

Council Minutes March 11, 2014

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 6:00 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 11th day of March, 2014 with the following members present:

Jim Griffin
Michael Boyter
Ray Champney
Patricia Nolan

Mayor
Council Members

constituting a quorum.

Council Members Brown and Davisson were absent from the meeting.

Councilmember Turner arrived at 6:18 p.m.

Staff present included:

Beverly Griffith
David Miller
Stan Lowry
Michael Wells
Chuck Carlisle
Roger Gibson
Don Henderson
Jacquelyn Reyff
Bill Syblon

City Manager
Deputy City Manager
City Attorney
City Secretary
Facilities Manager
Police Chief
Parks Superintendent
Planning Manager
Development Director

WORK SESSION

Mayor Griffin called the meeting to order at 6:00 p.m.

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

Council discussed placing the following items on consent: 1, 3, and 4.

On Item #3, Council was of the consensus to change the wording of Item #7 in the Council's Mission Statement to read: "Support and develop arts and culture in Bedford."

Parks Superintendent Don Henderson presented information on Item #4, which is to retrofit the shower heads at Splash. The retrofit has one valve, which can divert water to hot or cold. A person would press one button for the water to run 45 seconds. This would save in maintenance and reduce water loss. In answer to questions from Council, Mr. Henderson stated that the City has not done business with the low bidder and has done business with the other bidder.

- **Discussion regarding a grant proposal for a collaborative effort with the City of Hurst Police Department for a storefront location for the Repeat Victimization Unit.**

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Police Chief Roger Gibson stated that his purpose is to bring to Council information on a competitive grant with the Office of the Governor. He discussed the two main components of the Repeat Victimization Program, which are domestic violence and mental health victimization. The City, along with the Cities of Hurst and Euless, works very closely with a representative from Tarrant County Mental Health and Mental Retardation. This has been very successful and it is leading them to pursue a grant through the same office, which Hurst is coordinating. If approved, the three agencies would have their own mental health specialist. He feels like this grant will be approved based on the criteria from the State. He discussed the Department having limited space and where to put the mental health specialist; staff working more closely together leading to better coordination; and issues with interviewing victims, including that many would rather go someplace other than the Law Enforcement Center. Therefore, staff has been looking at a storefront operation, which Hurst has been looking at as well. He stated that with these types of grants, cooperative efforts are more inclined to be approved and it would help negate the costs for the initial set-up. He discussed issues with pursuing a second grant and that the City received an exception from the State. The grant is for \$60,000, which does not require a cash match but that there would be some costs for getting everything in place. He discussed Hurst having requirements that the storefront be in the Bellaire area. He stated that the grant money could be turned down even if it is approved. He asked that Council give approval to continue the process as staff continues to gather information and decide later on if they want to proceed.

In answer to questions from Council, Chief Gibson stated that the personnel side of grants typically roll over for three years; that they would have to resubmit for the storefront grant yearly; and that he does not anticipate Hurst stopping sharing the cost as they want to house four people out of the storefront, which is not grant related and would be absorbed entirely by Hurst. Council was of the consensus to move forward on pursuing the grant.

- **Discussion regarding combining the Building and Standards Commission and the Zoning Board of Adjustment into a single entity called the Board of Adjustment.**

Development Director Bill Syblon asked Council for their approval on combining two lightly utilized Boards and Commissions, the Zoning Board of Adjustment and the Building and Standards Commission. He stated that they meet once or twice a year; one of the groups has had trouble getting a quorum; and that it would make sense to combine them. This would give more work to individuals and would be more efficient. If Council agrees, staff will come back with ordinance changes. They will work with the City Attorney over the next month and hope to have a draft ordinance to Council by early April. City Attorney Stan Lowry stated that the new board would have two separate roles as a traditional board of adjustment and for buildings and standards; and that their respective ordinances would be combined. There was discussion on issues getting a qualified engineer to be appointed. Council was of the consensus to move forward on combining the two groups.

- **Discussion regarding a masonry wall behind the old library building.**

Deputy City Manager David Miller stated that the Zoning Ordinance requires that when a commercial property backs up to a residential neighborhood, a masonry wall needs to be put up between the properties. The old library was rezoned to commercial to allow TXI to occupy the building so a masonry wall would have to be built. The City has received letters from both adjacent residential property owners who have asked that the City not construct the wall. He presented three possible solutions as follows: 1) Leave the ordinance as is and staff will move forward on the construction of the wall and bring back bids for approval. The estimated costs are between \$42,000 and \$59,000 depending on the height of the wall; 2) Change the masonry wall requirement to allow a waiver or appeal process to come to the Council. For the appeal to be heard, there would be a requirement of a certain percentage of the residential property owners stating they do not want the wall; or, 3) Change the ordinance so that government buildings are exempt from the requirement.

In answer to questions from Council, he stated that in regards to other situations like this in the City, Shipley's Do-Nuts has put money in escrow to build a wall if the residential property behind them is developed. Mr. Lowry stated that properties that were in existence prior to the requirement in the

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ordinance would be grandfathered. In answer to further questions from Council, Mr. Miller stated that staff would take the recommendations through the proper channels including the Planning and Zoning Commission; that other City buildings are not commercial so the regulation would not kick in; and that the regulation kicks in with TXI leasing the building as commercial. There was discussion on whether the City was skirting its own rules and regulations; making TXI pay for the fence, to which it was stated that in lease agreements, such fences are usually built by the landowners; and that if the wall were to be built, the City would move fairly quickly. In answer to questions from Council, Mr. Lowry stated that if Council goes with the option of creating a variance process tied to a percentage of property owners, it needs some permanency attached to it as it deals with zoning and land use; and that the percentage of property owners could be defined as some perimeter of properties and that it is based on property ownership that adjoins the fence. There was discussion on ordinances protecting residents; defining adjacent residential neighborhoods; this being a unique situation; the three scenarios where this situation could happen including new commercial property going in next to residential, a property being converted from residential to commercial, and a public building being converted for commercial use. City Manager Beverly Griffith stated that the residential property to the west of the building is shown to be commercial on the City's Comprehensive Plan. In answer to questions from Council, Facilities Manager Chuck Carlisle stated that the residents did not want the area to look like some sort of prison, that they liked the aesthetic value of trees and open spaces, and that it would hurt the curb appeal of the apartment complex. A majority of Council asked staff to move forward on creating a variance procedure in conjunction with having a significant percentage of residents being opposed to a wall.

Mayor Griffin adjourned the Work Session at 6:41 p.m.

EXECUTIVE SESSION

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

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road.
- b) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Jonathan David Tsuchiya vs. The State of Texas et al.

Executive Session was moved to the end of the Regular Session.

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road and Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Jonathan David Tsuchiya vs. The State of Texas et al, at 7:18 p.m.

Council reconvened from Executive Session at approximately 7:39 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 6:42 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order. He stated that Council Members Brown and Davisson were unable to attend the meeting.

INVOCATION

Councilmember Turner gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Champney to approve the following items by consent: 1, 3 and 4 with the change for Item #3 to incorporate the new verbiage for the addition to the Mission Statement.

Councilmember Turner discussed an amendment to the minutes for the February 25, 2014 regular meeting regarding the Investment Committee report, where it should read the City's return for 2013 was eight basis points instead of eight percent.

Councilmember Champney amended his motion to approve the following items by consent: the change to the minutes as stipulated by Councilmember Turner in relationship to the eight percent versus eight basis points from the financial report, 1, 3 and 4, with the appropriate adjustment to Item #3 incorporating arts and culture as part of the Mission Statement. The motion was seconded by Councilmember Nolan.

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

APPROVAL OF THE MINUTES

- 1. Consider approval of the following City Council minutes:**
 - a) February 24, 2014 joint work session**
 - b) February 25, 2014 regular meeting**

This item was approved by consent with a change to the minutes of the February 25, 2014 regular meeting as follows: The report on the Investment Committee meeting stating that the City's overall return for 2013 was eight basis points instead of eight percent.

PERSONS TO BE HEARD

- 2. The following individual has requested to speak to the Council tonight under Persons to be Heard.**
 - a) Norman Ashton, 3304 Norman Lane, Bedford, Texas 76021 – Requested to speak to the Council regarding home businesses.**

Norman Ashton, 3304 Norman Lane, Bedford, Texas – Mr. Ashton requested to speak to Council regarding code compliance with home businesses. His goal is for his property values stay up and that things are not done to the neighborhoods to decline property values. He stated that since January 1, the City has seen a seven percent decrease in property values based on information from Trullia.com. The Council has part of their guidance to keep property values at the front and to maintain them. He stated that he called Code Compliance a year ago regarding a neighbor operating a small engine repair shop. The neighbor had 30 items listed on Craigslist and there was continuous noise from two-cycle engines. A Code Officer came out and told Mr. Ashton that he was the problem, that the neighbor said that Mr. Ashton was upset because he had been woken up early on a Saturday, and that the engines were for the homeowner and the Boy Scouts. He sent an email to Council last Easter Sunday in which he told them about the shop. Code went out again and found no code violations. He stated that home businesses should be transparent and not increase people or traffic in the neighborhood, and that it is

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unclear about that term being in the ordinance. He recently used the Better in Bedford app to report a noise nuisance. He was contacted by Officer Brett Bowen who met with the homeowner and told them that they were in violation of the ordinance. There has been a decrease in traffic and Craigslist advertisements. He stated that the three critical focus areas of the Council are economic development, City codes, and the budget. He displayed pictures of items being sold on Craigslist over a two-week period. All the maintenance is being performed in a garage and a new shed in the back yard, and there are fuel smells. He was told the previous year that the City ordinance does not mandate that a home business be transparent to the neighborhood. Items to be considered are decreased property values as nobody would want to purchase a home next to a small engine repair shop, unwanted neighborhood traffic, hazardous material storage, and grease on the sidewalks. He asked that the ordinance be reevaluated in regards to transparency for home businesses. He likes home businesses and thinks they should be allowed as long as they are transparent.

There was discussion on changes to Code Compliance and this issue being addressed and followed-up on. In answer to questions from Council, Mr. Ashton stated that the pictures were pulled off of the Craigslist website about three months previously; that the Better in Bedford app shows nearby issues and may hinder Code Compliance; that Code Compliance could not find any signs of grease on the sidewalks; that there are spots on the asphalt that may be coming from cars coming and going; and that the gasoline smell has not been that bad the last couple of weeks. In answer to questions from Council, Chief Gibson stated that the Police Department took over Code Compliance in June of the previous year and that they responded to the first complaint later that month. The officer did not see a violation and closed out the complaint. In January, Deputy Chief Les Hawkins saw the neighbor and asked Officer Bowen to go to the location. The neighbor stated that the engine repair was a hobby and agreed that after he sells a certain amount of items, he will be done. There are currently four items on Craigslist, only one of which has to do with lawn care. He stated that he is not aware of the smell issue.

There was discussion on having staff make changes to the ordinance to rectify the situation moving forward; looking at gaps in the ordinance based on this discussion; the meaning of the term "transparency" and that it comes out of case law; and that the City's ordinance is not dissimilar to other cities when it comes to home occupations. In answer to questions about a decline in home values, Ms. Griffith stated that the decline mentioned is in listing prices rather than assessed value.

NEW BUSINESS

- 3. Consider a resolution of the City Council of the City of Bedford, Texas amending the Mission Statement and the Focus Areas for the City of Bedford as determined during the 2014 City Council Strategic Planning Session, to be effective upon its passage.**

This item was approved by consent with the wording of Item #7 in the Council's mission statement to read: "Support and develop arts and culture in Bedford."

- 4. Consider a resolution authorizing the purchase and installation of replacement shower units at Splash in the amount of \$24,996 from Riley Plumbing and Mechanical.**

This item was approved by consent.

- 5. Report on most recent meeting of the following Boards and Commissions:**
 - ✓ **Animal Shelter Advisory Board - Councilmember Boyter**

No report was given.

- ✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner encouraged everybody to take advantage of Clean Up Bedford Day, which is on March 29 starting at 8:00 a.m. at Meadow Park. It will be held in conjunction with Chunk Your Junk Day.

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✓ **Community Affairs Commission - Councilmember Boyter**

No report was given.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission will meet the following week and reminded everybody of the Twilight Thursday event on April 3.

✓ **Library Board - Councilmember Davisson**

No report was given.

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

No report was given.

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

Councilmember Turner stated that the Board will meet again in April.

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

Councilmember Champney reported that the Board met the previous Thursday and is finalizing plans for the Teen Court Banquet on April 3. He addressed what Council discussed at their work session about the Council helping the Board in performing their functions.

6. Council member reports

No other reports were given.

7. City Manager/Staff Reports

No report was given.

8. 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 7:40 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

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