

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 Chamber of City Hall, 2000 Forest Ridge Drive on the 22nd day of March 2011 with the following members present:

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

Constituting a quorum.

Councilman Champney was not present at tonight's meeting.

Councilman Turner arrived at 5:35 p.m.

Staff present included:

Beverly Queen Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Roger Gibson	Interim Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Bill Syblon	Development Director
James Tindell	Fire Chief

WORK SESSION

Mayor Story 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: 8, 9, 10, 12, 13, 14, and 15 and to table Item 11.

- **Presentation by Robert Hinkle with NTE regarding the S.H. 183 expansion.**

Robert Hinkle with NTE presented information regarding the S.H. 183 expansion. He appreciated Council allowing NTE to come and give this update. He apologized and took full responsibility for not updating Council regarding the design evolution for the east segment of the highway, specifically the elevated managed lanes coming down to grade. He had asked City staff to hold off on formal presentation regarding the design but then the Star-Telegram made the formal presentation for them. He stated that NTE has developed a good relationship with the City staff involved in the project and that they are the key to bringing the project to fruition in the stated time frame.

Mr. Hinkle then presented information regarding the highway expansion. The project involves the

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rebuilding of the infrastructure of the 13.5 miles of highway and the addition of expanded frontage roads and managed lanes in the middle. The managed lanes would help investors in the project recoup their investment as well as to allow commuter traffic to get through the corridor as quickly as possible. He stated that the right-of-way process has led to the hiring of between 250-300 employees and contractors which has a good economic impact for the area. NTE took over operations and maintenance of the corridor beginning on May 1, 2010 and that there has been a lot of activity since that time. They have developed good relationships with the cities, especially emergency responders managing what is going on in the corridor. They make sure that traffic keeps moving and that areas being worked on are safe on a daily basis.

In regards to the right-of-way process, Mr. Hinkle explained that the first piece of right-of-way was purchased back in 1999. Currently, there are still over 300 parcels to be acquired. Every property owner has been notified and given a package. 50% of the offers have been accepted, some are currently being negotiated while others have moved to the condemnation process. The right-of-way process is critical in getting mobility enhanced and it is important to work with the cities in helping them protect the interests of businesses and residences. Utility relocation goes hand-in-hand with the right-of-way acquisition. After property is acquired, the first thing that has to be done is pipelines and utility lines must be moved prior to construction.

Lara Kohl, public relations for Bluebonnet Contractors, spoke to the Council regarding the aesthetics for the highway. She stated that over the past 12-18 months, a committee comprised of representatives from all the cities, the county and DFW Airport has discussed how the corridor will look. There will be one more meeting to finalize the plan and then it will be ready for public review. In regards to traffic management, she explained that there has not been a significant impact as of yet. An electronic animation of the highway is available on the project's website.

Ms. Kohl then discussed the design process. More than 300 people attended a public meeting on February 17 which was the final public involvement in approving the design optimization. The new design of the highway, with the managed lanes taken down to the existing roadway, fits into the same right-of-way footprint as the original design. This was achieved by modifying the space between roadways and taking out some green space. No new rights-of-way will need to be acquired.

Ms. Kohl explained that they are contractually obligated to keep traffic moving over the next five years. There are to be no lane closures during peak travel times. The bulk of the construction will be done at night. Major cross streets are not allowed to be closed and will be constructed piece by piece. Minor crossings will be closed with City-approved detours. There are also "black-out" days whereby construction cannot interfere with traffic on major holidays. She then presented a comparison between current entrances and exits to and from the highways to the entrances and exits to and from the new general purpose and managed lanes.

Ms. Kohl then spoke about projects that are being done during Q1 of the construction. This includes the Murphy Drive and Westpark Way connection which will be closed within the next four weeks. Work is also being done at the I-35 and I-820 interchange, which does not impact traffic. Also, the bridge at Hurstview Drive will be closed for a complete reconstruction possibly this summer once school has let out. On the west segment, there has been earthwork at the I-35 and I-820 interchange and tree removal and movement of traffic in the Big Fossil Creek area. On the east segment, there will be the removal of tree stumps and utility relocation in the Plainview area. She said the best way for citizens to stay informed about what is going on with the project is to sign up for e-alerts regarding lane closures.

Mr. Hinkle and Ms. Kohl generally answered questions from Council. They explained that the change in design did not lead to huge savings in regards to aesthetics. A final estimate is currently being worked on and if there are savings, they will bring that back to the cities. Many of the aesthetic changes will be to the retaining walls. By 2032, there will be a need to add an additional lane on both the eastbound and westbound lanes of the highway which still fits into the current footprint. In regards to assisting businesses, they are working with Development Director Bill Syblon and Deputy City Manager David Miller as well as the Traffic Management Committee on both signage and maintaining entries and exits. The width of the lanes was not reduced and standard shoulders were maintained with the new design.

Instead, space was reduced between different road segments and between the highway and frontage roads which was not optimal for landscaping anyway. In regards to a timeframe, it was explained that the project has a dynamic schedule but that they do not anticipate an impact in Bedford for another year. Steve Hankins from NTE explained that the lanes will be at the desirable 12' width and have state standard shoulders. Ms. Kohl and Mr. Hinkle explained that the best contact information is through the Public Information Center at northtarrantexpress.com. They would also be available to make similar type presentations to citizen groups and have agreed to hold monthly update meetings with City staff. Finally, from a safety standpoint, having the managed lanes at grade level will actually make it a safer corridor per the public safety responders they have contacted.

There was discussion regarding sound wall issues specifically for Kentwood Circle. Several citizens have requested that the entrance from the frontage road to Kentwood Circle be closed and the sound wall barrier extended across. It was explained that this was a City issue since NTE cannot impede on a City ingress or egress. Deputy City Manager David Miller stated that staff is working with NTE to see if this is feasible from a safety standpoint. Mr. Hankins stated that the design of the sound barrier is a pre-cast panel type of wall and he does not see a problem filling the gap. Heights on sound walls vary depending on the noise analysis but they average about nine feet tall.

- **Presentation regarding amendment to the following sections of the City of Bedford Sign Ordinance: Chapter 6, "Advertising," Section 6-6 "Definitions," Section 6-69 "General Regulations," Section 6-70 "Special Sign Types," and Section 6-71 "Permanent Sign."**

Development Director Bill Syblon presented information regarding this draft ordinance. At a recent Council work session, Council identified several components of the ordinance that they wanted reviewed, including monument and pole signs as well as temporary and real estate signs. Staff decided to bring amendments regarding multi-tenant properties first and if those amendments are accepted, they can be brought to the upcoming International Council of Shopping Centers event in May to promote those changes as being business friendly. In short, the proposed amendments tonight only apply to permanent signs.

Currently, the ordinance limits the number of pole and pylon signs to one sign per platted parcel. Input from businesses and staff shows that this creates a burden on properties with multiple tenants. The proposed solution is to have the number of signs permitted to be determined by the amount of street frontage with the limitation that they cannot be placed closer than 50 feet to each other. Also, signs would have to be at least five feet away from the property line of the platted property so on adjacent properties, signs could not be closer than 10 feet. An additional amendment is for pylon signs to have no maximum area. Currently, only 200 square feet of signage is allowed, so businesses are only utilizing the top portion of the pylon. The amendment will allow them to utilize the whole pylon down to the ground. One caveat is that the width of the sign cannot exceed more that 50% of the height. One other change is increasing the maximum height of monument signs from seven to eight feet. Finally, staff is morphing the ordinance into more of a paragraph and text form which would allow it to be more definitive on regulations.

Council discussed various changes to the draft ordinance including moving towards having predominantly monument signs, having the same type of signs on a piece of property, increasing the minimum distance between signs to 150 feet, listing in order the preference on the types of signs and incentivizing businesses for replacing their signs which would allow more scrutiny on a given site. City Manager Beverly Queen Griffith stated that they staff will take this feedback from Council and present a new recommendation at the April 12, 2011 meeting.

Mayor Story adjourned the Work Session at 6:44 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:

- Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments.

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments at approximately 7:49 p.m.

Council reconvened from Executive Session at approximately 7:55 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 6:44 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Pastor Kevin Smith, Faith Christian Fellowship Church)

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Tom Grady, 736 Kentwood Circle – Mr. Grady stated that he has lived at this address for 36 years and he wanted to talk to Council regarding closing Kentwood Circle where it accesses the frontage road of 183. The noise from the highway has increased dramatically and he does not like going into his yard and it is even distracting in his house. With 12 lanes of traffic, the noise will increase more. A sound barrier will really help the problem; as it stands right now, the noise just funnels right in. He presented a petition from his neighbors on the 600-800 blocks of Kentwood Circle and adjacent homes on Queens Way to close the access to the highway and allow the noise wall to continue across the closed street. The petition is on file in the City Secretary's Office.

Bob Archer, 724 Kentwood Circle– Mr. Archer stated that he has lived at this location only a year. He also has other property along the highway on Rochester. He knew the highway would generate noise but he thought he could tune it out eventually; however, it is still very loud. Blocking off the street would significantly improve the situation. Bluebonnet Construction has stated that the current noise level is above 70db and the highway expansion would increase it by 3db, effectively doubling it. Mr. Archer also stated that the entrance from the freeway is not necessary as it is only used as ingress for people traveling west. Any first responder would go down Stonegate Drive. People traveling in the other direction could go down Brown Trail. It would also help from a safety standpoint in that it would eliminate extra merging traffic and traffic flow would be improved. Finally, the aesthetics from that road would be vastly improved by the sound barrier. In summary, the access road is absolutely unnecessary and putting up noise abatement would enhance the citizens' experience and preempt the 3db increase in the noise level.

Eric Grubbs, 310 Airport Freeway – Mr. Grubbs represents Grubbs Nissan. In regards to aesthetics, he wanted to know the progress on utility relocation and more specifically what is going to be above ground and what is going to be below ground. Public Works Director John Kubala stated that any underground utilities will remain underground. Some of the overhead utilities will remain overhead. There have been discussions with Oncor about relocating wires. Mr. Kubala explained that currently he is not sure if

anything else is being moved underground but will follow up with Mr. Grubbs.

Rob Blanton, 716 Queens Way - Mr. Blanton stated that he is one of those being affected by the freeway expansion. The expansion would move the freeway 50 feet closer to the houses and that when the expansion is done, there will be a total of 20 lanes. Lowering the managed lanes to grade will increase the noise at ground level. He was also concerned with the construction work being done at night since when they did soil samples in his area at 2:00 a.m., it woke his children up. He is asking that the street be closed off and a sound barrier put in as soon as possible. Deputy City Manager David Miller stated he will follow up with Mr. Blanton regarding his concerns.

Tom Adams, 2101 Stratford Drive - Mr. Adams stated that his concerns have already been addressed.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Fisher, seconded by Councilman Brown to approve the following items by consent 8, 9, 10, 12, 13, 14 and 15 with the exception of Item 11 being tabled to the April 12 meeting.

Motion passed 6-0-0. Mayor Story declared the motion carried.

COUNCIL RECOGNITION

1. Proclamation declaring March 2011 as March for Meals Awareness Month.

Mayor Story read a proclamation declaring March 2011 as March for Meals Awareness Month. Paula Clark accepted this proclamation on behalf of Meals on Wheels.

2. Proclamation declaring April 2011 as Child Abuse Prevention Month.

Mayor Story read a proclamation declaring April 2011 as Child Abuse Prevention Month. Center Coordinator Kim Rocha accepted this proclamation on behalf of Northeast Center of Alliance for Children.

3. Proclamation recognizing the week of April 10 – 16, 2011 as National Crime Victims' Rights Week.

Mayor Story read a proclamation recognizing the week of April 10-16, 2011 as National Crime Victims' Rights Week. Interim Police Chief Roger Gibson and Crime Victims Coordinator Kathy Haeker accepted this proclamation.

4. Proclamation recognizing the week of April 10 – 16, 2011 as National Public Safety Telecommunicators Week.

Mayor Story read a proclamation recognizing the week of April 10-16 as National Public Safety Telecommunicators Week. Interim Police Chief Roger Gibson and Communications Supervisor Amy James accepted this proclamation.

5. Recognition of Detention Officer Teresa McGill for a Bedford Employee Commitment Award (BECA).

Detention Officer Teresa McGill was recognized with the Bedford Employee Commitment Award in going above and beyond the call of duty by coordinating a clothing and household items drive for victims of an apartment fire located in the City of Bedford in January of this year.

6. Employee Service Recognition.

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

Robert Carrizales, Public Works – 5 years of service
Robert “Bobby” LaPenna, Police Department – 10 years of service
Kim Bruno, Administrative Services – 10 years of service

PERSONS TO BE HEARD

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

- **Rickey E. Thompson, 2136 Murphy Drive, Apt 1603, Bedford, TX 76021- Requested to speak to the council regarding code compliance and Windmill Terrace Apartments.**

Ricky E. Thompson, 2136 Murphy Drive, Apt 1603, Bedford, TX 76021 spoke regarding code compliance and the Windmill Terrace Apartments. He stated that he moved into the complex on August 4 and has had to continually call code compliance on them. He had no hot water and limited use of his toilet. Inspections Manager Tommy Peterson has come out and been very cordial but did not write down when sewage was coming up under his kitchen sink. He also made a call into Code Enforcement Officer Melissa Polson in December. He has never been in an apartment complex like this and never had to call code compliance before. One of the reasons he came tonight is that the dumpster behind the complex overfills every weekend and trash goes into the creek. Eventually, the creek is going to get plugged up and there will be a flood. There is also an open trench at 1711 as the complex has been working on the water. Mr. Thompson also presented complaints from other residents and stated that he has filed a lawsuit against the complex. He wanted to let Council know how they run their complex. Finally, he would like to see an ordinance requiring separate water meters for apartment complexes since he is forced to share a meter and that is not fair.

Building Inspector Russell Hines stated that staff has been working with the apartment complex since July 22 after a multi-family inspection identified several deficiencies. In August, staff made the complex aware of these deficiencies and when staff saw a lack of interest in fixing them, issued three citations. The deficiencies were then resolved. The boiler system is old and substandard. The State was called out to do an inspection and give guidance to the complex in regards to repairing or replacing the boiler. Also, the complex has started giving notifications to tenants when they will be shutting the water off. Citations have not been issued because the complex keeps trying to fix the issue. Code Enforcement told the complex last week that they are responsible for the creek and has told them to police the area every morning to keep trash out of the creek.

APPROVAL OF THE MINUTES

8. Consider approval of the following City Council minutes:

- a) **March 8, 2011 regular meeting**

This item was approved by consent.

NEW BUSINESS

9. Consider an ordinance amending Chapter 22 by repealing Article III “International Building Code”, Article IIIa “International Residential Code for One and Two Family Dwellings,” Article IIIb “International Energy Conservation Code,” Article IV “Plumbing; Irrigation,” Article V “Gas Code,” Article VI “Mechanical Systems” of Chapter 22 “Buildings and Building Regulations,” and replacing it with Article III International Codes/Amendments inclusive of the International Building Code 2009 Edition, International Residential Code 2009 Edition, International Mechanical Code 2009 Edition, International Plumbing Code 2009 Edition, International Fuel Gas Code 2009 Edition, International Energy Conservation Code 2009 Edition, International Property Maintenance Code 2009 Edition; making local amendments to each of the International Codes adopted; providing a savings clause and an effective date.

This item was approved by consent.

- 10. Consider an ordinance amending Chapter 22 of the City of Bedford Code of Ordinances, "Building and Building Regulations" by repealing Ordinance No. 08-2914 entitled "Article VII Electrical Code" and creating a new "Article IV National Electrical Code" providing for the adoption of the National Electrical Code, 2011 edition.**

This item was approved by consent.

- 11. Consider an ordinance amending Chapter 2 "Administration," Article IV "Boards, Commissions, and Committees" of the City of Bedford Code of Ordinances by the addition of Division 5 hereby named the "Cultural Commission;" repealing all ordinances in conflict herewith; containing a savings clause and declaring an effective date.**

This item was tabled to the April 12, 2011 meeting.

- 12. Consider a resolution authorizing the City Manager to enter into a contract with Western Enterprises for the 2011 4thFest Fireworks Program in the amount of \$29,000.**

This item was approved by consent.

- 13. Consider a resolution authorizing the City Manager to enter into a lease agreement for one year with the Tejanos Soccer Club for the purposes of conducting practices at the Stormie Jones soccer fields.**

This item was approved by consent.

- 14. Consider a resolution authorizing the City Manager to enter into a lease agreement for one year with Tri-Cities Baseball for the purposes of having league games at the baseball fields at the Boys Ranch Park.**

This item was approved by consent.

- 15. Consider a resolution authorizing the addition of the following employee personnel policy:**

- **VI (While at Work) Social Media**

This item was approved by consent.

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

- ✓ **Animal Control Board- Councilman Griffin**

No report was given.

- ✓ **Animal Shelter Advisory Board- Councilman Griffin**

No report was given.

- ✓ **Beautification Commission- Councilman Turner**

Councilman Turner recognized Beautification Chairperson Michael Boyter and reminded the citizens that Chunk Your Junk Day is this Saturday.

- ✓ **Community Affairs Commission- Councilman Fisher**

No report was given.

✓ **Library Board- Councilman Brown**

Councilman Brown reported that the Board met last week. The Library Satisfaction Survey is on-line through the end of March. He invited citizens to Breakfast with the Easter Bunny on Saturday, April 9 starting at 9:30 a.m. Tickets are available at the Information Desk for \$5.00.

Mayor Story requested that after 60 or 90 days or so, that the Library gives a status report on how many people are coming through the Library and how many books are being checked out compared to the same period last year.

✓ **Parks & Recreation Board- Councilman Griffin**

Councilman Griffin reminded Council that the grant application has been submitted and they should hear back about it in July.

✓ **Senior Citizen Advisory Board- Councilman Savage**

No report was given.

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

No report was given.

17. Council member reports

✓ **Councilman Brown- Report on Tarrant County Day.**

Councilman Brown gave a report on Tarrant County Day in Austin which he attended with about 100 other people from the County from March 2 to March 3. There was a reception Wednesday night with breakfast the next morning and a trip to the Capitol Building. He met with a number of legislators and spoke about the City's concerns on graffiti removal and TxDOT's handling of access roads in Bedford. He spoke about Parks and Wildlife grants and the City's commitment to the Boy's Ranch Park as well as library funding. All of these concerns are tied to funding which is currently up in the air.

18. City Manager report

No report was given.

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

No action was necessary as a result of Executive Session.

ADJOURNMENT

Mayor Story adjourned the meeting at 7:56 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary