

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 Chamber of City Hall, 2000 Forest Ridge Drive on the 13th day of July 2010 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Jim Griffin	
Roy Savage	
Roy W. Turner	

Constituting a quorum.

Staff present included:

Beverly Queen	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
David Flory	Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Bill Syblon	Development Director

WORK SESSION

Mayor Story called the work session to order at 6:00 p.m.

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

Council discussed placing the following item(s) on consent: 6, 7, 8, and 9.

- **Presentation by Scott Sheppard of 6 Stones regarding residential revitalization.**

Scott Sheppard of 6 Stones spoke to the Council regarding residential revitalization. The City of Euless has had 52 homes revitalized in their area. The initial concept was to impact the community in a positive way and to keep property values up. It is hard to say what the impact of revitalization is in dollars. There is a layering effect to revitalization that ripples out to the surrounding homes. Another impact is in the effect on community pride for citizens, churches and businesses to pitch in.

Last year, they invested about \$35,000 on projects for 24 homes completed last year with a 25% match from the City of Euless. That amount is about 1/3 the cost of what it would take to renovate those homes. He stated that the mechanism to identify homes was originally through code enforcement. Currently, Euless has an application process where homes are identified and then a task force made up of employees from each department in the City makes the decisions on which homes qualify. Ten

Council Minutes July 13, 2010

employees meet every week for two hours which equals approximately 1000 hours a year.

The bulk of the homes done in Euless were done in events. There is one planned for October where they hope to do 10 homes per city.

The city match is calculated by taking 25% of a dollar value based on the total number of labor hours as well as out-of-pocket expenses. There is a \$5,000 cap and it cannot exceed the cash out-of-pocket expenses. Euless has spent approximately \$24,000 on their revitalization program and a total of approximately \$84,000 including the Tarrant County program.

Mr. Sheppard stated that there is a proposal from Euless for the cities to work together. 6 Stones formal request as an organization is not asking for a dime. He wants the City to feel comfortable with the process and to work with Euless to work out the details. He does see the value in the liaison position especially when looking at the number of houses involved. The current proposal to join with the cities of Hurst and Euless is \$35,000 which is paid out as each project is completed based on the actual cost and value of the labor.

There was a consensus among the Council to explore options regarding moving forward on this project.

REGULAR SESSION

Regular Session began at 6:54 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Father Randall Foster, St. Vincent's Episcopal Church)

Mayor Story gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

John Delorme, 1129 Woodvale Drive, Bedford, TX - Mr. Delorme stated that he very much enjoyed the presentation by Scott Sheppard of 6 Stones regarding neighborhood revitalization. However, he stated that it is a slippery slope to use taxpayer's money for such a program. In the past he has spoken out about revitalization as a volunteer program and thinks they can get donations and volunteers. He states that the City does not have enough resources to take care of basic infrastructure and he urges that no taxpayer's dollars be used on this program.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Champney, seconded by Councilman Turner to approve the following items by consent: 6, 7, 8 and 9.

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

PERSONS TO BE HEARD

- 1. The following individuals have requested to speak to the Council tonight under Persons to be Heard:**

- a) **James Powell, NCTCOG, Project Manager for HEB Transit, P.O. Box 5888, Arlington, TX 76005 - Requested to speak to the Council to thank them for supporting HEB Transit and present the latest data.**

James Powell of NCTCOG, Project Manager for HEB Transit spoke to the Council to give a brief overview of HEB Transit which provides transportation to disadvantaged residents. It is a partnership with COG, who administers the program, the United Way, faith-based organizations and the cities themselves. He wanted to thank Faye Beaulieu and Henry DelCastillo of United Way and Billie Yahne of the City of Bedford Development Department. The project works within HEB and provides public and demand transportation and it is intended for work and work-related trips. It contracts with the American Red Cross. The program has zero overhead as all moneys go towards transportation. It operates Monday through Friday, 6:00 a.m. to 6:00 p.m. at no cost to the rider. It is intended to target economically disadvantaged residents of which there are about 12,000 to 15,000 in Tarrant County.

The JART Grant pays for 50% of operating expenses with matching funds coming from cities, faith-based organizations and the United Way. The total operating expenses for the life of the program is \$340,000 with \$170,000 as the local match with Bedford contributing \$20,000. This year, they are requesting the City contribute the same amount they did last year of \$7500.

Mr. Powell then presented ridership data. He stated that there have been 350 unduplicated riders transported and a total of 12,200 trips since August of 2006. Currently, 98% of trips are work or work – related. There have been 3796 pick-ups from and 3768 drop-offs in Bedford.

The program has received the United We Ride National Best Practice award and the 2009 Regional Cooperation Award.

APPROVAL OF THE MINUTES

2. **Consider approval of the following City Council minutes:**
 - a) **June 22, 2010 regular meeting**
 - b) **June 30, 2010 work session**

Motioned by Councilman Brown, seconded by Councilman Champney to approve the minutes of the June 22, 2010 regular meeting.

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

Councilman Griffin abstained due to not being at the last meeting.

Motioned by Councilman Champney, seconded by Councilman Fisher to approve the minutes of the June 30, 2010 work session.

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

NEW BUSINESS

3. **Public hearing and consider an ordinance to rezone property known as Lot 1B, Harwood Village Shopping Center Addition, Ste. O from Heavy Commercial to Heavy Commercial/Specific Use Permit/Indoor Amusement Center. The property is generally located south of Harwood Road and west of Brown Trail. (Z-204)**

Economic Development Director Bill Syblon presented this zoning ordinance and generally fielded questions. This would allow Moxley Manor to operate a haunted house in a 4400 sq ft space. The primary time of operation would be from September 25 to October 31 and the applicant indicated a

willingness to open up the facility for special events at other times of the year. There would be no changes to the outside of the building.

Richard Alvarado, 3608 Feather Lane, Lewisville, TX – Mr. Alvarado, the applicant, stated that the special dates would include such dates as Valentine's Day and Texas Frightmare Weekend as well as the possibility of murder mystery type dinners throughout the year. It would be opened as a haunted house during those times but toned down from Halloween.

In regards to the fact that the current site plan requires guests to exit the back of the building, the applicant plans to have personnel to escort guests from the back of the shopping center to the parking in the front. One alternative might be to go through an adjacent lease space. Any outside signage would have to comply with the City's Sign Ordinance. In regards to traffic, they would not be required to have a special event permit as that is their normal business.

Mayor Story opened the public hearing at 7:28 p.m.

Victor Lee, 510 Harwood Road, Bedford, TX – Mr. Lee represents the property owner. He states that they have a hard time attracting new businesses to the City. To get a new business to come in and take root is very difficult. Mr. Alvarado has a solid business plan and the experience and drive to make this happen. Though there would not be much revenue from sales tax from this location, the City would get it from the people at the event going to other businesses in the City. Over time, it will be a good thing for the City.

Mayor Story closed the public hearing at 7:30 p.m.

Council considered tabling this item until the next Council meeting so the applicant can meet certain stipulations. The stipulations are: 1) A site plan that has traffic flow with customers exiting out to the front of the building; 2) Specific signage requirements and examples; and 3) Language regarding the type of vehicles allowed to be parked in front of the location as well as the length of time they are allowed to be parked there. Mr. Alvarado stated that tabling this item would not affect his ability to open this business on time.

Motioned by Councilman Champney, seconded by Councilman Griffin to table an ordinance to rezone property known as Lot 1B, Harwood Village Shopping Center Addition, Ste. O from Heavy Commercial to Heavy Commercial/Specific Use Permit/Indoor Amusement Center until the July 27, 2010 Council meeting.

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

Voting in favor of the motion: Mayor Story, Councilman Fisher, Councilman Savage, Councilman Griffin and Councilman Champney.

Voting in opposition to the motion: Councilman Turner and Councilman Brown.

4. Public hearing and consider an ordinance to rezone a portion of property known as Tract 2, Stonegate Shopping Center Addition, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Unattended Commercial Kiosk. The property is generally located north of Bedford Road and west of Brown Trail. (Z-205)

Economic Development Director Bill Syblon presented this zoning ordinance and generally fielded questions. This request is to place a 220 sq ft unattended ice kiosk at Stonegate Shopping Center. Revised plans with additional screening of mechanical equipment and a façade that meets masonry requirements were received.

Peter Kavanagh, 1620 Handley Drive Dallas TX – In regards to a question regarding the name of the company, Mr. Kavanagh stated that the names Texas Ice and Trinity Ice are used interchangeably.

Mayor Story opened the public hearing at 7:58 p.m.

Nobody chose to speak during the public hearing.

Mayor Story closed the public hearing at 7:58 p.m.

Motioned by Councilman Champney, seconded by Councilman Turner, to approve an ordinance to rezone a portion of property known as Tract 2, Stonegate Shopping Center Addition, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Unattended Commercial Kiosk. The property is generally located north of Bedford Road and west of Brown Trail.

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

- 5. Consider an ordinance amending Article IV. "Boards, Commissions and Committees", Division 4. "Community Affairs Commission" of the City of Bedford Code of Ordinances by the addition of Section 2-231 "Mission"; providing a severability clause; and declaring an effective date.**

City Manager Beverly Queen presented information regarding this ordinance and generally fielded questions. In order to maintain flexibility, there is no need for a formal resolution from Council to accept the Community Affairs Commission pamphlet.

Motioned by Councilman Fisher, seconded by Councilman Griffin to approve an ordinance amending Article IV. "Boards, Commissions and Committees", Division 4. "Community Affairs Commission" of the City of Bedford Code of Ordinances by the addition of Section 2-231 "Mission"; providing a severability clause; and declaring an effective date.

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

- 6. Consider an ordinance amending Chapter 18 – Animals, Article I, by adding Section 18-8, Local Rabies Control Authority; by adopting the provisions of Section 826.017 of the Texas Health and Safety Code; providing for a penalty; providing a severability clause; and declaring an effective date.**

This item was approved by consent.

- 7. Consider an ordinance amending Chapter 118 Utilities of the City of Bedford Code of Ordinances, as amended, by the addition of Article XI, "Sanitary Control Easements"; establishing rules and regulations regarding sanitation and pollution control of the areas in proximity to the City's public water supply well; providing findings and definitions; providing prohibited activities within the easement; providing for the enforcement of the provisions found in the stated ordinance; providing a fine of up to \$500.00 for each offense in violation of the ordinance; providing a repealing clause; providing a severability clause; and providing an effective date.**

This item was approved by consent.

- 8. Consider a resolution to accept bids and authorize the City Manager to enter into a contract with C. Green Scaping, LP for the Cummings Drive Handicap Ramp Improvements from Central Drive west to Simpson Terrace in the amount of \$104,524.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to approve Reconciliation Change Order No. One with C. Green Scaping, LP in the amount of \$9,073.70 for the City of Bedford 35th**

Year CDBG Sidewalk Improvement Project and authorizing payment to Tarrant County in the amount of \$9,073.70.

This item was approved by consent.

10. Selection of new Mayor Pro Tem. *Item requested by Mayor Story**

Mayor Story requested that this item be placed on the agenda.

Motioned by Councilman Champney, seconded by Councilman Fisher, to nominate and approve Councilman Brown as the new Mayor Pro Tem.

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

11. Discussion and possible appointment of Council liaison positions to boards and commissions. *Item requested by Mayor Story**

Mayor Story requested that this item be placed on the agenda. Existing liaisons remained appointed to boards and commissions as listed below without notation and newly appointed positions and liaisons that were appointed are underlined.

Animal Control Board: Councilman Griffin

Animal Shelter Advisory Board: Councilman Griffin

Beautification Commission: Councilman Turner

Community Affairs Commission: Councilman Fisher

Library Board: Councilman Brown

NCTCOG/RTC: Councilman Fisher

Parks and Recreation Board: Councilman Griffin

Senior Citizen Advisory Board: Councilman Savage

Teen Court Advisory Board: Councilman Champney

Trinity River Authority: Councilman Fisher

Audit Committee: Mayor Story, Councilman Savage, and Councilman Turner

Industrial Development Authority: Councilman Fisher, Councilman Griffin, Councilman Savage

Economic Development Foundation: Councilman Savage

Street Improvement Economic Development Corporation: Councilman Brown, Councilman Fisher,

Councilman Savage, and Councilman Turner

Investment Committee: Councilman Savage

Hotel/Motel Association: Councilman Champney

Health Facilities Development Corporation: Councilman Turner, Councilman Champney and Councilman Brown

Motioned by Councilman Turner, seconded by Councilman Fisher to approve the above listed liaisons or member appointments to Boards and Commissions.

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

12. Council member reports

a) Mayor Story

- ✓ **Report on meeting with representatives from Tarrant Area Food Bank.**
- ✓ **Report and discussion of 4th Fest.**

Mayor Story discussed his meeting with representatives Mary Katherine Anderson and Haley Reid from the Tarrant Area Food Bank. They serve 13 counties and run a community kitchen to teach chefs how to cook and to later find employment. For the cost of \$1.00, they are able to make enough food for four meals. Last year, volunteers logged in 55,000 hours. There are five places in Bedford where you can get food including Auto Mission/Mission Makeover, First Baptist Church through HEB Family Support

Services, First United Methodist Church Project Help, The Mercy Seat Church, and Trinity Baptist Church.

Mayor Story gave a report on 4th Fest and would like to say it was great. He visited with the supervisor of the fireworks to thank them for the good job they do. The supervisor said that this year's finale was the most intense of any he has ever shot.

13. City Manager/Staff reports

a) Beverly Queen - Report on the TML Legislative Outlook.

City Manager Beverly Queen gave a report on the TML Legislative Outlook which she and Deputy City Manager David Miller attended back on June 18. As there was a census this year, one of the top priorities is redistricting. The state's budget deficit was estimated at the time of the meeting to be between \$11 billion and \$19 billion. Ms. Queen then spoke about revenue and tax issues including appraisal caps, revenue caps such as the rollback rate, and efforts to simplify tax rate calculations and public notices. Sales tax issues include a streamlined sales tax project and legislation impacting errors in allocation such as reducing the amount of time for claims to three years and allowing for more open information to entities. In regards to the hotel/motel tax, she spoke about a class action lawsuit with the City of San Antonio vs. Hotels.com. Regarding utilities and transportation there are proposals for state-wide mandated water conservation. Agencies currently up for sunset review include TXDoT, TCEQ, the Water Development Board, the PUC, and the Railroad Commission. The TCEQ receives 90% of their funds from fees from cities and the legislature might raise the cap on these fees. A big concern is right-of-way compensation and franchise fees as there has been a decline in compensation from telecommunication providers. There is not a lot of support in the legislature for local option funding for transportation. General government issues include legislation for collective bargaining for the public safety sector that has passed the House. Legislation that would establish unfunded mandates include graffiti removal, the removal of billboards for highway projects, and requiring city jails to comply with state standards. In regards to social media such as texting and Twitter, there was talk of limiting or prohibiting its use as they relate to the Public Information and Open Meetings Acts. Ms. Queen also spoke about the issue of revenue shifting whereby cities collect revenue for the state such as fees on traffic tickets. Regarding red light cameras, as long as the state is sharing in the revenue, there is not likely to be any legislation filed to eliminate them. There was a lot of discussion on annexation. The biggest issue on the state's agenda is the budget and funding and trying to close budget deficits.

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 Story adjourned the meeting at 8:38 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary