

## Council Minutes April 9, 2013

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 Chambers of City Hall, 2000 Forest Ridge Drive, on the 9th day of April, 2013 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
Cathy Cunningham	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Administrative Services Director
Roger Gibson	Police Chief
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Jackie Reyff	Planning Manager
Bill Syblon	Development Director

### **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: 4, 6, 7, 8 and 9.

Special Events Manager Wendy Hartnett presented information regarding Item #6. She stated that the Director of Marketing for Western Enterprises was present as well to answer any questions from Council. The company has been doing the fireworks show for the City for 19 years. There were issues with the show last year and the City received a 100% refund. In answer to questions from Council, there has not been an increase in the contract for several years. A few years ago, it was lowered by 5% and has not increased since.

Library Manager Maria Redburn presented information regarding Item #9. This is for the annual renewal of the Innovative Interfaces maintenance agreement for an integrated library system. It covers hardware and software including the online catalog, the circulation functions, cataloging functions, e-commerce, fines and fees. By having a turnkey system, the company provides 24/7 coverage. The

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company makes the best effort to return phone calls within two hours of receipt and to have repairs to software done within 48 hours of notice. If a server goes down, it is replaced with the exact same model. If they did not have a turnkey system, the result would be a lot of downtime. The original price for renewal was \$40,000. By contract, the company can request an increase every year. Through negotiations and by eliminating the serial module, they were able to come to an agreement that saved \$3,090. In answer to a question from Council, Ms. Redburn stated that the City has been with the company since approximately 1996.

- **Discussion regarding the Highway 183 Corridor Overlay District. \*\*This item requested by Councilmember Olsen**

Councilmember Olsen requested this item be placed on the agenda for discussion. She stated that the original desire of Council was to have the same parameters on Highway 183 that are on Highway 121 and Cheek-Sparger. She stated that there have been a lot of misconceptions since this issue was first brought up for consideration. The original desire was to change the footprint along Highway 183. The Highway 121 and Cheek-Sparger overlays create a beautiful view when driving in from Grapevine and from previous work sessions, the simple goal was to bring Highway 183 up to the same standards as Highway 121. When they were brought the proposed ordinance, she found deletions, additions and changes that she was not personally in support of. She stated that staff recommendations brought residents into the line-of-fire. The letter sent to residents brought confusion and misunderstanding. At the last Council meeting, one of the speakers brought some concerns regarding his shopping center. She asked Council if there would be any thought or desire to forming a subcommittee made up of residents, staff, the Planning and Zoning Commission and shopping center owners to get their input and to put their fears to rest.

There was Council discussion on public hearings and the opportunities for citizens and shopping centers to comment on this issue; issues related to transplanting the Highway 121 overlay, where there were not a lot of businesses when it was developed, to Highway 183, which currently has a lot of businesses; the removal of landscape maintenance agreements and having landscape plans that are maintained going forward; alleviation for businesses along Highway 183; the ability to change the look of properties along Highway 183 if the opportunity becomes available; and changes to the ordinance not being conducive to how Council wants Highway 183 to look. There was discussion between Council and staff regarding miscommunication and misperceptions; specifically, that the letter from the City to property owners stated that residential properties were excluded from provisions of the Overlay District and another letter, not distributed by the City and received by several property owners, did contain misinformation.

Planning Manager Jacquelyn Reyff presented information regarding the Development Department's efforts to notify property owners. They contacted over 1,200 property owners about the zoning change in February. They were contacted by 51 owners through walk-ins, telephone calls and emails. 11 people signed up to speak at the Planning and Zoning Commission meeting and seven people ultimately spoke. During the March 26 Council meeting, four people spoke. On April 4, Development sent another letter to the 11 people who spoke at the Planning and Zoning Commission meeting about the Council meeting on April 23. Information has been placed on the front page of the City's website and the public hearing was published in the newspaper per State law. The Department's call log will be included in Council packet for April 23.

There was discussion between Council and staff regarding the impact of the letter not distributed by the City on the Commission and Council meetings; confusion regarding comments from Dan Boutwell at the previous meeting; why Council had not received a copy of the letter; the concern of residents regarding their property values if adjacent property gets rezoned; how to address what will happen in the future; taking residential properties out of the Overlay District; and a citizen lying about what Council is doing to stir up trouble.

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In answer to questions, Development Director Bill Syblon stated that there are residential properties currently in the Highway 121 Overlay District. The same methodology used to determine what properties are included in the Highway 121 Overlay District was used along Highway 183, namely that it went out 200 feet on either side of the Highway. The original Highway 121 Overlay District did include residential properties; however, the new one being proposed would exempt residential properties moving forward.

Council requested copies of the letter and for the presentation that Development will be making at the next Council meeting.

Mayor Griffin adjourned the Work Session at 6:14 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:**

- a) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to "Project Oatmeal".
- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition.

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to "Project Oatmeal" and Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition at 6:16 p.m.

Council reconvened from Executive Session at 6:31 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 6:37 p.m.

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

Mayor Griffin called the meeting to order.

### **INVOCATION (Pastor Kevin Smith, Faith Christian Fellowship Church of Hurst)**

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

### **PLEDGE OF ALLEGIANCE (Cub Scout Pack #0407, Leader: Andy Bearden)**

Cub Scout Pack #0407, lead by Elisa Risley and Cub Scouts Kyle Risley, Ashton Smith, Dylan Gause, David Morgan, Sam Teinert and Matthew Walls, lead the Pledge of Allegiance. Mayor Griffin announced that the Cub Scouts had all just earned the rank of Wolf Den.

### **OPEN FORUM**

Dorothy McWhorter, 1600 Martha Drive – Ms. McWhorter requested to speak on Item #10. She stated that she received an email from Councilmember Turner on April 8, which she read to the Council. (A copy of the email is on file in the City Secretary's Office) She stated that \$150 or \$150,000 was not the issue; compensating hard working people was not the issue; greed, hate and anger were not the issue;

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Mr. Caruso was not the issue; and her finding favor or liking was not the issue. She stated the issue was Councilmember Turner introducing legislation to buy lunches before the election. Due to the timing of the proposed legislation, she believed it would be appropriate to table this item until after the election. She stated that timing was the issue. In regards to the last sentence of the email, she asked what Councilmember Turner's qualifications were to tell her what to do and what was best for her.

Councilmember Turner stated that he has watched the City for the past 15 years and that it went through a great turmoil. He stated that Ms. McWhorter has never come out for or supported anything in the City except for a constraint on spending. He then read an email from Ms. McWhorter that he stated preceded his email. He stated he wished that she would find something along the way that she is glad the Council has accomplished and hoped she had the opportunity to meet something in Bedford that made her happy. He stated the idea of the luncheon came up in the Beautification meeting, on which he serves as liaison. He stated if he was trying to buy votes, he would not have taken it to Council but would have done it on his own and used his own funds. He stated that if the City had to pay for 50 people to collect trash, it would be well over \$1,000. In answer to a question, he stated that he has served as liaison to the Beautification Commission for the past six years.

In answer to questions from Council, Ms. McWhorter stated that she is not against people volunteering and that she had donated \$200 for a family's Christmas dinner in Bedford. She stated that she has offered to serve on the City's Boards and Commission but has not been called. There was discussion on the issue not being about the money but being about politics or timing.

Ralph Chaney - 3553 Richwood Circle – Mr. Chaney requested to speak on the Work Session item. He stated that politics was a specter haunting Bedford. He has watched Councils flow one way and another. At one time, there was a Council that was pro-active and got things accomplished and there was not a lot of bickering. He was frustrated by watching people bicker for political purposes only and waste time. He stated there is a good group of people on Council but they have an attitude and mentality to muddle things up. He asked how many times the Highway Corridor Overlay had to be reworked to please everybody. He stated that if they do not understand the materials, then they are in the wrong place. He was frustrated to see seven members screw up the City and become reactionary. He stated that the City is moving in the right direction and that the Council is preventing that from happening and he hoped that they would get their act together.

Deborah Chaney - 3553 Richwood Circle- Ms. Chaney requested to speak on Item #10. She stated that she served as chairperson of the Beautification Commission and that she is saddened to see Clean Up Bedford Day become politicized. That Day began when she was chairperson and the first year, they had their Commission members and one Scout Troop who cleaned the length of Harwood Road. They had 268 volunteers the last year she served as chairperson. She had hoped is that it would become a huge City event, which would end at the Boys Ranch with a picnic. She stated she was glad that the idea was brought up in the Commission meeting and that Councilmember Turner brought it forward. She stated that it is not about the money but that it has become a political issue.

### **CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilmember Brown, seconded by Councilmember Davisson, to approve the following items by consent: 4, 6, 7, 8 and 9

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

### **COUNCIL RECOGNITION**

**1. Proclamation declaring April 2013 as Child Abuse Prevention Month in the City of Bedford.**

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Mayor Griffin read a proclamation declaring April 2013 as Child Abuse Prevention Month in the City of Bedford. Courtney Garrison, Alliance for Children Center Coordinator, was on hand to accept the proclamation. Ms. Garrison thanked the Council and the City for supporting her organization. She stated it was important to talk to the community about what they do and to prevent abuse from happening to lower the number of child abuse cases.

### **2. Proclamation declaring April 2013 as National Safe Digging Month in the City of Bedford.**

Mayor Griffin read a proclamation declaring April 2013 as National Safe Digging Month in the City of Bedford. Patrice Kleypas and Tom Hoover from the Public Works Department were on hand to accept the proclamation. Mr. Hoover stated that Ms. Kleypas is the Department's coordinator with Texas 811 Regulations and Requirements. The Department processes over 5,000 locates every year to mark water, sewer and storm drainage lines in the City's easements and rights-of-way. The results create a safe work place for both public and private and protect the City's infrastructure. He encouraged citizens to call 811 prior to digging.

### **3. Proclamation recognizing the week of April 14-20, 2013 as National Public Safety Telecommunicators Week.**

Mayor Griffin read a proclamation recognizing the week of April 14-20, 2013 as National Public Safety Telecommunicators Week. Police Chief Roger Gibson, Communications Supervisor over the Dispatch Division Amy James and Lead Dispatcher Anne Smith were on hand to accept the proclamation. Chief Gibson stated that the role of a dispatcher is a complex assignment and mentally tasking. He stated that all 911, non-emergency calls come into dispatch. There are approximately 25,000 calls for service generated and another 33,000 initiated calls each year. Technology, specifically cell phones, has made their job more complex. Ms. James and Ms. Smith are the two most tenured employees and also serve as supervisors. Under their leadership, the turnover rate in that Division has dropped dramatically.

## **APPROVAL OF THE MINUTES**

### **4. Consider approval of the following City Council minutes: a) March 26, 2013 regular meeting**

This item was approved by consent.

## **NEW BUSINESS**

### **5. Public hearing and consider an ordinance to rezone a portion of the property known as Lot 3, Block 1, Parkwood Village Addition, located at 201 Harwood Road, Suite 150, Bedford, Texas, specifically for the operation of a banquet hall (Glorious Villa) from Heavy Commercial to Heavy Commercial/Specific Use Permit/Banquet and Meeting Facilities. The property is generally located north of Harwood Road and west of Brown Trail. (Z-233)**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. The business would operate under the name Glorious Villa and the applicant has requested a specific use permit to operate a banquet hall. The size of the lease space is approximately 6,600 square feet. The site is sufficiently landscaped for this type of use. The parking for the banquet hall is 27 parking spaces and it is in compliance with the proposed use. The hours of operation are expected to be Friday, Saturday and Sunday and no time restrictions were placed by the Planning and Zoning Commission. Occupancy was indicated to be approximately 100 people. The Comprehensive Plan shows this location to be commercial so the use does not conflict with the Plan. This item was approved unanimously at the March 14 Commission meeting. In answer to a question from Council, Ms. Reyff stated that there were no objections raised at the Commission meeting.

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Mayor Griffin opened the public hearing at 7:12 p.m.

Nobody chose to speak during tonight's public hearing.

Mayor Griffin closed the public hearing at 7:12 p.m.

Motioned by Councilmember Davisson, seconded by Councilmember Turner, to approve an ordinance to rezone a portion of the property known as Lot 3, Block 1, Parkwood Village Addition, located at 201 Harwood Road, Suite 150, Bedford, Texas, specifically for the operation of a banquet hall (Glorious Villa) from Heavy Commercial to Heavy Commercial/Specific Use Permit/Banquet and Meeting Facilities. The property is generally located north of Harwood Road and west of Brown Trail. (Z-233)

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

**6. Consider a resolution authorizing the City Manager to enter into a contract with Western Enterprises Inc. for the 2013 4thFest Fireworks Program in the amount of \$29,000.**

This item was approved by consent.

**7. Consider a resolution authorizing the City Manager to enter into a lease agreement for one year with the DFW Tejanos Organization for the purpose of conducting practices and games at the Stormie Jones soccer fields.**

This item was approved by consent.

**8. Consider a resolution authorizing the City Manager to enter into a lease agreement for one year with the Tri-Cities Baseball Association for the purposes of having league games and practices at both the Boys Ranch Park and the Meadowpark Athletic Complex.**

This item was approved by consent.

**9. Consider a resolution authorizing the City Manager to expend funds for an annual payment in the amount of \$36,300 for the renewal of the extended maintenance and technical support agreement with Innovative Interfaces, Inc.**

This item was approved by consent.

**10. Discussion regarding the Council providing lunch for the Clean Up Bedford Day volunteers on Saturday, April 22, 2013. \*\*This item requested by Councilmember Turner**

Councilmember Turner requested this item be placed on the agenda for discussion. He stated that this item started out as a simple request that had nothing to do with politics or elections. If it is perceived as political, then he would back away from it. He stated that Subway can feed 80 people with sandwiches, chips and cookies for \$150. In answer to a question regarding the source of funding, Councilmember Turner stated that the Council does have a budget for purposes such as this and his intent was to get a discussion going on how they would like to be involved with this, either through City funds or individual donations.

There was discussion and comments regarding receiving guidance from citizens regarding their will for what the Council is doing for the City; Ms. Chaney's efforts regarding Clean Up Bedford Day; the importance of volunteering; focusing on the future and improving the quality of life in the community; thanking the City's volunteers; the Council's mission statement and how it relates to Clean Up Bedford Day; that during the last two years there has been a total of 17,000 volunteer hours; getting those interested in their own personal agenda involved in the City; and seeing if Allied Waste would contribute

to this item. No action was taken on this item. Several Council members contributed money towards the lunch.

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

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

Councilmember Olsen reported that the Spring Pet Fair is scheduled for this Saturday from 10:00 a.m. to 2:00 p.m. There will be a record 26 vendors at the event. Carter Blood Care will be present to accept blood donations. There will be a pet photographer, hamburgers, hotdogs, drinks, popcorn and presentations by the arson and police dogs.

✓ **Beautification Commission – Councilmember Turner**

No report was given.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported that the Energy Smart Expo is scheduled for Saturday, April 20 at the old library building from 1:00 p.m. to 5:00 p.m. It is a free public event focusing on residential consumers and local business that will provide an opportunity to experience energy saving options.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission met last night and they are in the midst of helping with the planning for the Cultural Crawl. They are also coming up with a plan to market cultural events and organizations within the City.

✓ **Library Board – Councilmember Brown**

Councilmember Brown reported that the Board will meet next Wednesday. He and Councilmember Davisson hold a “Meet Your Council” event at the Library the first Saturday of every month from 11:00 a.m. to 1:00 p.m.

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

Councilmember Davisson reported that the Board met earlier this month. The donations for the Dog Park have reached \$5,500.

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

No report was given.

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

Councilmember Olsen reported that the Board’s scholarship banquet is scheduled for April 25 at the Hurst Conference Center and challenged the Council to get their reservations in. She stated that people can purchase tickets for \$25.00 and to contact Mindy Eichorst in Teen Court for tickets.

**12. Council member reports**

Mayor Griffin reported that the CPR Spring Blitz is this Friday and Saturday and four of the houses are in Bedford. This is a partnership between 6Stones, businesses and faith-based organizations. On Saturday, they will be commemorating that they have reached 200 homes. He reported that a Bedford

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Firefighter is battling cancer and on Thursday, Applebee's will be donating a portion of people's tickets to his fund.

### 13. City Manager/Staff Reports

City Manager Beverly Griffith reported that Twilight Thursdays have started and will run for the next seven weeks. Next Thursday will be Texas Heritage Music and for the first time, there will be a food truck. She reported that summer day-camp registration begins this Saturday from 7:00 a.m. to 5:00 p.m. for Bedford residents only. Registration opens up to non-residents beginning on Monday, April 15. Full payment is due at the time of registration. She reported that there will be a Murder Mystery Dinner titled "Addicted to Murder" Saturday, April 20 starting at 6:30 p.m. at the Old Bedford School. Tickets are \$75.00 per couple or \$40.00 per person. More information can be found at the Old Bedford School website. She reported that on April 27, that the Clean Up Bedford Day groups will be meeting at 8:00 a.m. at Meadow Park. Also at Meadow Park will be Chunk Your Junk Day for bulky trash items but no household hazardous waste. Also on that day from 10:00 a.m. to 2:00 p.m. will be the drug take-back event at the Law Enforcement Center for any expired or unused medications and used syringes.

### 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 Griffin adjourned the meeting at 7:41 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary