

Council Meeting September 25, 2012

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. 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 25th day of September, 2012 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
Roger Gibson	Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

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: 6, 8, 9 and 10. On Item #10, Council requested that staff have a copy of Dr. Yamada's medical malpractice insurance on file.

- **Discussion regarding setting a date for Board and Commission interviews and setting dates for Council Meetings in December.**

City Manager Beverly Griffith presented information regarding setting a date for Board and Commission interviews and for changing the dates of Council Meetings in December. As the second meeting in December falls on Christmas Day, she suggested that Council move the dates to December 4 and December 11, with December 4 being designated for Board and Commission interviews. Council was of the consensus to move forward with changing the dates in December. A resolution will be presented at the next Council meeting formally changing those dates.

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- **Discussion regarding the Zoning Ordinance for strategic intersections impacted by NTE Highway 183 construction. ***Item requested by Mayor Griffin.**

Mayor Griffin requested this information be placed on the agenda for discussion. Questions had been raised previously about what the Council could do as far as the major intersections along the highway and the potential for different zoning criteria. Councilmember Nolan stated that there is an opportunity to make good use of the corners affected by the construction and that Council should think about zoning them to maximize opportunities. In discussions with the City Attorney, there is a way to zone these areas so the City could have the types of businesses they would like on the perimeters.

City Attorney Stan Lowry cautioned Council regarding "spot zoning" whereby small tracts of land are rezoned for the purpose of preventing certain uses from going there. He advised taking a larger district approach by either having an overlay district or amending the current requirements. It is extremely problematic from a practical and legal standpoint to zone in order to yield or eliminate certain brands. He discussed ways other cities approach this issue. In a certain business district, a restaurant may be allowed by right. The restaurant would not need to come to the City for zoning approval; however, they may have to come for site plan approval. The City could make site plan requirements as minimal or detailed as they desire. With restaurants, the City may require an additional level of approval through a specific use permit if they want to have a drive through or outdoor seating.

Mr. Lowry stated that there has been a lot of focus from cities on aesthetics. There is a trend in zoning for "form based codes", whereby the city regulates the form of the building, such as height, materials, signage and architectural requirements. After that, the use is irrelevant to the city. In traditional zoning, the city would allow a restaurant as long as they do not have a drive through or outdoor seating. He stated that cities are also allowing more elaborate signage. In regard to site plans, he stated it could be whatever the Council chooses it to be, whether just a footprint or a detailed artist rendering. If there is an elaborate site plan process, there would be more work for the applicant. Criteria would be put into the ordinance that submittals must meet the minimum requirements. The site plan is not a way to deny the use but to hone in on what the exact use is going to look like. He stated the tricky part is if the site plan complies with the ordinance, Council would have to approve it. In many cities, site plan details are different depending on the district. He cautioned that if Council chooses to be real elaborate with aesthetic standards, they need to be prepared to adapt those frequently depending on changes in the market.

In answer to questions from Council, Development Director Bill Syblon stated that the four corners at Central and Highway 183 and at Bedford Road and Highway 183 are each less than an acre and they lend themselves more to a fast food concept or garden office. He targets fast food operators as they generate a lot of sales tax per square foot. Due to their size, it would be difficult to get enough parking for a sit-down concept. In regards to the northeast corner of Central Drive and Highway 183, he felt that it still would not be large enough for a sit-down concept if it is enlarged by taking the street. There was discussion on many of the corners having big parking lots in the back of the centers and shared parking.

Council and staff discussed an overlay district for Highway 183. Ms. Griffith stated that one had been drafted previously per Council's desire to salvage businesses along the highway and to grant relief on parking and landscaping. However, it proved difficult for many property owners and it was put on the back burner.

Council discussed meeting with property owners and shopping centers along the highway if the Council wants to pursue an overlay district; land acquisitions along Highway 183; separating elements out of the draft Highway 183 Overlay District and leaving in those items that Council wants to adopt quickly; whether businesses would be threatened by more restrictions; infringements on branding; and getting the types of business that would show the City in a different light. Council was of the consensus to review the previous draft of the Highway 183 Overlay District and to discuss it further at a future work session.

Mayor Griffin adjourned the Work Session at 6:16 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(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 – economic development and land use.
- Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1A, Bedford Plaza Addition.
- Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot A1, Dallas Federal Addition.

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 – economic development and land use, Section 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1A, Bedford Plaza Addition and Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot A1, Dallas Federal Addition at 6:16 p.m.

Council reconvened from Executive Session at 6:40 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 6:46 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Dr. Jerry Chism, Martin United Methodist Church)

Dr. Jerry Chism of Martin United Methodist Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak under tonight's Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve the following items by consent: 6, 8, 9 as amended in the Work Session and 10.

Councilmember Turner amended his motion to include Item #7 for approval by consent, seconded by

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Councilmember Davisson.

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

COUNCIL RECOGNITION

1. Employee Service Recognition

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

Megan Jakubik, Administrative Services – 5 years of service
Scott Weir, Police Department – 10 years of service
Bill Lankford, Public Services – 15 years of service
Paula Archibald, Community Services – 15 years of service

Alfred Tijerina from Public Services was also scheduled to receive his service pin but was unable to attend.

2. Proclamation recognizing October 2012 as Fire Prevention Month in the City of Bedford.

Mayor Griffin read a proclamation recognizing October 2012 as Fire Prevention Month in the City of Bedford. Fire Chief James Tindell and Fire Department Clowns Cameron Hall and Ignacio Sahagun were on hand to accept the proclamation.

3. Proclamation recognizing October 2, 2012 as the official day for National Night Out.

Mayor Griffin read a proclamation recognizing October 2, 2012 as the official day for National Night Out. Police Chief Roger Gibson and Technical Sergeant Randy Gardner were on hand to accept the proclamation. Sergeant Gardner stated that several years ago, the State of Texas changed the date for National Night Out from the second Tuesday in August and it is the only state to observe it in October. The State has won the national award the past several years. He encouraged people to turn on their porch lights and go outside with their neighbors on that night. City personnel will be going to several different neighborhoods to talk about a variety of things, with a special emphasis on drugs and crime.

4. Proclamation recognizing October 2012 as Crime Prevention Month in the City of Bedford.

Mayor Griffin read a proclamation recognizing October 2012 as Crime Prevention Month in the City of Bedford. Chief Gibson and Technical Sergeant Gardner were on hand to accept the proclamation. Technical Sergeant Gardner stated that the City has been observing Crime Prevention Month since 1980. By keeping constant vigilance for suspicious activity in our communities and through crime prevention programs, crime could be headed off. Many crimes, such as burglary, are the easiest to prevent but the hardest for the Police Department to solve. He encouraged citizens to contact the Department to perform a security survey of their homes. They could get a 5% discount on their homeowner's insurance.

PERSONS TO BE HEARD

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

- a) **John Watson, 3318 Forest Lane, Suite 200, Dallas, TX – Requested to speak to the Council regarding request for development incentives for the new Burger King at 1200 Airport Freeway, Bedford, TX.**

John Watson, 3318 Forest Lane, Suite 200 – Mr. Watson represents Sun Holdings and wanted to address the Council about a Burger King they intend to construct at Highway 183 and Bedford Road. He

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hopes that Council would grant certain incentives, including rebates on taxes and development fees. They are scheduled to close on the acquisition of the property on Monday. The purchase price of the land is \$714,000 and they will be putting an additional \$700,000 into the building. A lot of money has been spent on architecture and engineering. Once the property was under contract, they had a 90-day inspection period with two 30-day extensions. There was \$35,000 in earnest money, which became non-refundable. Part of their decision to move forward was based on statements that they were likely to receive assistance from the City. He presented a letter from last November from Development Director Bill Syblon addressed to Tom Paredes, in which Mr. Syblon states that he is confident that the Council would easily consider terms to redevelop the property including rebates on sales taxes, alcohol taxes, real property taxes, personal property taxes and development fees. He further showed an email from February between Mr. Syblon and Mr. Paredes, which specifically outlined the rebates. He stated the rebates added up to approximately \$60,000, which is a significant sum of money as a percentage of what they are investing. He stated that he met with Mr. Syblon and Kay Brown from the Development Department in July and was told the same thing regarding the incentives. He reported back to his CEO and these incentives were part of his decision making in buying this site, which is one of the more expensive sites they have purchased. Given these statements, he respectfully asked that Council allow them to benefit from some of these incentives that they were counting on. He understood that Council had previously declined the incentives in an Executive Session but he hopes that Council would reconsider allowing those incentives to come to them. Mr. Paredes has stated to him that the CEO was considering sites in Hurst and Euless and that the promise of incentives was a factor for them to spend money to come to Bedford.

Mayor Griffin thanked Mr. Watson and Mr. Paredes for coming. He stated that Council welcomes new businesses to the City. The process is for the City to provide this type of information to proposed economic endeavors and each one is handled on a case-by-case basis. Once Council has made a decision, they move onto the next one. Mr. Watson discussed reasons the Council did not move forward with the incentives, other concepts that they could bring to the City and feedback on what they could do differently. He expressed disappointment that they did not get a portion of what was listed in the letter.

b) Larry Stricklin, 705 Annette Drive, Bedford, TX – Requested to speak to the Council regarding West Nile containment and prevention.

Larry Stricklin, 705 Annette Drive – Mr. Stricklin requested to speak about the West Nile Virus. In answer to questions from Mr. Stricklin, Public Works Director John Kubala stated that there have been 10 reported cases in the City, all except one being north of Harwood Road. There have been no reported cases in the last several weeks and there have been no deaths in Bedford. Mr. Stricklin stated that his neighbor contracted the virus about six weeks ago and he is disconcerted that there has been no spraying in his neighborhood. Last week, a test case had been brought to his neighborhood; seven mosquitoes were caught and yesterday, the case was taken to either the County or the State. He asked if any of those had tested positive for the virus and Mr. Kubala stated that he did not know. In regards to GPS, Mr. Kubala stated that it is used to keep track of the locations of traps. Ms. Griffith stated that the City has plotted maps so they can track positive tests and human cases. Based on that visual, it is determined where the most concentrated cases of the virus have been occurring and those areas receive targeted spraying. Mr. Kubala stated that a graph provided by Tarrant County shows a significant drop in reported cases in the County over the last several weeks. Council and Mr. Stricklin discussed why the area south of Harwood Road has not been sprayed; the most effective ways to prevent the virus being to protect oneself and the use of larvacide; and that the City has to rely on the County regarding information on positive tests for the virus.

APPROVAL OF THE MINUTES

6. Consider approval of the following City Council minutes:

a) September 11, 2012 regular meeting

This item was approved by consent.

NEW BUSINESS

7. Consider a resolution of the City Council of the City of Bedford, Texas approving an Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with Pappas Restaurants Inc.

This item was approved by consent.

8. Consider a resolution accepting an Art/Exhibit Policy for displaying art in City of Bedford facilities.

This item was approved by consent.

9. Consider a resolution authorizing the City Manager to renew the City's current contract with Dr. Roy Yamada, M.D., Fort Worth, Texas, to provide medical control services for the City of Bedford's emergency medical operations in the amount of \$17,500.

This item was approved by consent with the amendment made during the Work Session.

10. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the City of Fort Worth in the amount of \$47.00 per voucher to allow for the collection and disposal of household hazardous waste for Bedford households at the permanent collection site from October 1, 2012 to September 30, 2013.

This item was approved by consent.

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

- ✓ Animal Control Board – Councilmember Olsen

Councilmember Olsen reported that the Board will be holding a dangerous dog hearing soon.

- ✓ Animal Shelter Advisory Board - Councilmember Olsen

Councilmember Olsen reminded everybody about the upcoming Pet Fair on October 20 from 10:00 a.m. to 2:00 p.m.

- ✓ Beautification Commission – Councilmember Turner

Councilmember Turner reported on several projects involving the Commission. The Crud Cruiser was last Saturday; he does not have any statistics yet but he will present them at a future meeting. They are working on redoing the medians along Harwood to make them more attractive. They also plan on eventually redoing other medians. They are in the process of revising their handouts that let people know what is available in the City and how they can participate.

- ✓ Community Affairs Commission - Councilmember Boyter

Councilmember Boyter reported that the Commission hosted a business roundtable at the Library and quite a few businesses were in attendance. There was a lot of great information presented about what is going on in the City. He wanted to personally thank Sarah Sisson, Steve Grubbs and Gary Morlock. There will be a presentation from Mr. Roy Savage at the next Council meeting about a wonderful new opportunity for the Commission.

- ✓ Cultural Commission - Councilmember Nolan

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Councilmember Nolan reported that the Commission has received great responses from artists and venues. They will have table at the Cultural Crawl on October 6 and she hopes to see everybody there.

✓ **Library Board – Councilmember Brown**

Councilmember Brown reported that the Board had one item on their agenda to look at several different policies including cell phone, children's room, code of conduct, food and drink, lost and found, teen room and vulnerable adults. They will continue to work on these policies at their next meeting on November 24.

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

Councilmember Davisson stated that the Board does not meet again until next week.

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

Councilmember Turner reported that the Board does not meet again until mid-October.

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

No report was given.

12. Council member reports

Mayor Griffin promoted the CPR Fall Blitz on October 19 and 20. Nine homes in Bedford will be worked on and he urged people to sign up to work the event on 6Stones' website. 6Stones is also sponsoring a clay shooting event and he has challenged the mayors of Hurst and Eules.

13. City Manager/Staff Reports

a) Presentation on the October 6 Cultural Crawl.

Ms. McQuagge-Walden presented information regarding the October 6 Cultural Crawl. This event is being done in partnership with the Trinity Arts Guild, Bedford OnStage, the Cultural Commission and the facilities in the Cultural District including the Library, Senior Center and the Boys Ranch Activity Center (BRAC). From 9:00 a.m. to 3:00 p.m. there will be the Senior Center craft sale. At 10:00 a.m. there will be the Guild's show-and-sell as well as various demonstrations at the BRAC and OnStage. There will be different performances at the pavilion with singers and karaoke. At 4:00 p.m. there will be a children's performance put together by Onstage. From 11:00 a.m. to 2:00 p.m. there will be food trucks. 20 plus artists with the Guild, and 12 artists and vendors with Onstage, will have tables and booths set up at the pavilion. The Guild is also promoting a raffle to have a portrait done by one of their artists, Mahto. 300 tickets will be sold at \$30.00 a piece, or four for \$100.00. From 6:00 p.m. to 8:00 p.m. there will be a reception at the Library to show their new art hanging system donated by the Library Foundation.

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

Item #7 was approved by consent.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 7:44 p.m.

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Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary