechanical equipment located on roofs shall be screened from view from any public right-of-way. Line-of-sight drawings will be required to illustrate that adequate screening is provided.

(6) With the exception of signs located within 25 feet of the frontage roads of State **Highway 121 and 183**, all freestanding signs shall be ground-mounted monument style signage. The maximum height of monument signs shall be six (6) feet, including structure and sign. The maximum square footage shall be fifty (50) square feet. The structure of the sign shall be constructed of similar masonry material as the primary structure. Pole signs shall be permitted within twenty-five (25) feet of the frontage roads of State **Highway 121 and 183**.

Section 4.18.I

Development Standards

Current Ordinance

- (7) Any canopy system must provide columns constructed of similar masonry material as the primary structure.
- (8) The site plan shall provide a lighting plan detailing the layout of fixtures, elevations, lamp type, and average maintained illumination of each fixture.
- (9) Exterior lighting fixtures shall not exceed a maximum height of thirty (30) feet; and shall direct light toward the ground. Alternatives may be approved by the City Council upon recommendation by the Planning and Zoning Commission on a case-by-case basis when used to complement the architectural character of the development.
- (10) An automobile repair shop permitted as an accessory use to a new car dealership shall conduct all repair activities indoors and shall screen all automobiles awaiting repair from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with the building and site character.
- (11) A drive-in or drive through restaurant must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the Airport Freeway frontage road. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must architecturally compatible with the design of the restaurant building.

Proposed Ordinance

- (7) **Banner signs and signs of a temporary nature, which are deemed to be necessary due to the construction activity of SH 121 and SH 183 may be permitted upon approval of the Administrative official. Such approval may be deferred to the Planning and Zoning Commission and City Council upon the discretion of the Administrative Official.**
- (8) Any canopy system must provide columns constructed of similar masonry material as the primary structure.
- (9) The site plan shall provide a lighting plan detailing the layout of fixtures, elevations, lamp type, and average maintained illumination of each fixture.
- (10) Exterior lighting fixtures shall not exceed a maximum height of thirty (30) feet; and shall direct light toward the ground. Alternatives may be approved by the City Council upon recommendation by the Planning and Zoning Commission on a case-by-case basis when used to complement the architectural character of the development.
- (11) An automobile repair shop permitted as an accessory use to a new car dealership shall conduct all repair activities indoors and shall screen all automobiles awaiting repair from view of adjacent properties and from any public right-of-way by the use of living plant materials or masonry walls consistent with the building and site character.
- (12) **With the exception of existing buildings and structures, a drive-in or drive-through restaurant must locate the drive-through window and all stacking of the drive-through window to the rear or side of the building and not between the building and the Highway 121 and 183 frontage roads. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must architecturally compatible with the design of the restaurant building.**
- (13) **With the exception of existing buildings and structures, Banks, Savings and Loans, and Finance Offices that utilize a drive-through facility must locate the drive-through window(s) and all stacking of the drive-through window(s) to the rear or side of the building and not between the building and the Highway 121 and 183 frontage roads. A roof canopy extension is required to cover the drive-through window pick-up area. Said canopy must architecturally compatible with the design of the restaurant building.**

Section 4.18.J

Site Plan

Current Ordinance

All Zoning Districts underlying the "HC" Highway Corridor Overlay District must have a site plan approved by the City Council before a building permit will be issued. Such site plan must be submitted to the Planning and Zoning Commission prior to presentation of the site plan to the City Council for approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition, a color schedule shall be submitted showing the colors to be used for all improvements proposed on the site, including buildings, signage, light fixtures, accessory structures, etc. (Color rendering shall be provided to illustrate the color schedule.)

Proposed Ordinance

All Zoning Districts underlying the "MHC" **Master** Highway Corridor Overlay District must have a site plan approved by the City Council before a building permit will be issued. Such site plan must be submitted to the Planning and Zoning Commission prior to presentation of the site plan to the City Council for approval. Such site plan must meet the requirements for site plans, which are detailed in Section 5.4, Site Plan Requirements of this Ordinance. In addition, a color schedule shall be submitted showing the colors to be used for all improvements proposed on the site, including buildings, signage, light fixtures, accessory structures, etc. (Color rendering shall be provided to illustrate the color schedule.)

Section 4.18.K

Non-Conforming Situations

Current Ordinance

All structures that are nonconforming at the time of the adoption of the "HC", Highway Corridor Overlay District, or which are deemed nonconforming as a result of the regulations presented herein, shall be subject to the following:

1. As pertaining to use only, existing uses that are legal uses in the underlying districts but are caused to be nonconforming by the regulations in the "HC", Highway Corridor Overlay District, shall be considered as being legally conforming uses. However, the site and area requirements of 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards" shall not be given legal nonconforming status; but shall be subject to the regulations of this section. The only provision of 4.18.H, "Development Standards", applicable to nonconforming structures is 4.18.H (3).
2. Non-conformity shall be governed by the regulations as presented in Section 2.3, "Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures and Nonconforming Uses of Structures and Premises" of this zoning ordinance, with the exception of Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards".
3. All area related non-conformities relative to Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards" shall be brought into compliance prior to March 1, 2003. This does not apply to structures, which do not meet the architectural standards defined in this Section 4.18, "HC" Highway Corridor Overlay District.
4. Any site, which is nonconforming to those regulations listed in Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards", shall submit a site assessment, in the form on a site plan, which indicates the manner in which any applicable nonconformity will be brought into compliance.
5. Any site requiring a site assessment, in the form of a site plan as stated in item d above, shall be submitted prior to March 1, 1999. The zoning administrator shall be authorized to approve any site assessment plan that meets the requirements of the "HC" Highway Corridor Overlay district. Site assessment plans, which are determined by the zoning administrator to not meet the requirements of the "HC" Corridor Overlay district, shall be subject to approval by the City Council, upon recommendation by the Planning and Zoning Commission.
6. Relief to any nonconforming situation caused by Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards" may be provided by the City Council upon recommendation by the Planning and Zoning Commission, upon demonstration that unusual and extraordinary conditions exists, which are beyond the control of the applicant.

Proposed Ordinance

~~All structures that are nonconforming at the time of the adoption of the "HC", Highway Corridor Overlay District, or which are deemed nonconforming as a result of the regulations presented herein, shall be subject to the following:~~

- ~~1. As pertaining to use only, existing uses that are legal uses in the underlying districts but are caused to be nonconforming by the regulations in the "HC", Highway Corridor Overlay District, shall be considered as being legally conforming uses. However, the site and area requirements of 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards" shall not be given legal nonconforming status; but shall be subject to the regulations of this section. The only provision of 4.18.H, "Development Standards", applicable to nonconforming structures is 4.18.H (3).~~
- ~~2. Non-conformity shall be governed by the regulations as presented in Section 2.3, "Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures and Nonconforming Uses of Structures and Premises" of this zoning ordinance, with the exception of Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards".~~
- ~~3. All area related non-conformities relative to Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards" shall be brought into compliance prior to March 1, 2003. This does not apply to structures, which do not meet the architectural standards defined in this Section 4.18, "HC" Highway Corridor Overlay District.~~
- ~~4. Any site, which is nonconforming to those regulations listed in Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards", shall submit a site assessment, in the form on a site plan, which indicates the manner in which any applicable nonconformity will be brought into compliance.~~
- ~~5. Any site requiring a site assessment, in the form of a site plan as stated in item d above, shall be submitted prior to March 1, 1999. The zoning administrator shall be authorized to approve any site assessment plan that meets the requirements of the "HC" Highway Corridor Overlay district. Site assessment plans, which are determined by the zoning administrator to not meet the requirements of the "HC" Corridor Overlay district, shall be subject to approval by the City Council, upon recommendation by the Planning and Zoning Commission.~~
- ~~6. Relief to any nonconforming situation caused by Section 4.18.G, "Landscaping and Screening Regulations", and 4.18.H, "Development Standards" may be provided by the City Council upon recommendation by the Planning and Zoning Commission, upon demonstration that unusual and extraordinary conditions exists, which are beyond the control of the applicant.~~

Non-conformity shall be governed by the regulations as presented in Section 2.3, "Nonconforming Lots of Record, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Premises" of this zoning ordinance.

Section 4.18.L

Underlying Residentially Zoned Districts

Current Ordinance

MAINTENANCE AGREEMENTS

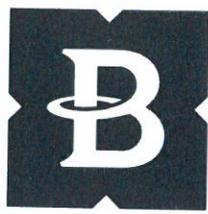
An agreement, in perpetuity, as approved by the City, shall be signed by the applicant/owner for maintenance of all landscape areas, sidewalks, parking and driving areas, and parking lot lighting. The maintenance agreement shall be a covenant running with the land and shall be filed for record in the Deed of Records of Tarrant County and binding on all owners, lessees, successors, and assigns of the subject property or any part thereof. The maintenance agreement shall include the maintenance of sidewalks, lighting systems, parking areas, irrigation and sprinkler systems, and the care of all required landscaping, trees, shrubs, grass, and all other live-plant material.

Proposed Ordinance

~~MAINTENANCE AGREEMENTS~~

~~An agreement, in perpetuity, as approved by the City, shall be signed by the applicant/owner for maintenance of all landscape areas, sidewalks, parking and driving areas, and parking lot lighting. The maintenance agreement shall be a covenant running with the land and shall be filed for record in the Deed of Records of Tarrant County and binding on all owners, lessees, successors, and assigns of the subject property or any part thereof. The maintenance agreement shall include the maintenance of sidewalks, lighting systems, parking areas, irrigation and sprinkler systems, and the care of all required landscaping, trees, shrubs, grass, and all other live-plant material.~~

Underlying zoning districts (R-15,000, R-9,000, R-7,500, R-6,500, MD-1, MD-2, MD-3, MD-4, and MF) are exempt from the “MHC” Master Highway Corridor Overlay District regulations. However in the event an underlying zoning district shall change to a non-residential district, being a S-Commercial, L-Commercial, H-Commercial, or I-Commercial zoning district, such non-residential district shall comply with the requirements of the “MHC” Master Highway Corridor Overlay District, with the exception of any legal non-conforming condition as recognized by these zoning ordinances.



CITY OF
BEDFORD

2000 Forest Ridge Drive - Bedford, TX 76021
(817)952-2100 www.bedfordtx.gov

NOTICE OF PUBLIC HEARING

February 8, 2013

DINGMAN, DAVID SR ETUX CHERYL
3732 MULBERRY LN
BEDFORD TX 760215120

RE: Amendment Case (A-032)

Dear Property Owner:

This notice provides notification that the City of Bedford Planning and Zoning Commission has scheduled a Public Hearing concerning the following proposed Zoning Ordinance Amendment.

Zoning Ordinance Amendment A-032, request for a public hearing to consider an amendment to Ordinance No. 2275, being a Zoning Ordinance of the City of Bedford; creating an amended "HC" Highway Corridor Overlay District which contains parcels located adjacent to State Highway 183, State Highway 121 and Cheek Sparger Road; and replacing the existing "HC" Highway Corridor Overlay District and repealing the "CSED" Cheek-Sparger Entrance District.

DATE AND TIME: Thursday, February 28, 2013, 7:00 PM
LOCATION: City of Bedford City Council Chamber
2000 Forest Ridge Drive, Building A, Bedford, Texas.

According to the City Tax Records, you are the owner of real property which is within the area of the proposed zoning ordinance amendment, or within two hundred (200) feet thereof. You will be given an opportunity to be heard in connection with said proposed Zoning Ordinance Amendment. Information on this proposed Zoning Ordinance Amendment is available for review in the City of Bedford Development Department, or visit the City of Bedford website at www.bedfordtx.gov.

PLEASE NOTE: If your property is zoned "Residential", this Ordinance, and the proposed amendment thereof, does not apply. The proposed amendment being considered regulates "Commercially" zoned properties only.

All interested persons are encouraged to attend the public hearing and express their opinions on the Zoning Ordinance Amendment request. If you are unable to attend the public hearing, you may express your opinion by mail or e-mail to the address below. Letters must be received no later than five (5) calendar days prior to the date of the public hearings.

If you have further questions concerning this public hearing, you may contact our office at 817-952-2137.

NOTE: The data on the attached map is to be used for graphical representation only. The accuracy is not to be used as data produced for engineering purposes, or by a Registered Professional Land Surveyor for the State of Texas. The City of Bedford assumes no responsibility for the accuracy of said data.

Kind regards,

Yolanda Alonso
Planning and Zoning Coordinator

Attachment: Location Map



Council Agenda Background

PRESENTER: Clifford Blackwell, CGFO,
Director of Admin Services

DATE: 04/23/13

Council Mission Area: Encourage citizen involvement.

ITEM:

Consider a resolution amending Section 1 of the Interlocal Agreement between the cities of Bedford, Eules and Hurst for the combining efforts for the provision of a Teen Court Program in Municipal Court. (Tabled at the February 26, 2013 Council Meeting)

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The Teen Court Advisory Board previously discussed revising the Board qualifications, in order to expand the teen applicant pool.

During the regular council meeting on February 26, 2013, staff presented to the City Council the proposed changes to the Interlocal Agreement. Several members of the City Council expressed a desire that the amended language include a residency requirement and an age restriction.

Staff explained the rationale that supported the initial change, which opened the student advisory board qualifications to any student who has completed the seventh grade level, regardless of his/her residency. The intent was to attract potential student volunteers who have previously participated within the HEB Teen Court program but do not live within the cities of Bedford, Eules, or Hurst, and do not attend an HEB ISD school.

In order to address the City Council's concern for establishing a residency requirement, along with an age restriction, the item was tabled so staff could meet with the Board to revise the language. On April 4, 2013, the Board approved language that would be included in the Interlocal Agreement and the H.E.B. Teen Court Bylaws, stating that a student advisory board member must either reside in Bedford, Eules, or Hurst, or attend an H.E.B. ISD school and the student board member must also must be between 14 and 19 years of age

Therefore, staff is requesting the City Council to amend the Interlocal Agreement among the cities of Bedford, Eules and Hurst to reflect the recommended change in the bylaws.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution amending Section 1 of the Interlocal Agreement between the cities of Bedford, Eules and Hurst for combining efforts for the provision of a Teen Court Program in Municipal Court.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution
Interlocal Agreement – (red-lined)

RESOLUTION NO. 13-

A RESOLUTION AMENDING SECTION 1 OF THE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF BEDFORD, EULESS AND HURST FOR COMBINING EFFORTS FOR THE PROVISION OF A TEEN COURT PROGRAM IN MUNICIPAL COURT.

WHEREAS, the cities of Bedford, Euless and Hurst each intend to have a teen court program; and,

WHEREAS, an Interlocal Agreement by the parties is approved by each city's governing body; and,

WHEREAS, the H.E.B. Teen Court Advisory Board desires to make changes to the Interlocal Agreement between the cities of Bedford, Euless and Hurst; and,

WHEREAS, the City Council of Bedford, Texas agrees to those changes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That Section 1 of the Interlocal Agreement between the cities of Bedford, Euless and Hurst be amended to read in its entirety as follows:

SECTION 1 - The Parties execute this Agreement for the purpose of creating and maintaining HEB Teen Court.

The number of Advisors shall be nine regular members, of which three being student advisors, and six alternate members. In accordance with the Interlocal Agreement between the cities of Bedford, Euless, and Hurst, the Advisory Board shall appoint student advisors who are 14 through 19 years of age. The student advisors must reside in Hurst, Euless or Bedford, or they must attend an HEB ISD School. Each municipal entity (City of Bedford, City of Euless, and City of Hurst) will appoint two regular and two alternate members. Each non-student advisor shall serve for a term of two years and each student advisor shall serve for a term of one year.

SECTION 2. That all resolutions and agreements in conflict herewith are hereby repealed.

SECTION 3. That this resolution shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED this 23rd day of April 2013, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

INTERLOCAL AGREEMENT BETWEEN THE CITIES OF
BEDFORD, EULESS AND HURST FOR COMBINING EFFORTS FOR
THE PROVISION OF A TEEN COURT PROGRAM IN
MUNICIPAL COURT

This Agreement is entered into by and between the Cities of Bedford, Euless and Hurst, all such entities being located in Tarrant County, Texas, and hereinafter referred to collectively as “Parties” or “Entities,” and individually as “Entity.” The Parties execute this Agreement as hereinafter provided pursuant to the Texas Government Code Chapter 791, the Inter-local Cooperation Act:

WHEREAS, the municipal courts of Bedford, Euless and Hurst each intend to have a teen court; and,

WHEREAS, a combined effort by the Parties would eliminate duplication, be more cost and time effective, and provide a greater pool of participants in teen court; and

WHEREAS, Texas Government Code Chapter 791 authorizes local governments to enter into contracts with other local governments to perform governmental functions and services in accordance with the statute cited herein and the terms of the contract entered into; and

WHEREAS, each party is authorized to perform the services contemplated herein;

NOW THEREFORE,

In consideration of the mutual covenants and the terms and conditions set forth below, the Parties do hereby agree as follows:

1. The Parties execute this Agreement for the purpose of creating and maintaining HEB Teen Court.

~~The Teen Court Advisory Board shall be composed of (9) nine regular members and (6) six alternates. Each municipal entity (City of Bedford, City of Euless, City of Hurst) will appoint two regular non-student members and two alternate non-student members. Each non-student advisor shall serve for a term of two (2) years and each student advisor shall serve for a term of one (1) year. In accordance with the Inter-local Agreement between the cities of Bedford, Euless and Hurst, the Advisory Board shall appoint three students as advisors: one from Trinity High School and one from LD Bell High School. The third student will be from one of the following: Trinity High School, Bell High School, any private school (grades 10-12), or be home-schooled. Home-schooled or private school student advisors must reside in Bedford, Euless, or Hurst. In the case of a home-schooled student, the advisor must be at least 15 years of age and younger than 20 years of age, during the proposed tenure of term. In the case of multiple applicants for the third position, preference will be given to applicants from an entity other than Trinity or Bell High Schools.~~

The number of Advisors shall be 9 (nine) regular members, of which 3 (three) being student advisors, and 6 (six) alternate members. In accordance with the Interlocal Agreement between the cities of Bedford, Euless, and Hurst, the Advisory Board shall appoint student advisors who are 14 through 19 years of age. The student advisors must reside in Hurst, Euless or Bedford, or they must attend an HEB ISD School. Each municipal entity (City of Bedford, City of Euless, and City of Hurst) will appoint two regular and two alternate members. Each non-student advisor shall serve for a term of 2 (two) years and each student advisor shall serve for a term of 1 (one) year.

2. The cities shall participate equally in any and all operating expenses associated with Teen Court, for each fiscal year. Payments by each for such participation shall be made semiannually to the City of Bedford on or before October 1 and April 1. The City of Bedford shall furnish to the other member cities, on or before May 1 of each year, its good faith estimate of the total budget requirements for the Teen Court program for the next fiscal year beginning the following 1st of October.
3. The administrator of the Bedford Municipal Court will have oversight responsibility for the operation of the Teen Court and the performance of the Contract. It is anticipated that initially one hundred (100) cases per month will be processed.
4. The Teen Court will be run on a day to day basis by a Teen Court Coordinator, Teen Court Assistant, and Teen Court Clerk, who will be employed by the City of Bedford and supervised by the administrator of the Bedford Municipal Court. All costs for the Teen Court Coordinator, Teen Court Assistant, and Teen Court Clerk, including salary and benefits, if any, shall be part of the cost to be paid equally by the cities on a semiannual basis.
6. Monthly activity reports will be provided to the designated representative for each Entity by the Teen Court Coordinator. Such reports shall include, at a minimum, such information as the number of defendants returned to municipal court, number of active student and adult volunteers, number of active service providers, quarterly financial reports, and such other available information as may be required by joint agreement of the Parties.
7. While any employee of the Parties is working on tasks associated with or for the Teen Court, such employee shall continue to be an employee of the Entity for which the employee works on duties that do not include the Teen court. The Entity employing such individual shall pay all wages and benefits while such employee is involved in activities pursuant to this Agreement the same as though the services had been rendered within the jurisdiction wherein the employee is regularly employed.
8. In performing duties under the Agreement, each party will comply with all necessary Federal, State and local laws, regulations and ordinances.
9. The governing body of any Entity, in its sole discretion, may at any time withdraw its personnel or equipment or discontinue participation in any activity initiated pursuant to this Agreement upon providing not less than ninety (90) days

written notice of withdrawal to the other participating Parties. This Agreement may be terminated at any time by mutual agreement of the Parties. No refund of semiannual payments for Teen Court costs will be made to any Entity that withdraws from this Agreement.

10. In the event that any person performing services pursuant to this Agreement shall be cited as a party to a State or Federal civil lawsuit arising out of the performance of those services, that person shall be entitled to the same benefits that he or she would be entitled to receive if such civil action had arisen out of the performance of his or her duties as an employee of the Entity where he or she is regularly employed and in the jurisdiction of the party by which that person is regularly employed.
11. Each city does hereby waive all claims, release, indemnify and/or reimburse, defend and hold harmless every other Entity, its officials, agents, officers and employees in both their public and private capacities, from and against any and all claims, suits, demands, losses, damages, causes of action and liability of every kind, including all expenses of litigation or settlement, including but not limited to court costs and attorneys fees which may arise due to any death or injury to any person, or the loss of, damage to, or loss of use of any property arising out of or occurring as a consequence of the performance of the Agreement whether such injuries, death or damages are caused by the sole negligence or the joint negligence of any Entity, its officials, agents, officers and employees. It is the express intention of the Parties hereto that the indemnity provided for in this paragraph is indemnity by each city to indemnify and protect every other Entity from the consequences of an Entity's own negligence, whether that negligence is a sole or a concurring cause of the injury, death or damage.
12. It is expressly understood and agreed that, in the execution of the Agreement, no Entity waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.
13. Each Entity agrees that if legal action is brought under this Agreement, exclusive venue shall lie in the Courts of Tarrant County, and its terms or provisions, as well as the rights and duties of the Parties hereunder, shall be governed by the laws of the State of Texas.
14. In case any one or more of the terms, sentences, paragraphs or provisions contained in this Agreement shall for any reason to be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other term, sentences, paragraphs or provisions thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained here.
15. This Agreement may be amended or modified only by the mutual agreement of the Parties. Such amendment or modification must be in writing, and attached to and incorporated into this Agreement.

16. This Agreement may be signed in multiple counterparts and shall be binding on each Entity when duly authorized by the governing body of each Entity and signed by such Parties' duly authorized representative.
17. This Agreement contains all commitments and agreements of the Parties, and oral or written commitments not contained herein shall have no force or effect to alter any term or condition of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective upon execution and dating by each Entity. This Agreement shall be effective from the last date signed and marked on this Agreement by a participating Entity.

APPROVED BY THE CITY COUNCIL
OF THE CITY OF BEDFORD, TEXAS: _____

BY: _____ DATE: _____
Beverly Griffith, City Manager

ATTEST: APPROVED AS TO FORM:

CITY SECRETARY

CITY ATTORNEY

APPROVED BY THE CITY COUNCIL
OF THE CITY OF EULESS, TEXAS: _____

BY: _____ DATE: _____
Gary McKamie, City Manager

ATTEST: APPROVED AS TO FORM:

CITY SECRETARY

CITY ATTORNEY

APPROVED BY THE CITY COUNCIL
OF THE CITY OF HURST, TEXAS: _____

BY: _____ DATE: _____
Alan Weegar, City Manager

ATTEST: APPROVED AS TO FORM:

CITY SECRETARY

CITY ATTORNEY



Council Agenda Background

PRESENTER: Clifford Blackwell, CGFO,
Director of Admin Services

DATE: 04/23/13

Council Mission Area: Encourage citizen involvement.

ITEM:

Consider a resolution amending Article 1, Section 1.02 and adding a mission statement to the H.E.B. Teen Court Advisory Board Bylaws. (Tabled at the February 26, 2013 Council Meeting)

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The Teen Court Advisory Board previously discussed adding a mission statement to the H.E.B. Teen Court Bylaws which reads “Provide counsel to the Teen Court to guide and support students and parents, and positively connect with the community”. In addition to adding the mission statement, the Board also amended the Bylaws by revising the Board qualifications in order to expand the teen applicant pool.

During the Council meeting on February 26, 2013, staff presented to the City Council the proposed changes to the Bylaws. Several members of the City Council expressed a desire that the amending language include a residency requirement and an age restriction.

Staff explained the rationale that supported the initial change, which opened the student advisory board qualifications to any student who has completed the seventh grade level, regardless of his/her residency. The intent was to attract potential student volunteers who have previously participated within the HEB Teen Court program but do not live within the cities of Bedford, Euless, or Hurst, and do not attend an HEB ISD school.

In order to address the City Council’s concern for establishing a residency requirement, along with an age restriction, the item was tabled so staff could meet with the Board to revise the language. On April 4, 2013, the Board approved language that would be included in the Interlocal Agreement and the H.E.B. Teen Court Bylaws, stating that a student advisory board member must either reside in Bedford, Euless, or Hurst, or attend an H.E.B. ISD school and the student board member must also must be between 14 and 19 years of age.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution amending Article 1, Section 1.02 and adding a mission statement to the H.E.B. Teen Court Advisory Board Bylaws.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution
Red-Line Bylaws
April 4th H.E.B. Teen Court Advisory Board minutes (draft)

RESOLUTION NO. 13-

A RESOLUTION AMENDING ARTICLE 1, SECTION 1.02 AND ADDING A MISSION STATEMENT TO THE H.E.B. TEEN COURT ADVISORY BOARD BYLAWS.

WHEREAS, the H.E.B. Teen Court Advisory Board of the Cities of Bedford, Euless and Hurst, Texas desires to make changes to the H.E.B. Teen Court Advisory Board Bylaws; and,

WHEREAS, the City Council of Bedford, Texas agrees to those changes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That Section 1.02 of the HEB Teen Court Advisory Board Bylaws hereby be amended to read in its entirety as follows:

Sec. 1.02 – Number, Qualifications, and Tenure of Advisors

The number of Advisors shall be nine regular members, of which three being student advisors, and six alternate members. In accordance with the Interlocal Agreement between the cities of Bedford, Euless, and Hurst, the Advisory Board shall appoint student advisors who are 14 through 19 years of age. The student advisors must reside in Hurst, Euless or Bedford, or they must attend an HEB ISD School. Each municipal entity (City of Bedford, City of Euless, and City of Hurst) will appoint two regular and two alternate members. Each non-student advisor shall serve for a term of two years and each student advisor shall serve for a term of one year.

SECTION 2. That a mission statement be added to read:

Provide counsel to the Teen Court to guide and support students and parents, and positively connect with the community.

SECTION 3. That all resolutions and agreements in conflict herewith are hereby repealed.

SECTION 4. That this resolution shall be in full force and effect from and after its passage and publication as required by law.

PRESENTED AND PASSED this 23rd day of April 2013, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

H.E.B. TEEN COURT ADVISORY BOARD BYLAWS

These Bylaws (referred to as the "Bylaws") govern the affairs of the H.E.B. TEEN COURT ADVISORY BOARD, a civic organization (referred to as the "Advisory Board ") with purposes and objectives which include, but are not limited to, providing a community based alternative to the formal court process for alleged youth offenders for certain offenses and to involve the youths and their families in the administration of the alternative court process.

MISSION STATEMENT

Provide counsel to the Teen Court to guide and support students and parents, and positively connect with the community.

ARTICLE 1

ADVISORY BOARD

1.01. Selection of the Advisory Board and Management of the Advisory Board. The Advisory Board members are appointed by the respective City Councils of the Cities of Bedford, Euless, and Hurst. The affairs of the Advisory Board shall be managed by its members (referred to as "Advisors").

~~1.02. Number, Qualifications, and Tenure of Advisors. The number of Advisors shall be (9) nine regular members (at least (3) three of these Advisors being student advisors) and (6) six alternate members. In accordance with the Interlocal Agreement between the cities of Bedford, Euless and Hurst, the Advisory Board shall appoint three students as advisors: one from Trinity High School and one from LD Bell High School. The third student will be from one of the following: Trinity High School, Bell High School, any private school (grades 10-12), or be home-schooled. Home-schooled or private school student advisors must reside in Bedford, Euless, or Hurst. In the case of a home-schooled student, the advisor must be at least 15 and younger than 20 years of age, during the proposed tenure of term. In the case of multiple applicants for the third position, preference will be given to applicants from an entity other than Trinity or Bell High Schools. Each municipal entity (City of Bedford, City of Euless and the City of Hurst) will appoint two regular and two alternate members. Each non-student advisor shall serve for a term of two (2) years and each student advisor shall serve for a term of one (1) year.~~

1.02. Number, Qualifications, and Tenure of Advisors. The number of Advisors shall be 9 (nine) regular members, of which 3 (three) being student advisors, and 6 (six) alternate members. In accordance with the Interlocal Agreement between the cities of Bedford, Euless, and Hurst, the Advisory Board shall appoint student advisors who are 14 through 19 years of age. The student advisors must reside in Hurst, Euless or Bedford, or they must attend an HEB ISD School. Each municipal entity (City of Bedford, City of Euless, and City of Hurst) will appoint two regular and two alternate members. Each non-student advisor shall serve for a term of 2 (two) years and each student advisor shall serve for a term of 1 (one) year.

1.03. Meetings. The Advisory Board shall meet at least quarterly. The meetings shall be posted and conducted in accordance with the Texas Open Meetings Act.

1.04. Notice. Written or verbal notice of any meetings of the Advisory Board shall be delivered to each advisor not less than seventy-two (72) hours before the date of the meeting. The notice shall provide the place, day, and time of the meeting, and agenda for the meeting

1.05. Quorum. A majority of the Advisors then in office shall constitute a quorum for the transaction of business at any meeting of the Board of Advisors. The advisors present at a duly called or held meeting at which a quorum is present may continue to transact business even if enough Advisors leave the meeting so that less than a quorum remains. However, no action may be approved without

the vote of at least a majority of the number of Advisors required to constitute a quorum.

1.06. **Duties of Advisors.** Advisors shall discharge their duties, in good faith, with ordinary care, and in a manner they reasonably believe to be in the best interest of the Advisory Board. Ordinary care is care that ordinary prudent persons in similar positions would exercise under similar circumstances. In the discharge of any duty imposed or power conferred on the Advisors, they may in good faith rely on information, opinions, reports, or statements, including financial statements and other financial data, concerning the Advisory Board or another person that were prepared or presented by a variety of persons, including officers and employees of the Advisory Board, professional advisors or experts such as accountants or legal counsel. An Advisor is not relying in good faith if the advisor has knowledge concerning a matter in question that renders reliance unwarranted.

1.07. **Actions of Advisory Board.** The Advisory Board shall try to act by consensus. However, the vote of a majority of advisors present and voting at a meeting at which a quorum is present shall be sufficient to constitute an act of the Advisory Board unless the act of a greater number is required by law or the bylaws. An Advisor who is present at a meeting and abstains from a vote is considered to be present and voting.

1.08. **Proxies.** An Advisor may not vote by proxy.

1.09. **Compensation.** Advisors shall not receive salaries for their services. An Advisor may serve the Advisory Board in any other capacity and receive compensation for those services. Any compensation that the Advisory Board pays to an Advisor shall be reasonable and commensurate with the services performed.

1.10. **Removal of Advisors.** The Advisory Board may request that the respective City Councils vote to remove an Advisor at any time, with good cause.

1.11. **Basic Policies.** The following are the basic policies of the H.E.B. Teen Court Advisory Board:

- a. The Advisory Board shall be noncommercial, nonsectarian, and nonpartisan.
- b. The name of the Advisory Board or the names of any members in their official capacity shall not be used to endorse or promote a commercial concern or in connection with any partisan interest, or for any purpose not appropriately related to the promotion of the objectives of the Advisory Board.
- c. The Advisory Board shall not, directly or indirectly, participate or intervene in any way, including the publication or distribution of statements in any political campaign on behalf of, or in opposition to, any candidate for public office; or devote more than an insubstantial part of its activities to attempt to influence legislation by propaganda or otherwise.
- d. The Advisory Board shall work with local and area organizations to provide facilities and opportunities outside of the established court process for the youth offenders.
- e. The Advisory Board shall not enter into membership with other organizations except as authorized in writing by the respective City Councils.

- f. Notwithstanding any other provision of these Bylaws, the Advisory Board shall not carry on any other activities not approved by the respective City Councils.

ARTICLE 2

OFFICERS

2.01. Officer Positions. The officers of the Advisory Board (“Officers”) shall all be members of the Board. The Advisory Board officers shall be the following: Chairperson, Vice-chairperson and a Secretary. The Board of Advisors may create additional officer positions, define the authority and duties of each such position, and elect or appoint persons to fill the positions. One Advisor may not hold more than one office.

2.02. Election and Term of Office. The Officers of the Advisory Board shall be elected annually in January by the Advisory Board of said organization. A nominee must have a remaining tenure of (1) year on the Advisory Board to be qualified as a nominee. Each officer shall hold office until a successor is duly selected and qualified. An Officer may be elected to succeed himself or herself in the same office if qualified. The election shall take place in the month of January of each year and shall be by ballot vote. However, if there is but one nominee for an office, election for that office shall be by voice vote.

2.03. Removal. Any officer elected or appointed by the Advisory Board may be removed by the Advisory Board at will.

2.04. Vacancies. A vacancy in any office may be filled by the Advisory Board for the unexpired portion of the Officer's term.

2.05. Chairperson. The Chairperson shall be the chief executive officer of the Advisory Board. The Chairperson shall coordinate the work of the Officers and committees of the Board in order that the objectives of the Teen Court may be promoted, confirm that a quorum is present before conducting any business at any meeting of the Board, preside at all meetings of the Board, appoint chairpersons of special committees, be an ex-officio member of all committees, and perform such other duties as may be prescribed in these bylaws or assigned by the Advisory Board, the respective city councils.

2.06. Vice Chairperson. When the Chairperson is absent, is unable to act, or refuses to act, the Vice-Chairperson shall perform the duties of the Chairperson. When a Vice-Chairperson acts in place of the Chairperson, the Vice-Chairperson shall have all the powers of, and be subject to all the restrictions upon, the Chairperson. If there is more than one Vice-Chairperson, the Vice-Chairpersons shall act in place of the Chairperson in the order of the votes received when elected. The Vice-Chairperson shall perform other duties as assigned by the Chairperson, or the Advisory Board, the respective city councils.

2.07. Secretary. The Secretary shall:

- (a) Perform duties as assigned by the Chairperson, the Advisory Board, or the respective city councils.
- (b) Perform all duties incident to the office of secretary.

ARTICLE 3

NOTICES

3.01. Notice by Mail, Electronic Mail, or by Facsimile. Any notice required or permitted by the bylaws to be given to an Advisor or Officer of the Advisory Board may be given by mail, electronic mail, or by facsimile. If mailed, a notice shall be deemed to be delivered when deposited, postage paid, in the United States mail addressed to the person at his or her address as it appears on the records of the Advisory Board. If given by facsimile transmission, a notice shall be deemed to be delivered when verification of transmission to the person addressed is received. A person may change his or her mailing address or facsimile telephone by giving written notice to the Secretary of the Advisory Board, Teen Court Coordinator, and the corresponding city represented.

ARTICLE 4

AMENDMENTS TO BYLAWS

4.01 The bylaws may be altered, amended, or repealed, and new bylaws may be adopted only by a two-thirds vote of the Advisory Board and the approval of the respective city councils. The notice of any meeting at which the bylaws are altered, amended, or repealed, or at which new bylaws are adopted shall include the text of the proposed bylaw provisions as well as the text of any existing provisions proposed to be altered, amended, or repealed. Alternatively, the notice may include a fair summary of those provisions.

ARTICLE 5

COMMITTEES

5.01. Establishment of Committees. The Advisory Board may adopt a resolution establishing one or more committees, delegating specified authority to a committee, and appointing or removing members of a committee. A committee shall include one or more Advisors and shall not include persons who are not members of the Advisory Board. The establishment of a committee or the delegation of authority to it shall not relieve the Advisory Board, or any individual Advisor, of any responsibility imposed by the Bylaws.

5.02. Authorization of Specific Committees. The Advisory Board shall define the activities and scope of authority of each committee by resolution.

5.03. Term of Office. Each member of a committee shall serve on the committee for a one (1) year term or until a successor is appointed. However, the term of a committee member may terminate earlier if the committee is terminated, or if the member dies, ceases to qualify, resigns, or is removed as a member. A vacancy on a committee may be filled by an appointment made in the same manner

as an original appointment. A person appointed to fill a vacancy on a committee shall serve the unexpired portion of the terminated committee member's term.

5.04. Chair and Vice-Chair. One member of each committee shall be designated as the chair of the committee and another member of each committee may be designated as the vice-chair. The chair and vice-chair (if applicable) are appointed by the Chairperson of the Advisory Board. The chair shall call and preside at all meetings of the committee. When the chair of the committee is absent, is unable to act, or refuses to act, the vice-chair of the committee (if applicable) or the Chairperson of the Advisory Board (if no vice-chair has been designated) shall perform the duties of the chair of the committee. When a vice-chair of the committee or Chairperson of the Advisory Board acts in place of the chair of the committee, the vice-chair of the committee or Chairperson of the Advisory Board shall have all the powers of and be subject to all the restrictions upon the chair of the committee.

5.05. Notice of Meetings. Written or verbal notice of a committee meeting shall be delivered to each member of a committee not less than (72) seventy-two hours before the date of the meeting. The meetings shall be posted and conducted in accordance with the Texas Open Meetings Act.

5.06. Quorum. A majority of the members of a committee shall constitute a quorum for the transaction of business at any meeting of the committee. The committee members present at a duly called or held meeting at which a quorum is present may continue to transact business even if enough committee members leave the meeting so that less than a quorum remains. However, no action may be approved without the vote of at least a majority of the number of committee members required to constitute a quorum.

5.07. Actions of Committees. Committees shall try to take action by consensus. However, the vote of a majority of committee members present and voting at a meeting at which a quorum is present shall be sufficient to constitute the act of the committee unless the act of a greater number is required by law or the bylaws. A committee member who is present at a meeting and abstains from a vote is considered to be present and voting for the purpose of determining the act of the committee.

5.08. Proxies. A committee member may not vote by proxy.

5.09. Compensation. Committee members shall not receive salaries for their services.

5.10. Rules. Each committee may adopt rules for its own operation not inconsistent with the bylaws or with rules adopted by the Advisory Board.

ARTICLE 6

MISCELLANEOUS PROVISIONS

6.01. Legal Authorities Governing Construction of Bylaws. The bylaws shall be construed in accordance with the laws of the State of Texas. All references in the bylaws to statutes, regulations, or other sources of legal authority shall refer to the authorities cited, or their successors, as they may be amended from time to time.

6.02. Legal Construction. If any bylaw provision is held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision and the bylaws shall be construed as if the invalid, illegal, or unenforceable provision had not been included in the bylaws.

6.03. Headings. The headings used in the bylaws are used for convenience and shall not be

considered in construing the terms of the bylaws.

6.04. Gender. Wherever the context requires, all words in the bylaws in the male gender shall be deemed to include the female or neuter gender, all singular words shall include the plural, and all plural words shall include the singular.

CERTIFICATE OF SECRETARY

I certify that I am the duly elected and acting Secretary of the H.E.B. Teen Court Advisory Board and that the foregoing Bylaws constitute the Bylaws of the H.E.B. Teen Court Advisory Board. These Bylaws were duly adopted at a meeting of the H.E.B. Teen Court Advisory Board held on October 4, 2012, by a vote of 6 AYES and 0 NAYS.

DATED: _____

Secretary
H.E.B. Teen Court Advisory **Boat** Board

CERTIFICATE OF SECRETARIES OF ENTITIES

I certify that I am the duly elected and acting City Secretary of the City of Bedford and that the foregoing Bylaws constitute the Bylaws of the H.E.B. Teen Court Advisory Board. These Bylaws were duly adopted at a meeting of the Bedford City Council held on _____, by a vote of _____ AYES and _____ NAYS.

DATED: _____

City Secretary of the City of Bedford

I certify that I am the duly elected and acting City Secretary of the City of Eules and that the foregoing Bylaws constitute the Bylaws of the H.E.B. Teen Court Advisory Board. These Bylaws were duly adopted at a meeting of the Eules City Council held on _____, by a vote of _____ AYES and _____ NAYS.

DATED: _____

City Secretary of the City of Eules

I certify that I am the duly elected and acting City Secretary of the City of Hurst and that the foregoing Bylaws constitute the Bylaws of the H.E.B. Teen Court Advisory Board. These Bylaws were duly adopted at a meeting of the Hurst City Council held on _____, by a vote of _____ AYES and _____ NAYS.

DATED: _____

City Secretary of the City of Hurst

**TEEN COURT ADVISORY BOARD MINUTES
MEETING OF APRIL 4, 2013**

DRAFT

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The Teen Court Advisory Board of the cities of Hurst, Euless and Bedford, Texas met at 6:00 p.m. at Bedford City Hall on the 4th day of April 2013, with the following members present:

HURST: Cecilia Vaughn, Phoebe Soward, Jason Bess

EULESS: Renu Sloan

BEDFORD: Jeanne Owers, Janet Key, Toby Givens

TEEN REPRESENTATIVES:

Hurst Council Liaison – Anna Holzer

Bedford Council Liaison –

Euless Council Liaison –

HEB Teen Court Coordinator – Mindy Eichorst

HEB Teen Court Assistant Coordinator – Linda Stone

Also present:

Hurst City Secretary –

Euless Staff Liaison – Teresa Alexander

Bedford Court Manager –

Hurst Court Manager – Lisa Howard

HEB Teen Court Clerk-

Bedford Administrative Services Director- Cliff Blackwell

CALL TO ORDER

Chairperson Renu Sloan called the meeting to order at 6:03 p.m. with a quorum of seven Board Members present.

APPROVAL OF MINUTES

- 1. Consider approval of the following Teen Court Advisory Board minutes:
a) March 5, 2013 regular meeting.**

Minutes of the March 5, 2013 Regular Board Meeting were reviewed. Janet Key made a motion to accept the minutes and Phoebe Soward seconded the motion. The motion passed unanimously.

OLD BUSINESS

2. Discuss items as they relate to the annual Teen Court Scholarship Banquet.

Teen Court Coordinator Mindy Eichorst mentioned that she would send out bid sheets by email to everyone and reminded everyone to bring the sheets filled out along with the silent auction items the night of the Banquet. She also mentioned that the City of Hurst has offered to loan ten orchid flowers they had previously used as centerpieces to the event. A picture of the orchid flowers was shown to the Board members and it was explained that two more orchid flowers would have to be bought. The Board members agreed that they liked them and a unanimous decision was made to go forward with these as centerpieces and buy two more plants. Chairperson Renu Sloan mentioned that she is waiting for a final biography and picture from the speaker, Mickey Clark. Also, Mindy Eichorst suggested even though the speaker was not charging a speaking fee, what about a thank you card and small gift as a token of appreciation. The Board members discussed several options and Phoebe Soward made a motion for \$100 gift card to Italianni's Restaurant in Hurst and Janet Key seconded the motion. The motion passed unanimously. Mindy Eichorst reminded the Board they still had a \$50 gift card that Walmart Store had donated after the banquet last year. Chairperson Renu Sloan suggested the approval of HEB Teen Court Staff to use the gift card at their discretion. Ms. Sloan made a motion and Phoebe Soward seconded the motion. The motion passed unanimously. Cecilia Vaughn asked if she could assist at the silent auction table and Phoebe Soward mentioned she could also help with organizing the items at the silent auction tables.

3. Discuss ideas for fundraisers.

Chairperson Renu Sloan mentioned she has spoken again with the Papa John's Pizza Bedford General Manager, Ms. Harlow, and everything is moving forward but only 20% of sales will go to HEB Teen Court if customers mention the name. The pizza delivery drivers will ask the customers if they would like to donate any money to HEB Teen Court. The original starting date was to have been Thursday, March 21, but that did not happen and the first Thursday of April is opening day for the Texas Rangers and cannot be used. The first day of the fundraiser will start on Thursday, April 18, 2013 and will be on the first and third Thursday of each month. On Monday, April 8, 2013 Renu Sloan mentioned it was a special day and all sales would go to HEB Teen Court. Board member Toby Givens mentioned that each of the schools within the HEBISD can approve what is placed on their marquee but in order to have fliers at any of the schools, Communications Director of HEB ISD, Judy Ramos, would have to approve them. The discussion of getting the word out at each of the cities by Facebook or on any of the marquees at any of the three cities would have to go through the communications personnel at each city. Phoebe Soward mentioned she can discuss RJ Gators at a future Board meeting but should have a gift card donation from them for the Banquet.

4. Discussion and possible action on amendments to the HEB Teen Court Bylaws Article 1 Section 1.02 as recommended by the City of Bedford City Council.

Coordinator Mindy Eichorst discussed the wording for Article 1 Section 1.02 to make sure the language was in compliance with the City of Bedford and where age and residency was clarified. She presented them a new paragraph with different wording than before. The following paragraph was presented: 1.02 Number, Qualifications, and tenure of Advisors. The number of Advisors shall be 9 (nine) regular members, 3 (three) being student advisors and 6 (six) alternate members. In accordance with the Interlocal Agreement between the cities of Bedford, Euless, and Hurst, the Advisory Board shall appoint student advisors who are 14 through 19 years of age. The student advisors must reside in Hurst, Euless, or Bedford, or they must attend an HEB ISD School. Each municipal entity (City of Bedford, City of Euless, and City of Hurst) will appoint two regular and two alternate members. Each non-

student advisor shall serve for a term of 2 (two) years and each student advisor shall for a term of 1 (one) year.

After reading and discussing the new wording of Article 1 Section 1.02 Janet Key made a motion to accept this wording and Jeanne Owers seconded the motion. The motion passed unanimously.

NEW BUSINESS

5. Discuss the overview of The HEB Teen Court Program process.

Jason Bess made a motion to table this item until the next advisory board meeting. Jeanne Owers seconded the motion. The motion passed unanimously.

6. Discuss and possibly take action on a new advisory board member packet.

Jason Bess made a motion to table this item until the next advisory board meeting. Jeanne Owers seconded the motion. The motion passed unanimously.

7. Set a date for the next Teen Court Advisory Board Meeting.

The next HEB Teen Court meeting will be held on Thursday, June 6, 2013 at 6:00 p.m. at the Bedford City Hall upstairs conference room, 2000 Forest Ridge Drive.

REPORTS

Mindy Eichorst presented the Coordinator's Report and Financial Report for the month of March 2013.

ADJOURNMENT

Jeanne Owers entered a motion for the meeting to be adjourned. Phoebe Soward seconded the motion and all voted in favor. The meeting was adjourned at 7:01 p.m.

Renu Sloan, Chairperson



Council Agenda Background

PRESENTER: Jacquelyn Reyff, Planning Manager
Russell Hines, Building Official

DATE: 04/23/13

Council Mission Area: Foster economic growth.

ITEM:

Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Ordinance No. 2275 Section 5.5 Screening Requirements, specific to Section 5.5.B(1), Fences Abutting Incompatible Districts; providing that this ordinance shall be cumulative; providing a severability clause; providing a savings clause; providing a penalty clause; and providing an effective date.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

Staff will present to the City Council proposed changes to Section 5.5.B(1) "Fences Abutting Incompatible Districts" of the City of Bedford Zoning Ordinance.

The City Council was provided the proposed amended ordinance prior to this meeting, and the proposed amended ordinance was a discussion item during the Work Session at the March 12, 2013 City Council meeting. There was a consensus of the City Council for this item to be placed on the Planning and Zoning Commission's regular meeting agenda of March 14, 2013. The Planning and Zoning Commission discussed this item during their Work Session.

The Planning and Zoning Commission considered this item at their March 28, 2013 regular meeting as a Public Hearing and voted to recommend denial of the amendment, by a vote in favor of denial four to three. The four votes in favor of denial felt the additional language to the Zoning Ordinance was not necessary because the existing language is already clear. The three dissenting votes felt that the additional language may help to clarify when a situation such as this arises. The Home Owners Association President for the Stonecourt Subdivision also spoke in favor of this amendment during the Public Hearing, and was the only person to speak to this item during the Public Hearing.

Per Section 6.3.A. of the City of Bedford Zoning Ordinance, if a proposed amendment has been denied by the Planning and Zoning Commission, such amendment shall not become effective except by a three-fourths vote of the members of the City Council of the City of Bedford, or six out of seven votes.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending the City of Bedford Zoning Ordinance, Ordinance No. 2275 Section 5.5 Screening Requirements, specific to Section 5.5.B(1), Fences Abutting Incompatible Districts; providing that this ordinance shall be cumulative; providing a severability clause; providing a savings clause; providing a penalty clause; and providing an effective date.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Exhibit A, Amended Screening Ordinance
Planning and Zoning Commission Minutes for

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS, AMENDING THE CITY OF BEDFORD ZONING ORDINANCE, ORDINANCE NO. 2275, AS HERETOFORE AMENDED BY AMENDING SECTION 5.5.B(1) – FENCES ABUTTING IMCOMPATIBLE DISTRICTS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE. (A-033)

WHEREAS, after public notices were given in accordance with state law and the ordinances of the City, public hearings were conducted before the Planning and Zoning Commission and the City Council to consider amendments to the zoning ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That Section 5.5.B, Fences Abutting Incompatible Districts Subsections (1). As adopted by Ordinance No. 2275 is hereby amended to read in its entirety as attached Exhibit “A”.

SECTION 2. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bedford, and this Ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Bedford or any ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances are hereby repealed.

SECTION 3. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 4. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Bedford and the laws of the State of Texas.

PRESENTED AND PASSED this 23rd day of April, 2013, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

Exhibit A

Notes

Section 5.5 Screening Requirements

5.5 A FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required side or rear yard, the maximum height of such permitted fences being eight (8) feet. Decorative fences will be permitted in any required front yard as long as vision is not impaired and height does not exceed two and one-half (2.5) feet.

5.5 B FENCES ABUTTING INCOMPATIBLE DISTRICTS

- (1) In commercial and industrial zoning districts that abut a lot or tract currently zoned or being used for residential purposes, or abut a lot or tract zoned or for residential purposes, a solid masonry fence (a visual barrier) or masonry wall at least six (6) feet in height will be erected and shall be adequately maintained by the owner of such commercial or industrial lot or tract. Such fence shall be required to be located adjacent to the property lines requiring a landscape buffer area on the commercial or industrial zoned lot or tract. If there is an existing masonry fence or wall at least six (6) feet in height on the adjacent residential lot or tract, no additional masonry screening is required. The residential lot or tract owner (or Home Owners Association) is responsible for the maintenance of the masonry screening located on the residential lot or tract. If the existing masonry fence or wall on the adjacent residential lot or tract is removed by the residentially zoned property, it shall not cause the adjacent commercial or industrial lot or tract to be non-compliant for screening between incompatible districts. Construction for a new fence on a commercial or industrial property shall comply with Section 5.5 B Fences Abutting Incompatible Districts. Replacement, changes or alterations greater than 50% of an existing fence on a commercial or industrial property shall comply with Section 5.5 B Fences Abutting Incompatible Districts. Fence locations other than adjacent to the property lines may be allowed under specific site plan approval by the City Council.
- (2) Where the commercial or industrial district abuts a lot zoned for residential purposes, but such lot is not currently being used for residential purposes, the City shall permit the owner to pay into escrow, for the construction of a six (6) feet high masonry wall, an amount of money equal to the cost of constructing such wall, as a condition precedent to the issuance of a Certificate of Occupancy. The amount to be placed into escrow will be based upon the cost of the construction of the masonry wall as determined by the City Manager or designee.
- (3) If the residentially- zoned property is developed for a residential use within seven (7) years after the money is placed into escrow, sums equal to the construction cost of the masonry wall will be withdrawn from the escrow account to fund such construction. If the residentially- zoned property is not developed within the seven (7) years after the money is placed into escrow, then the escrowed amount shall be used by the City to construct such masonry wall. In the event the abutting residential property is rezoned to a nonresidential use within seven (7) years after the money is placed into escrow, the remaining amount in the escrow account as of the rezoning date shall be refunded to the owner. No refunds will be made by the City to any owner after the seven (7) year period has expired, nor shall the City ever be liable for payment of interest in any deposits or refunds provided for herein.



**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF MARCH 28, 2013**

DRAFT

CALL TO ORDER

Chairman Stroope called the meeting to order at 7:03 PM.

INVOCATION

Commissioner Sinisi gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

1. Consider approval of the following Planning and Zoning Commission meeting minutes:

a) March 14, 2013

Motion: Commissioner Hall made a motion to approve the meeting minutes of March 14, 2013, with a noted correction.

Commissioner Henning seconded the motion and the vote was as follows:

Ayes: Commissioners Fisher, Sinisi, Henning, Hall, Chairman Stroope

Nays: None

Abstention: Commissioners Mitchell, Pierson

Motion approved 5-0-2. Chairman Stroope declared the motion approved.

PUBLIC HEARING

2. A public hearing to consider a request for an amendment to the City of Bedford Zoning Ordinance, Section 5.5 Screening Requirements; specific to Section 5.5.B(1), Fences Abutting Incompatible Districts. (A-033)

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager who reviewed Zoning Ordinance Amendment A-033.

Chairman Stroope opened the public hearing at 7:24 PM and recognized Teresa Lamacchia, 1912 Highland Drive, Bedford Texas. Ms. Lamacchia, President of the Stonecourt Homeowners Association spoke about the deteriorating condition of the Homeowners Association masonry fence surrounding the Stonecourt Subdivision. She was hopeful this ordinance amendment would facilitate the repair of the masonry fence in their subdivision.

Chairman Stroope closed the public hearing at 7:51 PM.

The Commission discussed the application.

Motion: Commissioner Pierson made a motion to deny Zoning Ordinance Amendment A-033.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF MARCH 28, 2013**

DRAFT

Commissioner Henning seconded the motion and the vote was as follows:

Ayes: Commissioners Sinisi, Henning, Pierson, Chairman Stroope

Nays: Commissioner Fisher, Hall, Mitchell

Abstention: None

Motion approved 4-3-0. Chairman Stroope declared the motion approved.

ADJOURNMENT

Chairman Stroope adjourned the Planning and Zoning meeting at 7:56 PM.

**Tom Stroope, Chairman
Planning and Zoning Commission**

ATTEST:

**Yolanda Alonso
Planning and Zoning Secretary**

Section 5.5 Screening Requirements

5.5 A FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required side or rear yard, the maximum height of such permitted fences being eight (8) feet. Decorative fences will be permitted in any required front yard as long as vision is not impaired and height does not exceed two and one-half (2.5) feet.

5.5 B FENCES ABUTTING INCOMPATIBLE DISTRICTS

- (1) In commercial and industrial zoning districts that abut a lot or tract currently zoned or being used for residential purposes, or abut a lot or tract zoned or for residential purposes, a solid masonry fence (a visual barrier) or masonry wall at least six (6) feet in height will be erected and shall be adequately maintained by the owner of such commercial or industrial lot or tract. Such fence shall be required to be located adjacent to the property lines requiring a landscape buffer area on the commercial or industrial zoned lot or tract. If there is an existing masonry fence or wall at least six (6) feet in height on the adjacent residential lot or tract, no additional masonry screening is required. The residential lot or tract owner (or Home Owners Association) is responsible for the maintenance of the masonry screening located on the residential lot or tract. **If the existing masonry fence or wall on the adjacent residential lot or tract is removed by the residentially zoned property, it shall not cause the adjacent commercial or industrial lot or tract to be non-compliant for screening between incompatible districts. Construction for a new fence on a commercial or industrial property shall comply with Section 5.5 B Fences Abutting Incompatible Districts. Replacement, changes or alterations greater than 50% of an existing fence on a commercial or industrial property shall comply with Section 5.5 B Fences Abutting Incompatible Districts.** Fence locations other than adjacent to the property lines may be allowed under specific site plan approval by the City Council.
- (2) Where the commercial or industrial district abuts a lot zoned for residential purposes, but such lot is not currently being used for residential purposes, the City shall permit the owner to pay into escrow, for the construction of a six (6) feet high masonry wall, an amount of money equal to the cost of constructing such wall, as a condition precedent to the issuance of a Certificate of Occupancy. The amount to be placed into escrow will be based upon the cost of the construction of the masonry wall as determined by the City Manager or designee.
- (3) If the residentially- zoned property is developed for a residential use within seven (7) years after the money is placed into escrow, sums equal to the construction cost of the masonry wall will be withdrawn from the escrow account to fund such construction. If the residentially- zoned property is not developed within the seven (7) years after the money is placed into escrow, then the escrowed amount shall be used by the City to construct such masonry wall. In the event the abutting residential property is rezoned to a nonresidential use within seven (7) years after the money is placed into escrow, the remaining amount in the escrow account as of the rezoning date shall be refunded to the owner. No refunds will be made by the City to any owner after the seven (7) year period has expired, nor shall the City ever be liable for payment of interest in any deposits or refunds provided for herein.

Notes





CITY OF
BEDFORD

2000 Forest Ridge Drive - Bedford, TX 76021
(817)952-2100 www.bedfordtx.gov

April 1, 2013

PLEASE DELIVER TO:

Legal Publications
Attn: Christine Lopez
Fort Worth Star-Telegram
400 West 7th Street
Fort Worth, TX 76102

SENT VIA E-MAIL: clopez@star-telegram.com on Monday, April 1, 2013

FROM:

City of Bedford
Yolanda Alonso, Planning and Zoning

Dear Christine,

Please publish the following in “Legal Notices” on Wednesday, April 3, 2013.

MESSAGE:

**CITY OF BEDFORD
PUBLIC HEARING**

The City of Bedford City Council will hold a Public Hearing on the following zoning item on Tuesday, April 23, 2013 at 6:30 PM, at City Hall, Council Chamber, 2000 Forest Ridge Drive, Building A, Bedford, Texas:

A public hearing to consider a request for an amendment to the City of Bedford Zoning Ordinance, Section 5.5 Screening Requirements, specific to Section 5.5.B (1), Fences Abutting Incompatible Districts. (A-033)

All interested citizens will be given the opportunity to speak and be heard.



Council Agenda Background

PRESENTER: Clifford Blackwell, CGFO
Director of Administrative Services

DATE: 04/23/13

Council Mission Area: Be responsive to the needs of the community.

ITEM:

Consider a resolution appointing one or more qualified persons to serve as an alternate judge temporarily in the absence of the municipal court judge for the City of Bedford, Texas.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

Government Code Chapter 30 states that a governing body may appoint one or more qualified persons to be available to serve for a municipal judge who is temporarily absent due to illness, family death, continuing legal or judicial education programs, or any other reason. The municipal judge shall select one of the qualified persons appointed by the governing body to serve during the absence of a municipal judge. The substitute judge, while serving as a municipal judge, has all the powers and shall discharge all the duties of a municipal judge. In addition, the substitute judge must meet the qualifications prescribed for the municipal judge (§30.00008, b).

Per the City of Bedford Code of Ordinances, the municipal court judge may call upon a temporary judge as a replacement if the municipal court judge is unable to act. In addition, the municipal court judge shall select two plea dockets and two trial dockets to be conducted by an alternate judge each year and paid by the city (§42-31, §42-68).

In April 1996, the City Council appointed Don Davidson as alternate judge to serve in Judge Tim Murphy's absence, should there be a need. However, the Bedford Municipal Court has not called upon Judge Davidson to substitute for Judge Murphy in many years, and has lost contact with him. Therefore, it is necessary for the City Council to appoint a new alternate judge.

Judge James R. Ames has been associated with the Northeast Tarrant community since 1978. He's served as a municipal court judge for the cities of Bedford (1978-1993), Haltom City (1986-1994), Colleyville (1980-present), and Lakeside (1986-present). In the past, he has also served as the presiding judge over the H.E.B. Teen Court program. Moreover, Judge Ames has been a Bedford resident for approximately 20 years. He is very familiar with the municipal court system and the community. Please see the attached Exhibit A for his biography.

Ordinance 02-2639 established an annual salary of \$60,000 for the Bedford Municipal Court judge, which may not be diminished during the judge's term of office. This annual salary covers the services prescribed in Section 42 of the City of Bedford, Code of Ordinances. Since the ordinance also stipulates that the two plea dockets and two trial dockets conducted by alternate judge be paid by the city, staff proposes the following fee schedule:

- \$350 per docket – Maximum amount paid by the City of Bedford will be \$1,400 per year.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution appointing one or more qualified persons to serve as an alternate judge temporarily in the absence of the municipal court judge for the City of Bedford, Texas.

FISCAL IMPACT:

\$1,400 General Fund

ATTACHMENTS:

Resolution
Exhibit A – List and Bio

RESOLUTION NO. 13-

A RESOLUTION APPOINTING ONE OR MORE QUALIFIED PERSONS TO SERVE AS AN ALTERNATE JUDGE TEMPORARILY IN THE ABSENCE OF THE MUNICIPAL COURT JUDGE FOR THE CITY OF BEDFORD, TEXAS.

WHEREAS, the City Council of Bedford, Texas has adopted an ordinance establishing the duties and responsibilities of the Municipal Court Judge of Bedford, Texas; and,

WHEREAS, section 42-68 of the City of Bedford, Code of Ordinances require that two plea dockets and two trial dockets conducted by an alternate judge be paid by the City of Bedford, Texas; and,

WHEREAS, the City Council of Bedford, Texas may appoint one or more qualified persons to serve the Bedford Municipal Court as an alternate judge if the Municipal Court Judge is temporarily absent; and,

WHEREAS, the Municipal Court Judge may call upon an alternate judge appointed by the City Council of Bedford, Texas to serve as a replacement if the Municipal Court Judge is temporarily absent.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the City Council hereby appoint one or more qualified persons to serve as an alternate judge if the Municipal Court Judge is temporarily absent as shown in the attached Exhibit A.

SECTION 2. That the City Council hereby establishes a compensation for the following duties performed by the alternate judge on behalf of the Municipal Court Judge for two plea dockets and two trial dockets in accordance with the City of Bedford, Code of Ordinances at the following rate:

- \$350 per docket – Maximum amount paid by the City of Bedford will be \$1,400 per year.

SECTION 3. That this resolution shall be in effect at the time of adoption.

PASSED AND APPROVED this 23rd day of April 2013, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

RESOLUTION NO. 13-

APPROVED AS TO FORM:

Stan Lowry, City Attorney

EXHIBIT - A

City of Bedford List of Qualified Alternate Judge(s)

<u>NAME</u>		<u>JUDGE EXP</u>
Judge James R. Ames		35

City of Bedford, Alternate Judge Bio

Judge James R. Ames - Attorney & Mediator

Biography

James (Jim) Ames - Honorably Discharged Vietnam Era veteran of the United States Air Force and graduate of Baylor Law School. Mr. Ames has been a practicing attorney since 1976. All of those years have been concentrated in Tarrant County in the fields of family and criminal law. He lives in Bedford, Texas where he has resided for the past twenty years. His experience as a municipal court judge began in 1978 and continues today. During his years on the bench, Mr. Ames has learned to listen impartially to both sides of a case, weigh the evidence and reach a decision based on the facts presented.

Although Mr. Ames has been a mediator of disputes, not only as a family law attorney and through his work as a municipal court judge, he received formal training at Dispute Resolution Services in 1991 and has become a Certified Family Law Mediator. Mr. Ames has learned that each side to a dispute has their own position and perception of the facts and has found many ways to resolve conflicts. James R. Ames is a mediator who is committed to helping parties reach a settlement wherein all parties are satisfied with the results.

JAMES R. AMES, J.D.

Practicing attorney since 1976

Baylor University School of Law, J.D.

College of the State Bar of Texas

Current Municipal Court Judge

Colleyville (1980 - Present)

Lakeside (1986 - Present)

Past Municipal Court Judge

Bedford (1978 - 1993)

Haltom City (1986 - 1994)

Judge, H.E.B. Teen Court

Member:

State Bar of Texas

City of Bedford, Alternate Judge Bio

Tarrant County Bar Association

Tarrant County Family Bar Association

N.E. Tarrant County Bar Association

James R. Ames has been licensed to practice law since 1976.

Licensed to practice in Federal Court, Northern District of Texas

Member of

State Bar of Texas

Tarrant County Bar Association

Family Law Bar Association

Who's Who in American Law

Outstanding Young Men of America

Accomplishments

Past President of Board of Directors of Dispute Resolution Services of Tarrant County

Board of Advisors of Dallas/Fort Worth School of Law

Mediator for American Dispute Resolution Services

Past Part-time lecturer at TCJC

Past Legal Aid Volunteer

Baylor Law Degree

Associate Editor Baylor Law Review

B.B.A. in Economics, Baylor University

Phi Delta Phi Honor Legal Fraternity

College of the State Bar

Rated AV Preeminent for ten years (2001 - 2011) by Martindale-Hubbell (Highest possible peer review rating in legal ability and ethical standards)

Attends Annual Municipal Court Training Seminars



Council Agenda Background

PRESENTER: Thomas L. Hoover, P.E.,
Public Works Director

DATE: 04/23/13

Council Mission Area: Be responsive to the needs of the community.

ITEM:

Consider a resolution authorizing the City Manager to purchase a replacement 2013 Ford F-150 in the amount of \$22,979.78 from Sam Pack's Five Star Ford through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Agreement.

City Attorney Review: No

City Manager Review: _____

DISCUSSION:

Staff proposes the purchase of a replacement for Unit #783, 2006 Ford F-250 truck that was damaged in an accident. TML insurance has "totaled" #783 and offered a settlement of \$9,350. There are no unassigned vehicles suitable for the current use that #783 provided.

The backup small vehicle for the Department is #210. This unit was recently replaced and was to be auctioned off; however, with the loss of #783 there is no small truck backup if #210 is sent to auction. Unit #210 is a high mileage and high maintenance cost vehicle for everyday service but should be adequate as a backup.

This truck is proposed to be used in a high mileage application for daily servicing of Water Billing needs for turn-off, turn-on and re-read of meters. Therefore, it is proposed to buy a smaller sized vehicle from dealer inventory. The existing light bar, tool box, and "headache rack" were salvaged from #783. Other items required for operation will be added separately. These items are additional strobe lights in the front grill and a GPS system for the new vehicle. The additional items will cost \$650 and will be incorporated into the current budget for Maintenance/Vehicles in the Water/Sewer Fund 03-45-50-8212.

The total cost to the City to replace Unit #783 will be \$14,279.78 including the insurance settlement.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to purchase a replacement 2013 Ford F-150 in the amount of \$22,979.78 from Sam Pack's Five Star Ford through the Houston-Galveston Area Council (HGAC) Cooperative Purchasing Agreement.

FISCAL IMPACT:

\$13,629.78 from the Water/Sewer Vehicle Replacement Fund; and,
\$650.00 from Water/Sewer Maintenance/Vehicle Fund.

ATTACHMENTS:

Resolution
Quote

RESOLUTION NO. 13-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A REPLACEMENT 2013 FORD F-150 TRUCK IN THE AMOUNT OF \$22,979.78 FROM SAM PACK'S FIVE STAR FORD THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (HGAC) COOPERATIVE PURCHASING AGREEMENT.

WHEREAS, the City Council of Bedford, Texas determines the necessity to maintain the water utilities within the City of Bedford; and,

WHEREAS, the City Council of Bedford, Texas has determined that the immediate replacement of the vehicle is in the best interest of its citizens.

WHEREAS, the City Council of Bedford, Texas determines that the purchase of said replacement truck be through the Houston-Galveston Area Council (HGAC) cooperative purchasing agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the City Council does hereby authorize the City Manager to purchase a replacement 2013 Ford F-150 truck in the amount of \$22,979.78 from Sam Pack's Five Star Ford.

SECTION 2. That funding will come from the Water/Sewer Vehicle Replacement Fund.

PASSED AND APPROVED the 23rd day of April 2013, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER: Thomas L. Hoover, P.E.,
Public Works Director

DATE: 04/23/13

Council Mission Area: Be responsive to the needs of the community.

ITEM:

Consider a resolution authorizing the City Manager to enter into an Interlocal Cooperation Agreement between the City of Bedford and the County of Tarrant for the purpose of implementing a West Nile Virus Mosquito Surveillance and Response Program.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The County has consulted with representatives from the Centers for Disease Control, Texas A&M University, Mosquito Control Districts, the State of Texas and local municipalities to create a West Nile Virus Mosquito Surveillance and Response Program.

The County and City would be teaming together to create a West Nile Virus Mosquito Surveillance and Response Program. This program will include the provision of numerous mosquito traps, monitoring the traps, and testing the mosquitoes trapped. West Nile Virus infections represent a serious public health threat to the citizens of Bedford and the County.

The County will provide Bedford with five Gravid Mosquito Traps with electrical batteries, a battery charger, an aspirator and sufficient transport containers. The equipment will be returned to the County if the City no longer uses the equipment as part of this program.

Bedford Public Works Department, Street/Storm Water Division, will operate the provided traps in a manner and number in accordance with the plan specified by the County. Trapped mosquito samples will be submitted to the County according to the schedule issued by the County with the information required.

Staff proposes the City enter into an Interlocal Cooperation Agreement between the City of Bedford and the County of Tarrant for the purpose of implementing a West Nile Virus Mosquito Surveillance and Response Program.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into an Interlocal Cooperation Agreement between the City of Bedford and the County of Tarrant for the purpose of implementing a West Nile Virus Mosquito Surveillance and Response Program.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution
Interlocal Cooperation Agreement

RESOLUTION NO. 13-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF BEDFORD AND THE COUNTY OF TARRANT FOR THE PURPOSE OF IMPLEMENTING A WEST NILE VIRUS MOSQUITO SURVEILLANCE AND RESPONSE PROGRAM.

WHEREAS, the City Council of Bedford, Texas determines the necessity for providing these supplies; and,

WHEREAS, the City of Bedford has determined that West Nile Virus infections represent a serious public health threat to the citizens of the city; and,

WHEREAS, the City of Bedford has determined that utilizing an Interlocal Agreement with Tarrant County is beneficial to the City; and,

WHEREAS, the City of Bedford has determined that the performance of this Agreement by both the City and the County will be in the common interest of both parties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the City Council authorizes the City Manager to enter into an Interlocal Agreement with Tarrant County for the provision of mosquito trapping supplies and testing services.

SECTION 2. That no incremental City funds are committed as the City has an existing mosquito program with the County in place.

PASSED AND APPROVED the 23rd day of April 2013, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

INTERLOCAL COOPERATION AGREEMENT

This INTERLOCAL COOPERATION AGREEMENT ("Agreement") is entered into by and between the CITY OF BEDFORD ("City"), a home rule municipal corporation organized under the laws of the State of Texas, and the COUNTY OF TARRANT ("County"), a county organized under the laws of the State of Texas for the purpose of implementing a West Nile Virus Mosquito Surveillance and Response Program.

FINDINGS

The City and County make the following findings in support of entering into this Agreement:

A. The County has consulted with representatives from the Centers for Disease Control, Texas A&M University, Mosquito Control Districts, the State of Texas and local municipalities to create a West Nile Virus Mosquito Surveillance and Response Program;

B. West Nile Virus infections represent a serious public health threat to the citizens of the County and the City;

C. Mosquitoes spread disease without regard to city or county boundaries;

D. The performance of this Agreement by both the City and County will be in the common interest of both parties and will benefit the general public;

E. County and City are making payment, if applicable, from current revenues available to the paying party;

F. Any payment required by this Agreement is in an amount that fairly compensates the performing party for the services or functions performed under this Agreement; and

G. The governing bodies of County and City have each authorized this Agreement.

The City and the County agree as follows:

AGREEMENT

1. WEST NILE VIRUS MOSQUITO SURVEILLANCE AND RESPONSE PROGRAM.

County and City are teaming together to create a West Nile Virus Mosquito Surveillance and Response Program. This program will include the provision of numerous mosquito traps, monitoring the traps, and testing the mosquitoes trapped.

2. TERM.

The term of this Agreement commences on the date of complete execution of this Agreement (the “**Effective Date**”) and will expire on September 30, 2013. However, this Agreement will automatically renew for successive terms of 1 year each commencing October 1 of a given year and expiring September 30 of the following year. Either party may terminate this Agreement on 60 days written notice prior to the beginning of any term of this Agreement.

3. DESCRIPTION OF PROGRAM.

3.1. Surveillance Equipment.

The County will provide the City with (i) 5 Gravid Mosquito Traps with electrical batteries, (ii) a battery charger, (iii) an aspirator and (iv) sufficient transport containers. Equipment will be returned to the County if the City no longer uses the equipment as part of this program.

3.2. Surveillance Services

The County will provide the City with (i) a schedule for sample submissions, (ii) processing and testing of the mosquitoes for the presence of West Nile Virus and St. Louis Encephalitis virus, (iii) reports of the test results, (iv) analysis of regional data, and (v) recommendations for response options.

3.3. Trap Operation

City will operate the provided traps in a manner and number in accordance with the plan specified by the county. Trapped mosquito samples will be submitted to the County according to the schedule issued by the County with the information required.

3.4. Education

The County will provide City with (i) education regarding the placement and operation of mosquito traps and (ii) education in Integrated Pest Management methods of mosquito control (iii) a response plan model and assist with adapting the response plan to the City's needs.

3.5. Communication

Each party will provide at least two points of contact for the exchange of information.

3.6. Cooperative Purchasing

Contracts initiated by the County for services related to the surveillance or control of disease carrying mosquitoes will include provision for cooperative purchasing.

3.7 Cost Sharing

A cost sharing model will be developed wherein the City would be responsible for the cost associated with response activities i.e., adulticiding, within their jurisdiction.

4. INDEPENDENT CONTRACTOR.

Nothing contained in this Agreement is intended by the parties to create a partnership or joint venture between the parties, and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint any party as an agent of any other party, for any purpose whatsoever.

5. LIABILITY.

Nothing in the performance of this Agreement may impose any liability for claims against the City or the County other than claims for which liability may be imposed by the Texas Tort Claims Act.

6. NOTICES.

All written notices called for or required by this Agreement must be addressed to the following, or other party or address as either party designates in writing, by certified mail, postage prepaid, or by hand delivery:

City:
Attn: _____

County:
Attn: County Administrator
Tarrant County Administration Building
100 E. Weatherford Street
Fort Worth, TX 76196

7. COMPLIANCE WITH LAWS. ORDINANCES. RULES AND REGULATIONS.

This Agreement will be subject to all applicable federal, state and local laws, ordinances, rules and regulations, including, but not limited to, all provisions of the City's Charter and ordinances, as amended.

8. NO WAIVER.

The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder will not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

9. VENUE AND JURISDICTION.

If any action, whether real or asserted, at law or in equity, arises on the basis of any provision of this Agreement venue for such action will lie in state district courts located in Tarrant County, Texas. This Agreement must be construed in accordance with the laws of the State of Texas.

10. NO THIRD PARTY RIGHTS.

The provisions and conditions of this Agreement are solely for the benefit of the City and County and are not intended to create any rights, contractual or otherwise, to any other person or entity.

11. INTERPRETATION.

In the event of any dispute over the meaning or application of any provision, of this Agreement this Agreement will be interpreted fairly and reasonably, and neither more strongly for or against any party, regardless of the actual drafter of this Agreement.

12. CAPTIONS.

Captions and headings used in this Agreement are for reference purposes only and may not be deemed a part of this Agreement.

13. ENTIRETY OF AGREEMENT.

This Agreement, including any exhibits attached hereto and any documents incorporated herein by reference, contains the entire understanding and agreement

between the City and County as to the matters contained herein. Any prior or contemporaneous oral or written agreement is hereby declared null and void to the extent in conflict with any provision of this Agreement.

14. COUNTERPARTS.

This Agreement may be executed in multiple counterparts, each of which will be considered an original, but all of which will constitute one instrument.

EXECUTED as of the last date indicated below:

CITY OF BEDFORD:

COUNTY OF TARRANT:

By: _____

By:_____

City Manager

**B. Glen Whitley
County Judge**

Date:_____

Date:_____

APPROVED AS TO FORM/LEGALITY:

APPROVED AS TO FORM:

By: _____

By: _____

City Attorney

Assistant District Attorney*

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney (s).



Council Agenda Background

PRESENTER: Chris Brown, Council Member

DATE: 04/23/13

Council Request

ITEM:

Discussion and possible staff direction regarding the use of budgeted sidewalk funds. **This item requested by Councilmember Brown

City Manager Review: _____

DISCUSSION:

Councilmember Brown requested that this item be placed on the agenda for discussion.

ATTACHMENTS:

Letter of Request

From: Brown, Chris
Sent: Wednesday, April 10, 2013 6:47 PM
To: Wells, Michael
Subject: Agenda Item

Michael:

Will you please add the following item to the next Council meeting:

"Discussion and possible staff direction regarding the use of budgeted sidewalk funds".

Thank you,
Chris

Chris Brown
Bedford City Council
[REDACTED]
www.bedfordtx.gov