

**Council Minutes January 26, 2016**

**STATE OF TEXAS            §**

**COUNTY OF TARRANT    §**

**CITY OF BEDFORD        §**

**The City Council of the City of Bedford, Texas, met in Work Session at 5:00 p.m. in the Conference Room, and 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 26th day of January, 2016 with the following members present:**

Jim Griffin	Mayor
Ray Champney	Council Members
Roger Fisher	
Rusty Sartor	
Roy W. Turner	

constituting a quorum.

Councilmembers Gebhart and Farco were absent from the meeting.

Staff present included:

Roger Gibson	City Manager
Kelli Agan	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Amy Bourquin	Old Bedford School Coordinator
Natalie Foster	Public Information Officer
Jeff Gibson	Police Chief
Mike Hager	Traffic Supervisor
Kenny Overstreet	Interim Public Works Director
Bill Syblon	Development Director

**CONFERENCE ROOM WORK SESSION**

Mayor Griffin called the Work Session to order at 5:00 p.m.

**• Presentation from Dunhill Partners regarding the Shops at Central Park.**

Development Director Bill Syblon introduced Tim Denker with Dunhill Partners and that the purpose of the meeting was to discuss what has happened with Movie Tavern since the project began in 2010 and to answer any questions the Council has regarding Dunhill Partners' request. Mr. Denker stated that Dunhill Partners owns 32 shopping centers in 25 cities and that Bedford is one of the easiest cities to work with; that Movie Tavern is almost ready to open, it will have 1,000 seats, 10 theaters and is scheduled to open around Valentine's Day; that the original project cost was \$12M and the actual cost is \$13M; that the revenue at the existing 28,000 square foot location is \$4M and the projection for the new 55,000 square foot location is \$9M in sales; that they are actively seeking a new tenant for the existing Movie Tavern space; that heavy landscaping will be installed, the parking lot will be resurfaced and other cosmetic enhancements will be made to the shopping center; that a private company out of New Orleans manages Movie Tavern; that the 380 agreement between Dunhill Partners and the City has been moved back to accommodate delays in the project; that currently the Center has no cash flow, but that is expected to change once the theater opens and the existing theater is rented; that Dunhill Partners is asking for a one-time payment of \$400,000 from the City to pay final project bills; that no tax abatements will be paid until the loan is repaid, at which point the 380 agreement would continue as originally planned; that if the

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City is unable to accommodate the request, Dunhill will fund it and not let the project fail; that the backside of the Center will be heavily landscaped; that the breezeway to the back parking lot will be lighted; that Dunhill has been approached by gyms to lease the existing theater and that Movie Tavern is planning a grand opening event.

Mayor Griffin adjourned the Work Session at 5:22 p.m.

### **COUNCIL CHAMBER WORK SESSION**

Mayor Griffin called the Work Session to order at 5:25 p.m. and Council immediately convened into Executive Session.

### **EXECUTIVE SESSION**

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

- a) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to "Project Mockingbird."
- d) Pursuant to Section 551.074, personnel matters – appointment of the Municipal Court Judge.

Council convened into Executive Session pursuant to Texas Government Code 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park; Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons; and Section 551.087, deliberation regarding economic development negotiations relative to "Project Mockingbird", and Section 551.074, personnel matters – appointment of the Municipal Court Judge, at 5:25 p.m.

Council reconvened from Executive Session at 6:35 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.

- **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, 4, 5, 6, 7, and 8.

Council discussed the current equipment in the Old Bedford School being outdated.

Interim Public Works Director Kenny Overstreet presented information regarding Item #6. He stated that several years ago, there was a business homeowner's association along Plaza Parkway. Ten years ago, it fell under and the streets and lights became the responsibility of the City. The lights have not functioned properly in those ten years and staff has received requests to light up the area. The lights have a sub-meter from the rest of the electrical system. The wiring and balusters have been stolen from the lights, and to rewire and go to LED lighting will cost \$36,031, with sanding and painting being performed by in-house crews. This project will cover the twelve lights on Plaza Parkway and two on Marriott Drive, and will be paid for from the fund balance of the 2011 Certificates of Obligation.

Mr. Overstreet presented information regarding Item #5. He stated that on December 13, a severe storm took the mast arm of the traffic lights at Forest Ridge Drive and Bedford Road and pushed it into the

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power lines. This shot voltage through the arm and burned every LED head and the battery back-up system, and damaged the five circuitry control panels and wiring. To get it back on line as quickly as possible, a new traffic control signal box was installed, new wiring was pulled through the intersection, and two LED heads, several bulbs, two traffic control cameras and one Opticam camera were replaced. The new system was back up and running in two days. A claim was filed with the Texas Municipal League, which was approved for the full amount requested of \$36,481.75, minus the City's deductible.

Council discussed Item #7, which is over budget due to the addition of the Law Enforcement Center, the three Fire Stations, and a mile worth of new roads.

Mr. Overstreet presented information regarding Item #8, which is a standard yearly agreement with Tarrant County to purchase liquid asphalt. It is reasonably priced at \$2.06 per gallon, for a total cost of \$4,120. The material has a shelf life of two months and the County makes theirs available to other cities, so it keeps their supply turned and fresh. If the City were to buy and store the material, there would be extra costs to maintain it.

Mayor Griffin adjourned the Work Session at 6:52 p.m.

### **REGULAR SESSION**

The Regular Session began at 6:52 p.m.

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

Mayor Griffin called the meeting to order.

### **INVOCATION**

Pastor Ken Ehrke with Embrace United Church of Christ gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the flags of the United States and Texas were given.

### **ANNOUNCEMENTS/UPCOMING EVENTS**

Public Information Officer Natalie Foster reported that a residential outreach meeting will be held at the Old Bedford School on Thursday, February 25. The Mayor and staff will give updates on the parks, Bedford Alert, Simple Recycling, Experience HEB and It's Time Texas. In regards to It's Time Texas, Ms. Foster reminded everybody to start posting their "healthy selfies." The program is a friendly challenge to help kick off a healthier living initiative. The challenge ends March 31. The Senior Center will be holding a dinner and dance on Monday, February 15 starting at 6:00 p.m. Tickets are \$8.00 per person in advance or \$10.00 at the door, and the event will include dinner, dancing and live music.

Ms. Foster presented an update on the Boys Ranch Park construction. Eighty percent of the sidewalks around the park have been completed. The sidewalk on the east side of the creek, as well as the decorative rock formation placement on both sides of the bridge on the north end, will be completed the following day. Also being completed the following day, is the safety guardrail installation on Doug Rivers Drive near the playground. Light poles will start being installed and the updated signs at the large pavilion by the Senior Center will be completed and hung on Friday. Work crews are completing the concrete footer in the small section of the lake and plan on shutting the valve during the week to allow the lake to start filling up. The estimated completion date is the end of February, barring any major weather delays.

### **OPEN FORUM**

Nobody chose to speak during Open Forum.

**CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilmember Champney seconded by Councilmember Turner, to approve the following items by consent: 1, 4, 5, 6, 7, and 8.

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) **January 12, 2016 regular session**

This item was approved by consent.

**PERSONS TO BE HEARD**

2. **The following individual has requested to speak to the Council tonight under Persons to be Heard:**
  - a) **Carlo Gill, 3221 Timber Grove, Bedford, Texas 76021 – Requested to speak to Council regarding trash pick-up and parking trailers, boats, and recreational vehicles in residential areas.**

Carlo Gill, 3221 Timber Grove, Bedford, Texas – Mr. Gill stated that he has lived in Bedford for 40 years. He is concerned that his neighborhood is deteriorating because of the parking of storage trailers, boats, recreational vehicles and campers in driveways, some of which go into the sidewalks. He believes a lot of people do not care what they do and are renting. From his house, he can see a 20-foot flat storage trailer, and a few streets down can see other trailers themselves out over the concrete into the pathways. When he first came to live in Bedford, he came to the Council about passing an ordinance disallowing the parking of tractor cabs, which he considered dangerous in a neighborhood. He was advised to get a petition signed by 500 people, which he did. He came back to the Council and gave them the petition and pertinent information, and they voted to pass an ordinance against the parking of tractor cabs. He stated his neighborhood keeps getting worse. He does not have a problem with those types of vehicles in backyards, but that they should not be parked on the sidewalks, in front of houses, or in driveways. He asked if there was anything Council could do about this issue or did he need to get another petition. In answer to questions from Council, Mr. Gill stated that everybody he has talked to about this issue agrees with his position; that by parking these types of vehicles right next to residential homes, people cannot see out of their windows; that he is talking about the parking of recreational vehicles, and storage and utility trailers; that he believes if people have enough money to afford something like a recreational vehicle, they can afford to park it in a secured lot, not in a residential neighborhood; that people are sometimes forced to walk around the trailers out into the street; and that he wants to keep the area nice and clean and it is being trashed with such vehicles. There was discussion on the Council being responsive to this type of issue; the goal of the Council being to keep the City as pristine as possible; code enforcement rules and regulations; and that staff will look into these issues.

**NEW BUSINESS**

3. **Consider a resolution ordering the General Election of the City of Bedford, Texas to be held on Saturday, May 7, 2016 for the purpose of electing Place 3 and Place 5 to the Bedford City Council.**

City Secretary Michael Wells presented information regarding this item, which is to officially call the general election for May 7, 2016 for the purpose of electing Place 3 and Place 5 to the City Council. Calling an election is a requirement of Section 3 of the Texas Election Code. Election Day is Saturday, May 7, 2016 from 7:00 a.m. to 7:00 p.m. at the Pat May Center. This is earlier than in years past as the State Legislature moved the May uniform election day from the second Saturday in May to the first

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Saturday in May. Early voting runs from April 25 through May 3. The main early voting location in Bedford is the Library; however, voters can vote at any Tarrant County early voting location. Staff is recommending that the election be held jointly with, and administered by, Tarrant County elections, which has proven to be the most cost effective method to hold elections. Any runoff would be held between May 30 and July 5. The last day to register to vote in time for the election is April 7. There was discussion that the election is only for places 3 and 5 on the City Council, and not the Municipal Court Judge, as Council has chosen to appoint that position.

Motioned by Councilmember Fisher, seconded by Councilmember Sartor, to approve a resolution ordering the General Election of the City of Bedford, Texas to be held on Saturday, May 7, 2016 for the purpose of electing Place 3 and Place 5 to the Bedford City Council.

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

- 4. Consider a resolution authorizing the City Manager to purchase replacement equipment and upgrades for the audiovisual system at the Old Bedford School auditorium in amount of \$16,004.50.**

This item was approved by consent.

- 5. Consider a resolution authorizing funding, ratifying the expenditure and authorizing the City Manager to contract with TX Service, Paradigm Traffic Systems, Inc., and Durable Specialties, Inc. in the amount of \$37,481.75 for emergency repairs requiring the rebuild of traffic signals and video detection cameras at the intersection of Bedford Road and Forest Ridge Drive.**

This item was approved by consent.

- 6. Consider a resolution authorizing funding, ratifying the expenditure and authorizing the City Manager to contract with Bean Electrical, Inc. in the amount of \$36,031 for repairs to street lights on Plaza Parkway.**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to enter into a contract with Waste Partners Environmental, Inc. in the amount of \$46,915.50 for the Fiscal Year 2015-16 Street Sweeping Program.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt.**

This item was approved by consent.

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

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

Councilmember Fisher reported that the Board met on January 19 and that updated statistics from the Animal Shelter are on the City website. He stated that they were appreciative of the City's emergency response plan for animals and are interested in a County-wide program.

- ✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reported that the Commission met on January 18 and discussed the schedules for Clean Up Bedford Day, Chunk Your Junk Day and Shred It Day.

✓ **Community Affairs Commission - Councilmember Farco**

No report was given.

✓ **Cultural Commission - Councilmember Champney**

No report was given.

✓ **Library Advisory Board - Councilmember Farco**

No report was given.

✓ **Parks and Recreation Board - Councilmember Sartor**

Councilmember Sartor reported that the Board has not met since the last Council meeting and their meetings are the first Thursday of the month. He spent time at the Boys Ranch the previous Sunday and is encouraged that the playground area is well used. He also visited Carousel Park and Monterrey Park and found many kids playing on the new playground equipment. He is looking forward to the ake at the Boys Ranch filling up soon.

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

No report was given.

✓ **Senior Citizen Liaison - Councilmember Turner**

Councilmember Turner reported that a meeting has been scheduled for February 5 to plan activities for the rest of the year.

## **10. Council member Reports**

Councilmember Turner reported on the Street Improvement Economic Development Corporation (SIEDC), which met on January 19. The financial status report indicated that the SIEDC is in a sound financial position. A status report of the previous year's projects and an outline of the projects for 2016 were given. The proposed statement of revenue and expenditures for the year ending September 30, 2016 was discussed and approved. There was a lengthy discussion concerning the usage of funds based on the proposition that was approved by the voters in 1997. The proposition stated that it was to be used for streets and roads and related street improvements, and that related street improvements would be determined on a case-by-case basis as presented to the SIEDC. He stated that the City's streets are maintained and improved in an expeditious manner, and the SIEDC is in a very good financial situation.

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

- **Update on the Distracted Driving Ordinance.**

Police Chief Jeff Gibson presented an update on the Distracted Driving Ordinance, which deals with mobile devices in the hands of anybody operating a motor vehicle. From its inception in January of 2015 through April, only warnings were being issued for the Ordinance. From May through September, officers were only issuing citations for texting and/or looking at a phone, but not for talking on a phone. Starting October 1, officers started issuing citations for the entire Ordinance. He discussed the signs at City facilities and entrances into the City indicating the Ordinance. From May to September, 174 citations were issued, and from October through the end of December, 62 citations were issued. In regards to automobile accidents that were contributable to the use of mobile devices, there were four from May through September, and two from October through December. There was discussion on accident statistics prior to the Ordinance; keeping track of ordinances and their impact on the City; Council

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receiving regular updates on the Distracted Driving Ordinance; and the Ordinance being put in place for safety. In answer to questions from Council, Traffic Supervisor Mike Hager stated the information regarding the use of mobile devices in accidents comes from people willingly admitting to the use of a mobile device; that he believes it is going to be extremely difficult to get such statistics since most people will not be willing to admit they were on the phone; that most accidents are linear accidents and he believes that a majority are caused by someone looking at their phone; that every time an officer stops someone for this they are preventing something bad from happening; that he firmly believes in the Ordinance; that officers use discretion; and that he hopes that it will be State-wide.

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

No action was necessary as a result of the Executive Session.

### **ADJOURNMENT**

Mayor Griffin adjourned the meeting at 7:26 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary