

**Council Minutes September 24, 2013**

**STATE OF TEXAS §**

**COUNTY OF TARRANT §**

**CITY OF BEDFORD §**

**The City Council of the City of Bedford, Texas, met in Work Session at 5:00 p.m. in the Conference Room, 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 24th day of September, 2013 with the following members present:**

Jim Griffin	Mayor
Chris Brown	Council Members
Ray Champney	
Jim Davisson	
Patricia Nolan	
Roy W. Turner	

constituting a quorum.

Councilmember Boyter was absent from the meeting.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Administrative Services Director
Roger Gibson	Police Chief
Wendy Hartnett	Special Events Manager
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director

**CONFERENCE ROOM WORK SESSION 5:00 p.m.**

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

**• Discussion and interviews of finalist firms to conduct a citizen satisfaction survey.**

Managing Director Mirenda McQuagge-Walden stated that one of the firms had to reschedule. She introduced Professor Paul Ruggiere with the University of North Texas Survey Research Center (SRC). Professor Ruggiere explained that the SRC is a non-academic department at the University and that they conduct a wide range of surveys. They are much like a consulting firm in that they get contracts with external clients. They have three full-time professional staff members and 50 trained interviewers and supervisors. He has been with SRC for 20 years. They have a supervised telephone center with 25 workstations and stated it is important to monitor everyone to ensure that the interviews are conducted in a uniform manner. They utilize state-of-the-art survey software and he attends the American Association for Public Opinion Research conference to remain informed of methodologies in the field, which have changed greatly in the last five to ten years. The University is ranked eighth in the nation for its Public Administration Graduate Degree Program for City Management and Urban Policy.

Professor Ruggiere presented information on SRC's approach to the project. The objective is to

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measure public opinion on the delivery of City services, specific policy questions and citizen priorities for use in budgeting and planning. He recommended a kickoff meeting with the Council and staff to explain the objectives of the survey and to determine what Council is looking for. A draft questionnaire would then be developed. He stated they have a number of questions that they have used previously as a starting point but that there are things that are unique to the community. After the draft questionnaire is delivered to Council, there would be a second meeting to produce a revised draft. Once the questionnaire is approved, it would be programmed for the telephone and internet platforms, and formatted for printing.

In regards to cell phones, Professor Ruggiere stated that the percentage of cell phone only households has increased from three percent in 2003 to 36.5 percent currently. He stated that it is too tight of geography to pinpoint people with cell phones. The rate of cell phone only users in Texas and Tarrant County is 42.7 percent and 43.1 percent respectively. 12 percent of 65 and older households are cell phone only compared to 62 percent of households aged 25-39. If cell phones are not included, many groups, including younger people, would be under-represented. There was discussion on differing responses between landline and cell phone users.

Professor Ruggiere proposed an address-based sample from the delivery sequence used by the Post Office, which would give a proportionate sample. They would utilize multi-mode data collection including mailing invitations for people to call in or complete an internet survey, followed by calling households that have been identified with phone numbers. After several weeks, non-respondents would be mailed a scaled-down questionnaire. In answer to questions from Council, he stated that the typical phone survey is 10-12 pages; the mailed survey would take out any follow-up questions; and the on-line survey would be the same as the telephone survey. He further stated that they typically get half of respondents by phone and a quarter each from on-line and mail. He recommended 10-15 minutes for a telephone survey. In regards to the survey being on the City's website and open to everyone, he explained that it would serve as more of a vote and that it would be hard to make generalized conclusions. He stated that surveys are tracked by an identification number and password, and responses are date and time stamped. Their approach should result in 500-700 answered questionnaires and he recommended some kind of drawing as an incentive. That number of respondents would give a margin of error between 3.7 and 4.7 percent. The tool they use for internet surveys is Qualtrics, which can be used on a computer, tablet or smart phone. Their telephone data center is located on the University campus and operates seven days a week from 1:00 p.m. to 9:00 p.m. Supervisors can listen in on calls and calls can be listened in on remotely. In regards to the hours they call, he explained that they work in two shifts on weekdays, from 1:00 p.m. to 4:30 p.m. and 5:30 p.m. and 9:00 p.m. Their hours on Saturday are noon to 3:00 p.m. and on Sunday are 5:30 p.m. to 9:00 p.m.

Professor Ruggiere discussed reporting their findings, which includes graphs, maps, tables and text. He stated it was typical to break the City up into quadrants. He presented information on optional services, which included Spanish questionnaires and benchmarking.

In answer to questions from Council, Professor Ruggiere stated that once the questionnaire is approved, it would take approximately two months to receive the reports; that one month should be scheduled to develop the questionnaire; that the holidays could complicate the timeframe; and the data collection could be completed during the first part of December. There was discussion regarding the impact of the holidays and the bond election. Professor Ruggiere stated that the timeline presented is executable but recommended that if the survey is pushed back to January, they work on the questionnaire throughout the season. In answer to a question from Council regarding utilizing a telephone survey only, he stated that it would not be a representative sample of the population. SRC would be giving respondents the mode of communication they want to use. In answer to further questions from Council, he stated that they do not have the ability to look up cell phone numbers unless they have the ability to get that information from utility bills; and that there are companies that offer cell phone numbers based on addresses but that they are unreliable with a hit rate of three to ten percent. There was discussion regarding mindsets for the use of landlines and cell phones; the geographical accuracy of the mail delivery sequence filing; addresses being selected randomly by computer; the ability of obtaining a representative sample and statistically significant results from the pool of 2,850 households; and the

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size of the sample group being based on cost.

Mayor Griffin recessed the Work Session at 5:45 p.m. to go into Executive Session.

### **COUNCIL CHAMBER WORK SESSION 6:00 p.m.**

Mayor Griffin called the Work Session to order at 6:05 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, 10, 11, 12, 13 and 16.

Administrative Services Director Cliff Blackwell presented information on Items 10 and 11. He stated that there were previous discussions with Council regarding the Trinity River Authority pass-through and the City's infrastructure, with 80 percent of it being 30 years of age or older and beyond its recommended life. There was further discussion on adding an additional \$1M to water and sewer operations so that infrastructure could be replaced on a cash basis instead of borrowing money. Staff is recommending a three percent increase in the water and sewer base and volume rates. Water rates would increase from \$18.37 per month to \$18.92 per month on the base rate and from \$2.89 per 1,000 gallons to \$3.11 per 1,000 gallons on the volume rate. Wastewater rates would increase from \$10.88 per month to \$11.21 per month on the base rate and from \$1.72 per 1,000 gallons to \$2.10 per 1,000 gallons on the volume rate. The impact of the rate increases on a water bill that uses 6,000 gallons of water and wastewater would be \$4.53 for a regular customer and \$4.45 for a senior customer. A survey of other cities shows that Hurst is implementing a 1.5 percent increase across the board; Euless is looking at pass-through rates on volume only, which calculates to 5.2 percent on water and 12.7 percent on wastewater; North Richland Hills is implementing a pass-through rate of 8 percent across the board; Southlake is increasing the water rate by 5 percent; and Grapevine is implementing an 18 percent increase across the board. Staff is recommending the effective date of the increases to be January 1, 2014 to give staff the opportunity to advertise and promote the rate increases.

Mr. Blackwell presented information on Item #12. During the August 9 Budget Work Session, there was discussion on adding language to the City's Fiscal Policy to identify revenue streams or sources to go into the Economic Development Fund. Categories of revenue resources identified by staff include: operation and maintenance taxes related to the value of new construction on the certified tax roll; one percent of sales tax revenue going into the General Fund outside of that paying for the rebates; and 50 percent of any surplus of \$100,000 or greater from operating revenue provided the reserve requirement of 20 percent is met. Another statement has been added to the Policy giving Council the authority to direct staff to put non-recurring revenue where Council desires. In answer to questions from Council, Mr. Blackwell stated that the new construction taxable value for this year was \$19,084, the one percent of sales tax was \$72,000, and that the surplus would not be known until the end of the fiscal year and the books are closed. There was discussion on adding language to the Policy to ensure that the Fund has a minimum of \$200,000. Council was of the consensus to include a discussion regarding the \$200,000 minimum as part of the budget process next summer.

- **Present a report on the 2013 City of Bedford Blues Fest.**

Special Events Manager Wendy Hartnett presented a recap of Blues Fest. She discussed the overall goals and the mission of the event. There were 15.3M print, broadcast and online impressions. There was a Star-Telegram insert that went to 50,000 homes, which also cross-promoted ArtsFest. Radio stations including Ranch Radio and CBS Radio were approached for in-kind sponsorships. There were email blasts, an interview with Jimmie Vaughn on KZPS, and digital billboards across the metroplex. There were 52 art vendors, on-line packages and 20 food vendors. The estimated attendance was 16,500. Cash sponsorship increased by \$11,000 from the previous year. The number of BBQ teams increased from 59 to 91, and the event is the fifth largest KCBS event out of 450 in the nation. There were nine categories to judge and there was an extra \$3,950 in prize money for the teams. The total

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prize money was \$13,150. The reality show "BBQ Crawl" came back to the event for their second season. The People's Choice event doubled the number of teams and included incentives. The Battle of the BBQ event had increased revenue of 13.5 percent. "Reserved Preferred" seating was added as an option this year and there were 82 sold on Saturday and 140 on Sunday. Other options included the party tent and reserved seats. \$1,285 for the seating options was sold on-site and the overall additional revenue was \$38,413. The Fuzzy's Friday event was successful and had more people than anticipated. Harley Davidson did their "bike night" as well. The cost recovery for Friday was 99.23 percent. Overall for the event, revenue was \$239,869 and expenses were \$358,005, for a best-yet cost recovery of 67 percent. Challenges included the Friday night event, highway construction, continuing the sign plan, maximizing the event space, and increasing and retaining sponsors. Looking forward, staff is looking at increasing attendance, adding more sponsors, researching a tiered volunteer structure, enhancing the BBQ and music events, surveying attendees for feedback, adding revenue streams, and decentralizing wristband pickup.

Mayor Griffin adjourned the Work Session at 6:35 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 Block 1, Lot 1Rb, Bedford Meadows Shopping Center.
- b) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments.
- c) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition.
- d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot A1, Dallas Federal Addition. (Amended Item)

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1Rb, Bedford Meadows Shopping Center; Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments; Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition; and Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot A1, Dallas Federal Addition at 5:48 p.m.

Council reconvened from Executive Session at 6:00 p.m. Council did not finish the Executive Session and will convene again at the end of the meeting.

Council convened into Executive Session at 8:47 p.m.

Council reconvened from Executive Session at 9:15 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 6:41p.m.

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

Mayor Griffin called the meeting to order. He stated that Councilmember Boyter was not in attendance due to illness.

**INVOCATION (Reverend Melvin Brown, Cathedral of Faith Church of God in Christ)**

Reverend Melvin Brown of the Cathedral of Faith Church of God in Christ gave the invocation.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

**OPEN FORUM**

Ryan Glanz, representing RAMA Enterprises, 1333B Oak Lawn Avenue, Dallas, TX 75207 – Mr. Glanz spoke regarding Item #14. He stated the Northwest Pressure Plane Project was put out for competitive bid with two sub-projects. The lowest total bid was \$2,219,591.90 by RAMA Enterprises and SYB. The recommendation on the agenda was to award the contract to a higher bidder at \$2,269,855.25, which is an additional cost to the City of \$50,263.35. He wanted to let Council know that they had the opportunity to get the same project for \$50,000 cheaper. He stated RAMA Enterprises specializes in pump station and water treatment projects and has successfully coordinated with many contractors and different public entities around the Dallas area.

**CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilmember Nolan, seconded by Councilmember Davisson, to approve the following items by consent: 6, 10, 11, 12, 13, and 16 with no action taken.

Motion approved 6-0-0. Mayor Griffin declared the motion carried.

**COUNCIL RECOGNITION**

**1. Employee Service Recognition**

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

Steve Paris, Police Department – 5 years of service

**2. Recognition of Megan Jakubik, Budget Analyst, for a Bedford Employee Commitment Award (BECA).**

Megan Jakubik was recognized with the Bedford Employee Commitment Award for volunteering to convert the Civilian Application Addendum to a PDF format, allowing applicants to type directly onto the form.

**3. Proclamation recognizing October 2013 as Fire Prevention Month in the City of Bedford.**

Mayor Griffin read a proclamation recognizing October 2013 as Fire Prevention Month in the City of Bedford. Fire Marshal Joey Lankford was present to accept the proclamation.

**4. Proclamation recognizing October 2013 as Crime Prevention Month in the City of Bedford.**

Mayor Griffin read a proclamation recognizing October 2013 as Crime Prevention Month in the City of Bedford. Police Chief Roger Gibson and Officer Butch Lindsey were present to accept the proclamation.

**5. Proclamation recognizing October 1, 2013 as the official day for National Night Out in the City of Bedford.**

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Mayor Griffin read a proclamation recognizing October 1, 2013 as the official day for National Night Out in the City of Bedford. Police Chief Roger Gibson and Officer Butch Lindsey were present to accept the proclamation.

### **APPROVAL OF THE MINUTES**

- 6. Consider approval of the following City Council minutes:**
  - a) September 10, 2013 regular meeting**

This item was approved by consent.

### **PERSONS TO BE HEARD**

- 7. The following individual has requested to speak to the Council tonight under Persons to be Heard.**
  - a) Rev. Melvin Brown, Sr., 2813 Airport Freeway, Suite #416, Bedford, Texas 76021 – Requested to speak to the Council regarding a Cultural Diversity Initiative for Bedford.**

Reverend Melvin Brown, Sr., 2813 Airport Freeway, Suite 416 – Reverend Brown stated he represented the faith-based community and was also a businessman and accountant. He was affected by doing prison ministry and became passionate and concerned about the youth of the country. He has dedicated his life to helping transition men from prison to society. He introduced James Dumaine who represents a funding organization designed to help businesses come to the City. It is for people that are challenged by the banking system. They are offering from \$5M to \$35M in support broken up between 70 percent and 30 percent. It is a hedge fund located in Massachusetts and he was asked to express that offer. He cited a hotel in Dallas they are supporting, which supports the living situation for veterans. Reverend Brown stated that he has been in the HEB area for 13 years and has had homes, commercial buildings and religious buildings. He is joining the Council as a partner with the faith community to help Bedford be a better city. He discussed the City's mission statement and stated that with all the construction, the City is strategically located for the best growth and to be at the heart of progressive economic development over the next five to ten years. He further discussed the six points of the mission statement, including encouraging citizen involvement and he noticed a need for more parity and awareness among Council and the government in terms of ethnic transition. He discussed his initiative and suggested that it be a considered strategy on the table each month until there is change and progression in terms of minority business and parity in ethnic diversity. The initiative is to develop and implement strategies for cultural diversity, increase awareness, and promote economic empowerment for all people of the City. He presented a chart representing the demographics in the City including the dispersion and distribution of ethnic diversity. He further presented a forecast showing growth in the Latino community, some growth in the Asian community, stability in the African-American community, and the Caucasian community being dominant. He would like to see participation from other ethnic groups in City government and suggested pastors throughout Bedford and the HEB community work with Mayor Griffin to be successful, to vote, to be at Council meetings and help shape the community. He discussed the vision in the City; that the City is diverse but not as much as it could be; participation with the faith-based community and suggested that pastors join with 6Stones and the Mayor to help with the CPR program; and an urban youth mentorship being initiated at LD Bell High School and for the Council and the School Board be a part of it. In regards to economic development, he hopes that there is an increase in minority businesses to bring balance and equality. He discussed Bedford being a greater place to live as well as diverse, unified, a place of equal opportunity and growth, and strategically aligned. He hoped that for future Council meetings, there would be discussion and opportunities to share progress points in terms of what diversity means in Bedford.

### **NEW BUSINESS**

- 8. Public hearing and consider an ordinance to rezone a portion of the property known as Lot 10R, Block 6, Bedford Meadows Addition, located at 2807 Central Drive, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment,**

**specifically for a Specific Use Permit to allow for outside seating for a restaurant, Crazy Cowboy Restaurant and Bar; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. The property is generally located south of Harwood Road and west of Central Drive. (Z-238)**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. The item was published in the August 29 edition of the Star-Telegram. It is for a Specific Use Permit (SUP) for outside seating for a restaurant. The property is located at 2807 Central Drive in the Bedford Meadows Shopping Center. The building is 2,100 square feet, with 400 square feet outside, for a total of 2,500 square feet. The expected occupancy is 98 people, with 25 people outside. The property is zoned Heavy Commercial. Landscaping remains from the previous development and new shrubbery will be added. Parking remains from the previous development and the site is over-parked. The Comprehensive Plan indicates the location to be commercial. The Planning and Zoning Commission approved this item at their August 22 meeting with the following stipulations: lighting on wood posts located in the outside seating area to be faced into the restaurant; inclusion of a masonry screening wall below the deck area with complementary stone matching the existing shopping center; the hours of operation for the outside seating area not to exceed midnight; no audio or video located in the outside seating area; and the construction of a wood hand rail around the outside seating area. In answer to questions from Council, Ms. Reyff stated that the pavers on the north side of the property as shown on the site plan are currently there; and that the "t-rex" deck relates to the type of material used. The applicant, Brad Powell, 2807 Central Drive, stated that the material for the deck is composite wood that is long lasting and eco-friendly; that stone would be wrapped around the deck and the shrubs placed so one could not see underneath the deck; that they would be serving American fare; and that they hope to be open next week except for the patio.

Mayor Griffin opened the public hearing at 7:23p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:23 p.m.

Motioned by Councilmember Champney, seconded by Councilmember Brown, to approve an ordinance to rezone a portion of the property known as Lot 10R, Block 6, Bedford Meadows Addition, located at 2807 Central Drive, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment, specifically for a Specific Use Permit to allow for outside seating for a restaurant, Crazy Cowboy Restaurant and Bar; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date.

Motion approved 6-0-0. Mayor Griffin declared the motion carried.

**9. Public hearing and consider an ordinance amending Ordinance number 2275, specific to Section 1.2.B. *Definitions* to include the definition of a shopping center and Section 2.3.G *Structures Located on Shopping Center Premises*; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. (A-034)**

Development Director Bill Syblon presented information regarding this ordinance. He stated that on April 23, the Council approved the Master Highway Corridor Overlay District. A concern was raised by a shopping center owner that if their center was damaged by a catastrophic event, it would be a hardship to reconstruct the center to the new standards of the Overlay. Currently, any structure damaged more than 50 percent of the replacement cost would have to come into compliance with the current regulations. Staff was given direction to bring back an amendment to address the owner's concerns. The amendment as presented would allow any shopping center damaged by more than 50 percent of its value to be reconstructed under the regulations it was originally built. Building and fire codes would have to be complied with. Further, a definition for "shopping center" was added as follows: "A unified

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grouping in one or more buildings whether connected or not, of retail shops, stores, and offices which are planned and developed as an operating unit.” The Planning and Zoning Commission voted unanimously to recommend denial of this item, with the primary reason being that it would usurp the spirit of the Overlay. Because of the recommendation for denial, Council would need a supermajority to approve the amendment.

There was discussion on the intent of the Overlay; development and redevelopment; putting burdens on shopping center owners; the legal non-conforming status; and concerns that the amendment would undo Council’s intent with the Overlay. In answer to questions from Council, Ms. Reyff stated legal non-conforming structures have to come into compliance with new regulations if they are changed by more than 10 percent on the site plan; and that the amount of damage to a center would be determined by an emergency development review committee. There was discussion regarding the ability for shopping center owners to appeal for a variance and Mr. Syblon stated that there is a process currently in place. He further stated that for the shopping center owner in question, there are issues related to loans and financings and clarified that the 50 percent relates to the center as a whole.

Mayor Griffin opened the public hearing at 7:43 p.m.

Coy Quine, 301 South Sherman Street, Richardson, Texas – Mr. Quine stated that he is one of the owners of two shopping centers covered by the Overlay. He believes the current ordinance states that if 50 percent of a building on a particular parcel were destroyed, they would have to bring it into conformity with the new Overlay. The current ordinance does not have a definition of “shopping center” or a definition regarding several owners owning a shopping center. He is concerned with financing the shopping center. Because of the highway construction, they chose to spend several hundreds of thousands of dollars to improve the image of the center. Through a lawsuit with TxDOT, they came to a compromise on what they could do with the center. They lost 12,000 square feet of building, as well as the Tetco station and Mexican Inn. They reworked the landscaping areas and put together a center that is currently legally non-conforming because of the Overlay. He stated that he had a multi-million dollar loan on the center come due. There is currently no debt on the center, but that it is not a wise use of their money. They would like to leverage their money, but if they go out into the market, they would have a higher spread on their interest rate because they are legally non-conforming. He does not believe the verbiage of the amendment helps him. He stated that the ordinance needs to have a definition of “shopping center” and that there is no ordinance provision allowing for xeriscape. He presented different scenarios if there was a catastrophe and what they would have to do to rebuild and stated that he can meet the parking and landscaping requirements of the Overlay but would have to tear down buildings to do so. He is concerned that a burden is being put on shopping centers that are currently in existence to have to go the Board of Adjustment to rebuild their property. He asked Council to charge staff to look again into the verbiage. In answer to questions from Council, Mr. Quine stated that “shopping center” is well defined in the amendment for centers that have multiple owners, and there is a need to add language regarding xeriscape.

Mayor Griffin closed the public hearing at 7:57 p.m.

In answer to a question from Council, Mr. Syblon stated that the Planning and Zoning Commission liked the definition of “shopping center” and asked that it be brought back to them for consideration. There was discussion on issues related to approving the definition of “shopping center” only. In answer to questions from Council, Mr. Quine stated that the amendment would not make any difference and that the center would still be legally non-conforming. There was further discussion on the intent of the Overlay. In answer to questions from Council, Mr. Syblon stated that parking is looked at from the center as a whole; and that the center does not currently meet the setback restrictions. There was discussion on whether buildings would need to be torn down as part of the scenarios presented earlier; that there is the opportunity for relief through the Planning and Zoning Commission and the Zoning Board of Adjustment; that the amendment only deals with shopping centers; adding the definition of “shopping center” and xeriscaping to the ordinance; whether certain locations are included as part of the center and it being up to interpretation; changing the ordinance to ensure that all scenarios are covered; tabling the item; that zoning goes with the land in the case of a change in ownership; and denying the item and asking staff to

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go back to the Planning and Zoning Commission.

Motioned by Councilmember Champney, seconded by Councilmember Davisson, to deny Item #9 which is for the approval of an ordinance amending Ordinance Number 2275, specific to Section 1.2.B. *Definitions* to include the definition of a shopping center and Section 2.3.G *Structures Located on Shopping Center Premises*; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date.

Motion approved 5-1-0. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Davisson, Councilmember Champney, Councilmember Nolan and Councilmember Brown.

Voting in opposition to the motion: Councilmember Turner

**10. Consider and act upon an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance No. 10-2975; providing a repealing clause; providing a severability clause; and declaring an effective date.**

This item was approved by consent.

**11. Consider and act upon an ordinance amending the schedule of sewer rates by amendment of Section 1., Ordinance No. 10-2974; providing a repealing clause; providing a severability clause; and declaring an effective date.**

This item was approved by consent.

**12. Consider an ordinance amending a Fiscal and Budgetary Policy; authorizing the City Manager to designate a funding source for a special revenue fund, the Economic Development Fund; and declaring an effective date.**

This item was approved by consent.

**13. 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, 2013 to September 30, 2014.**

This item was approved by consent.

**14. Consider a resolution authorizing the City Manager to enter into a contract with Saber Development Corporation for the Northwest Pressure Plane Project in the amount of \$2,269,855.25.**

Public Works Director Tom Hoover presented information regarding this resolution. The project started back in 2010 with a study of the Northwest Pressure Plane. It is the highest portion of the City with 1,400 customers, and it experiences lower water pressure than the rest of the City. Though the pressure is compliant with State requirements, in the case of an emergency, the pressure would be close to inadequate. Steps were taken to improve the pressure in the area and the procedure approved through the State was to install a booster pump station. The booster pump would be installed at Simpson Terrace in order to have a source of water to pressurize the system. Construction of the Plane was delayed until the well was completed.

Mr. Hoover discussed issues related to combining multiple projects into one big project. In regard to the well project, when the first bid came in at \$2.9M, it was decided to break it into four separate projects. When it was rebid, there were savings of 15 percent because there were separate

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contractors; however, there were delays and cost overruns. With the Plane project, the bid was divided into two separate projects but the City reserved the right to combine them and award the project to one contractor. Project A was for water lines and Project B was for the pump station. The City received bids from seven bidders. The low bid for Project A was SYB at \$1.182M and the low bid for Project B was RAMA at \$1.037M, for a total cost of \$2.219M. The lowest bid by a single contractor was Saber Development at \$2.269M, or a \$50,000 difference. Additional costs associated with having two contractors would lead the project management company to ask for an additional \$17,000, lowering the difference to \$33,000, or less than two percent of the contract. At less than two percent, risk is minimized. Staff is recommending having one contractor, one bonding agent, one construction meeting per week, and to award the contract to Saber Development. City Manager Beverly Griffith informed Council that the resolution for this item has been amended to add a couple of sections recommended by the City Attorney.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve a resolution authorizing the City Manager to enter into a contract with Saber Development Corporation for the Northwest Pressure Plane Project in the amount of \$2,269,855.25.

There was discussion on the funding for the project coming from the 2010, 2011 and 2012 Certificates of Obligation.

Motion approved 6-0-0. Mayor Griffin declared the motion carried.

### **15. Consider a resolution appointing 15 members to the City's Charter Review Committee and selecting a Chairperson of the Committee.**

Council made their appointments as follows:

Mayor Griffin – Jeff Corbet, Holley Hendrickson, Debbie McDaniels

Councilmember Davisson – Beth Mullens, Hank Swanson

Councilmember Brown – Jim Story, Mary Peters

Councilmember Turner – Roy Savage, Bucky Geer

Councilmember Nolan – Hank Henning, Dorothy McWhorter

Councilmember Champney – Matt Eiserloh, Tom Bresnahan

Councilmember Boyter was absent from the meeting; however, Mayor Griffin stated he had recommended Steve Farco. The resolution would be amended at the next Council meeting to include Councilmember Boyter's other selection.

There was discussion regarding the chairperson of the Committee, including Jim Story, Roy Savage, and having the Committee choose their own chairperson.

Motioned by Councilmember Champney, seconded by Councilmember Davisson to approve a resolution appointing members to the City's Charter review committee and selecting a Chairperson of the Committee and whereas, the City Council of Bedford, Texas established a Charter Review Committee through Resolution 13-6 approved on August 13, 2013; and, whereas, the City Council of Bedford, Texas needs to appoint 15 members to the Committee; and, whereas, the City Council of Bedford, Texas needs to appoint a Chairperson of the Committee; now therefore, be it resolved by the City Council of the City of Bedford, Texas; Section 1. That the following qualified citizens are hereby appointed to the City of Bedford Charter Review Committee as discussed; that 14 members have been appointed, that Michael Boyter would select the 15th member and that Roy Savage has been appointed as Chairperson.

Motion approved 6-0-0. Mayor Griffin declared the motion carried.

### **16. Consider a resolution to nominate individuals to serve on the Board of Directors for the Tarrant Appraisal District.**

No action was taken on this item.

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

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

No report was given.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reported that the Commission had a fantastic Chunk Your Junk Day the previous Saturday. A total of 145 cars came through and they reached their capacity of two trucks at 10:45 a.m. A large number of rain checks were issued. The next Commission events are Shred-It Day and an electronics day in conjunction with the 6Stones Fall Festival.

✓ **Community Affairs Commission - Councilmember Boyter**

No report was given.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission will meet the following Monday.

✓ **Library Board - Councilmember Davisson**

Councilmember Davisson reported that the Board met and a policy was changed to move people out of study rooms 15 minutes before closing. Library Manager Maria Redburn presented a list of upcoming events during the meeting.

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

No report was given.

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

Councilmember Turner reported that the Board will meet on October 21.

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

Councilmember Champney reported that the Board will meet in October. At the last meeting, there was discussion on the need for teen scholarships so Teen Court Coordinator Mindy Eichorst will be making a presentation to the Pacesetters Rotary Club on October 18.

**18. Council member reports**

Mayor Griffin reported on the recent Community Affairs Commission Mayor's Vision meeting and that an outgrowth of the process includes an interest in doing more of these types of events on a regular basis. He is working with staff to find opportunities to do so.

Councilmember Turner reported on the recent public hearing on the bond issue and stated that another one is coming up on October 17.

**19. City Manager/Staff Reports**

## Council Minutes September 24, 2013

City Manager Beverly Griffith reported on the upcoming ArtsFest on October 5 from 10:00 a.m. to 5:00 p.m at the Boys Ranch. There will be over 50 artisans, two stages for performances, and food trucks. On October 12 from 10:00 a.m. to 2:00 p.m., the Fire Department will be holding their Open House at the Central Fire Station and the Animal Shelter will be holding their semi-annual Pet Fair and Adopt-a-Thon at the Shelter.

### **20. 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 9:18 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary