

Council Minutes October 22, 2013

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 22nd day of October, 2013 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Ray Champney	
Jim Davisson	
Patricia Nolan	

constituting a quorum.

Councilmember Turner 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
Roger Gibson	Police Chief
Don Henderson	Parks Superintendent
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director

EXECUTIVE SESSION

To convene 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 551.087, deliberation regarding economic development negotiations relative to Block 1 Lot 4 Cimarron Plaza Addition.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park.

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 551.087, deliberation regarding economic development negotiations relative to Block 1 Lot 4 Cimarron Plaza Addition; and Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park at 6:30 p.m.

Council reconvened from Executive Session at 6:37 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 6:30 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order. He stated that Councilmember Turner was unable to attend the meeting.

INVOCATION

Mayor Griffin gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak under Open Forum.

DISCUSSION AND CONSIDER APPROVAL OF ITEMS BY CONSENT

Council discussed placing the following items on consent: 3, 7, 8, 9, 10, 11, 12 and 13.

Motioned by Councilmember Champney, seconded by Councilmember Davisson, to approve the following items by consent: 3, 7, 8, 9, 10, 11, 12 and 13.

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:

John Henrichsen, Fire Department – 15 years of service
Michael Shikany, Police Department – 20 years of service

2. Proclamation recognizing October 23-31, 2013 as Red Ribbon Week in the City of Bedford.

Mayor Griffin read a proclamation recognizing October 23-31, 2013 as Red Ribbon Week in the City of Bedford. Technical Sergeant Randy Gardner was present to accept the proclamation.

APPROVAL OF THE MINUTES

**3. Consider approval of the following City Council minutes:
a) October 8, 2013 regular meeting**

This item was approved by consent.

OLD BUSINESS

4. Report on the Community Powered Revitalization Program's 2013 Fall Blitz.

Scott Sheppard, Executive Director of 6Stones Mission Network, presented a report on the Community Powered Revitalization Program. He displayed before and after pictures of houses in Bedford that were part of the program during the past year. He stated that in 2010, the City of Euless made a proposal to the cities of Hurst and Bedford to collaborate. All three cities gave support in the amount of \$25,000, with \$60,000 in matching funds through the County for Euless and Hurst, and \$10,000 in matching funds for Bedford. The matching funds are against the cities' County Home Program, which is \$300,000 for Euless and Hurst, and \$25,000 for Bedford. For the Fall Blitz in Bedford completed the previous October, there were 11 houses, with \$25,000 in expenses, \$9,700 in donations, \$22,680 in volunteer hours, \$10,000 in the match, and a retail value of \$57,930. In the April event, they were only able to work on four properties, with \$7,900 in expenses, \$3,900 in donations, \$7,900 in volunteer hours, a match that would have been \$2,800, and \$28,000 in retail value. The previous spring, there were nine houses, with \$7,200 in expenses, \$6,700 in donations, over 2,100 volunteer hours, \$7,000 in the match, and over \$70,000 in retail value. In 2013, there were a total of 15 houses, with \$32,000 in expenses, \$13,000 in donations, over 3,000 volunteer hours, a readjusted match of \$17,000, and a retail value of \$96,000. Overall in 2013, they were able to do 27 homes in Hurst, 22 homes in Euless, and 15 homes in Bedford; support from all three cities was \$25,000 each; matches through the County program were \$36,000 for Hurst, \$31,000 for Euless and \$17,000 for Bedford; and there was an overall retail value of \$450,000.

Mr. Sheppard discussed the next phase for CPR, which is a house at 324 Belle in Bedford. Through the County and Tarrant County Housing Partners (TCHP), the home was acquired out of foreclosure. The County, through HUD, has invested \$103,000 in the property and the house has been brought up to current levels. The house is now listed, and through TCHP, there will be classes for low-income families to be able to move into home ownership. The house was purchased for \$50,000 and it will probably sell in the \$120,000 to \$124,000 range. The proceeds from the sale will go towards renovating a second house. Those proceeds from the second property could then go back through 6Stones for CPR or another program. Mr. Sheppard stated that over the past year, through collaboration with the cities and the School District, 5,600 children have been helped with Operation Back 2 School. He also stated that the goal of Night of Wonder is 3,000 students; that 16,000 people were fed with their New Hope Food Pantry; and that the Community Garden continues to increase its produce that goes into the Food Pantry.

There was discussion on the impact on the volunteers; following up with property owners including a home liaison program; recipients of the CPR program getting involved; and the justification of the City working with 6Stones.

NEW BUSINESS

- 5. Public hearing and consider an ordinance to rezone a portion of the property known as Lot 1A, Harwood Village Shopping Center Addition, located at 510-E Harwood Road, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Secondhand, Rummage and Used Furniture Stores, specifically for a Specific Use Permit to allow for Castillo's Appliances; 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 Brown Trail. (Z-239)**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. The public hearing was published in the October 1 edition of the Star-Telegram. The request is for a specific use permit for a used appliance store called Castillo's Appliances at 510 East Harwood Road in the Harwood Village Shopping Center. The size of the lease space is 4,000 square feet. The property is zoned H – Heavy Commercial. The landscaping and parking remain from the previous development of the entire shopping center complex. The Comprehensive Plan indicates the location to be commercial so the request would not conflict with the Plan. The Planning and Zoning Commission unanimously recommended approval of

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this item at their September 26 meeting with the stipulation that the specific use permit runs with the name of the business and not the land.

In answer to questions from Council, Ms. Reyff stated that the location would still have adequate parking even with the parking taken out by Locke Supply and if the new definition of "shopping center" is adopted; and that the specific use permit would generate a need for 16 parking spaces.

Mayor Griffin opened the public hearing at 7:17 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:17p.m.

In answer to questions from Council, the applicant, Ivis Flores, 4600 Canyon Trail, Euless, stated that they would sell second hand appliances such as refrigerators, washers, and dryers; that they offer a 90-day warranty on parts and labor; that they own a shop in Dallas where all repairs are made and the appliances are made ready; that the Bedford store will be retail only with no outside supplies; that they have been in business for six years; and that they saw the need for used appliances in the area. In answer to a question from Council, Ms. Reyff stated that she was not aware of any other facility of this type in the City.

Motioned by Councilmember Brown, seconded by Councilmember Nolan, to deny an ordinance to rezone a portion of the property known as Lot 1A, Harwood Village Shopping Center Addition, located at 510-E Harwood Road, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Secondhand, Rummage and Used Furniture Stores, specifically for a Specific Use Permit to allow for Castillo's Appliances; 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 Brown Trail. (Z-239)

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

6. Public hearing and consider an ordinance to rezone the property known as Abstract 1735, Tract 6C02, TW Williams Survey, located at 1805 L. Don Dodson Drive, Bedford, Texas, from MF, Multi-Family Residential District to S, Service Commercial District; 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 Bedford Road and east of Forest Ridge Drive. (Z-241)

Ms. Reyff presented information regarding this ordinance. The public hearing was published in the October 1 edition of the Star-Telegram. It is for the old library property across the street from City Hall. This item is for a straight rezoning from MF- Multi-Family to S-Service Commercial District. In preparing for the new occupant, Texas Industries (TXI), the time to rezone the property is now. The property would serve as a prominent location in the Central Bedford Development Zone. There would be no changes to the site except for the interior. TXI would be utilizing most of the location as office, which is allowed by right in the S – Service Commercial District. The City would continue to own both the land and the building for meeting and storage space. The use meets the intent of the Comprehensive Plan and the item was approved unanimously by the Planning and Zoning Commission.

There was discussion on the City abiding by its own ordinances. In answer to questions from Council, City Manager Beverly Griffith stated that the City would be responsible for installing a masonry fence as the location would now be commercial against residential; that the City is getting cost estimates; and that the fence would be installed in the current fiscal year; that TXI would not be responsible for the fence since there are no changes to the site plan; and that the City, as the building owner, is responsible under the lease agreement with TXI for anything exterior to the building such as landscaping and parking lots.

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Mayor Griffin opened the public hearing at 7:26 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:27 p.m.

There was discussion on the benefit of the new leasee outweighing the cost of the fence.

Motioned by Councilmember Davisson, seconded by Councilmember Champney, to approve an ordinance to rezone the property known as Abstract 1735, Tract 6C02, TW Williams Survey, located at 1805 L. Don Dodson Drive, Bedford, Texas, from MF, Multi-Family Residential District to S, Service Commercial District; 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 Bedford Road and east of Forest Ridge Drive. (Z-241)

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

- 7. Consider a resolution 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 the Clubhouse for Special Needs.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to sign a Water Main easement for Lot 5, Block 2, Bedford Lake Addition from property conveyed to the City of Bedford by deed as recorded in Volume 10764, Page 170, Deed Records, Tarrant County, Texas.**

This item was approved by consent.

- 9. Consider a resolution approving an amendment to the 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 Spring Creek Restaurants.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to purchase a 2010 Skywatch Mobile Observation Tower from Flir Integrated Systems in the amount of \$50,000.**

This item was approved by consent.

- 11. Consider a resolution authorizing the Mayor to accept the 2013 Sub-Recipient Award from the Texas Department of Public Safety for the FY 2013 Homeland Security Grant Program.**

This item was approved by consent.

- 12. Consider a resolution authorizing the City Manager to enter into a contract for chemical application services with TruGreen in the amount of \$36,108.**

This item was approved by consent.

- 13. Consider a resolution authorizing the City Manager to enter into a citizen survey services agreement with the University of North Texas in the amount of \$20,420.**

This item was approved by consent.

- 14. Consider a resolution authorizing funding, ratifying the expenditure and authorizing the City Manager to contract with Reynolds Asphalt, TexOp Construction, L.P., Earth Haulers, Inc., Tarrant County Precinct 3, TXI Operations, L.P., and Huffman and Huffman, Inc., in the amount of \$125,795.82 for emergency water line and street repairs on Bedford Road due to a major water main break on July 29, 2013.**

Public Works Director Tom Hoover presented information regarding this resolution. He stated that it was for the final touches for the repairs that were done on Bedford Road due to the water main break in July. There is a total of \$125,000 in invoices associated with those repairs, most of which are associated with the actual road repair. Approximately \$36,861.28 is associated with the utility contractor that was brought in due to the depth and size of where the main broke. This item was taken to the 4B Board in September to authorize the road repair portion.

Motioned by Councilmember Champney, seconded by Councilmember Brown, to approve a resolution authorizing funding, ratifying the expenditure and authorizing the City Manager to contract with Reynolds Asphalt, TexOp Construction, L.P., Earth Haulers, Inc., Tarrant County Precinct 3, TXI Operations, L.P., and Huffman and Huffman, Inc., in the amount of \$125,795.82 for emergency water line and street repairs on Bedford Road due to a major water main break on July 29, 2013.

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

- 15. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and Republic Services, Inc. for the modified microsurfacing project in the Realistic Addition subdivision.**

Mr. Hoover presented information regarding this resolution. It is for a memorandum of understanding with Allied Waste. There was a situation where a leak occurred and they agreed to do resurfacing with small aggregate micro-paving. There was confusion on when the resurfacing was to be done, since there was no requirement for Council to authorize the expenditure. The company went ahead and did the resurfacing while they were still in the area and while the weather was still warm.

In answer to questions from Council, Mr. Hoover stated that this was the same company that performed the resurfacing in the Country Meadows subdivision; that the company did go back and roll down the areas that had pitched up in Country Meadows; and that staff confirmed that they made the necessary changes.

Motioned by Councilmember Nolan, seconded by Councilmember Davisson, to approve a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and Republic Services, Inc. for the modified microsurfacing project in the Realistic Addition subdivision.

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

- 16. Consider a resolution authorizing the City Manager to change a Council meeting in December; to schedule the Council meetings for December 10, 2013 and December 17, 2013; and to schedule a special meeting to canvass the results of the November 5, 2013 bond election.**

Ms. Griffith presented information regarding this resolution. There is a need to move the second Council meeting in December as it falls on Christmas Eve. Staff is recommending moving the Council meeting dates in December to December 3 and December 17 to fall in line with the schedule for the citizen survey. City Secretary Michael Wells stated there is a need to schedule a special meeting in November to canvass the November 5 bond election. The period to canvass is from November 13 to November 18, which does not coincide with a regular Council meeting date.

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Motioned by Councilmember Davisson, seconded by Councilmember Champney, to approve a resolution authorizing the City Manager to change Council meetings in December; to schedule Council meetings for December 3, 2013 and December 17, 2013; and to schedule a special meeting to canvass the results of the bond election for November 13.

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

17. Discussion and receive Council direction on staff approaching Hawaiian Falls for the management of the City's water park.

Councilmember Nolan stated the reason she brought this to Council was to get staff to go to Hawaiian Falls to look for ways to improve the revenue at Splash. She had read an article in the Star-Telegram where a gentleman had gone to several water parks and made a revenue stream. She wants to get a consensus from Council for staff to go to Hawaiian Falls and to investigate if this is an opportunity for Bedford and Splash. There was discussion on the Hawaiian Falls in Waco; Hawaiian Falls generally builds from the ground up and on bigger footprints; Hawaiian Falls looking at other opportunities to build water parks in the Metroplex; and the size of the water park in Roanoke. In answer to questions from Council, Deputy City Manager David Miller stated that he believes the park in Roanoke is 14 acres and Splash is 1.29 acres; that generally when a city enters into an agreement with Hawaiian Falls, the city pays at least half of the startup cost; that the City of Waco put in \$2.5M and that his understanding was that Mansfield put in the same amount and came back with an amendment for approximately \$1M; that it is unclear if Hawaiian Falls manages a water park for a city; that they enter into a partnership with a city to operate a park that is much larger than Splash; and that he believes Waco's park was expanded to 14 acres and that their ticket prices are \$26.00 a day with \$100 season passes. In answer to questions from Council regarding the City exploring other companies to manage Splash, Ms. McQuagge-Walden stated that the City had received a solicitation from USA Aquatics who were strictly a management company; and that in doing the math on their proposal, there were no savings involved. There was discussion on casting a wider net in regards to talking to other companies and concerns on raising ticket prices. In answer to a question from Council, Ms. Griffith stated that a business plan was developed after the bond election that did anticipate that Splash would pay for itself as far as operations based on revenue assumptions that never came to fruition; and that it was never envisioned that the revenue would cover the construction costs. There was discussion on what the City wants to deliver to the citizens; cutting costs or raising rates; and keeping costs low while maintaining the park and generating revenue. In answer to questions from Council, it was stated that it is unknown at the time if there are any water parks that cover their costs or are net profitable; that initial construction costs for facilities in North Richland Hills and Hurst were financed through an economic development sales tax; that it is unknown at this time what Hawaiian Falls pays those cities they are involved with; and that there are nine years left on the debt for Splash.

Councilmember Nolan stated that after all expenditures from their private/public partnership; the City of Roanoke receives approximately \$250,000 a year in revenue. There was discussion that the process to look at a third-party company to manage Splash would be through a request for qualifications; whether there was consensus to have staff investigate the potential of new management for Splash; looking at benchmarks to measure Splash's performance; performing due diligence including a comparison of operational costs with other cities. There was discussion on doing a comparison of city-owned water parks inclusive of ones that have partnered with Hawaiian Falls; or doing an overview of the City's operational costs to serve as a benchmark and then exploring if there are companies that can operate Splash like the City operates and increase revenue. There was a consensus of Council for staff to provide Council with an in-house operational assessment of Splash by the first meeting in December for Council to determine if they want to move forward with an RFQ to other companies for the management of Splash. There was discussion on the second step involving looking at water parks managed by cities and water parks managed by companies like Hawaiian Falls.

18. Discussion on the appointments of members/staff to boards/commissions that are not voted on by City Council. **This item requested by Councilmember Nolan.

Councilmember Nolan requested this item be placed on the agenda for discussion. She stated that Council voted for the Charter Review Committee to have 15 members, appointed a chairman, and on the Committee was the City Secretary and the City Attorney. When she reviewed the resolution, it had an additional ex-officio member in the City Manager. When she asked how the City Manager got on the resolution, she was told that the City Manager put herself on the Committee, and that this was not something the Council voted on. She is concerned that people are putting themselves on commissions without being voted on by the Council. Mayor Griffin discussed that every resolution contained the City Attorney and City Manager as ex-officio members; that the motion for approval certifying the body was made by Councilmember Nolan and seconded by Councilmember Davisson; that Council receives their agenda material five or six days before the meeting for review; that there is the opportunity to schedule time with the City Manager for review and to ask questions; that the item is then discussed at the actual meeting; and that the Council's Code of Conduct states that majority rules and once an action is taken, Council agrees to disagree and moves on. Ms. Nolan stated that the vote was to form the Committee; that she was told the original resolution did not have the City Manager as an ex-officio member; and that when it was sent to the City Manager, she put herself on there; and that she did not receive a copy of the original resolution. There was discussion that Council receives a copy of everything in the agenda packet. Ms. Nolan stated that she did not have a copy of a resolution that does not have the City Manager as an ex-officio member on it; and that when the item was voted on, it was to form the Committee, not to put on ex-officio members. Councilmember Brown discussed that the resolution passed on August 13 contained a section to create the Committee and a section on the make-up of the Committee, which stated that the City Manager and City Attorney would serve as ex-officio members. There was discussion on the Council's desire to have the City Attorney and City Manager serve on the Committee; and that there were no prior resolutions in the packet available to Council. Ms. Nolan stated she did not see the need for the City Manager to be on the Committee. There was further discussion on the City Manager and their role serving on the Committee. Councilmember Brown stated that he wanted it clear that there was nothing changed in the resolution and that the accusation is shown not to be the case, and Councilmember Champney concurred. Mayor Griffin further discussed the Council's Code of Conduct.

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

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

Councilmember Boyter stated that seven to eight cats and dogs were adopted at the recent Pet Fair.

✓ **Beautification Commission - Councilmember Turner**

No report was given.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter thanked the Commission for their assistance with the recent bond discussion.

✓ **Cultural Commission - Councilmember Nolan**

No report was given.

✓ **Library Board - Councilmember Davisson**

Councilmember Davisson stated that there are two openings on the Board and there was discussion on adding a teen representative to the Board. There is a new meeting room policy whereby a person's driver's license is held until they check out of the room.

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

No report was given.

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

No report was given.

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

Councilmember Champney reported that Teen Court Coordinator Mindy Eichorst made a presentation to the Pacesetter's Rotary Club and gave an overview of the Teen Court program. She will be invited back to discuss the Teen Court scholarship.

20. Council member reports

No other reports were given.

21. City Manager/Staff Reports

No report was given.

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

Item #8 was voted on during the Regular Session.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:16 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary