

**Council Minutes November 12, 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 12th day of November, 2013 with the following members present:**

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

constituting a quorum.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Kelli Agan	Technical Services Manager
Roger Gibson	Police Chief
Eric Griffin	Deputy Police Chief
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

**EXECUTIVE SESSION**

This item was moved to the end of the Regular 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 1D, Shops at Central Park.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 4 Lot Cr, Bedford Forum Addition.**
- d) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Chandra Gupta.**

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 1D, Shops at Central Park; Section 551.087, deliberation regarding economic development negotiations relative to Block 4 Lot Cr, Bedford Forum Addition; and Section

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551.071, consultation with City Attorney regarding pending or contemplated litigation – Chandra Gupta at 8:17 p.m.

Council reconvened from Executive Session at 8:38 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 the Executive Session will be moved to the end of the meeting. He thanked the residents for their support of the bond. In December, plans will be submitted to the Texas Parks and Wildlife Department. Bids would be advertised in January and February, and bids awarded in February and March. The project is expected to be completed by February or March of 2015.

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

Reverend Melvin Brown of Cathedral of Faith Church of God in Christ 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**

This item was moved after the Council recognition. Council discussed placing the following items on consent: 2, 8, 9, 10, 11 and 12.

Public Works Director Tom Hoover presented information regarding Item #9. This item is for the Dora Street reconstruction from East Pipeline Road to Phyllis Street, and consists of removing the extreme crowns and existing pavement, and making utility corrections. The City received seven bids, with JLB Contracting submitting the lowest responsible bid at \$1,041,746.05. The highest bid was \$1.492M and the average of the bids was \$1.222M. The engineer's estimate was \$1.224M. Staff is comfortable with the bids, which are consistent with market conditions. The engineering firm qualified the contractor, and Mr. Hoover stated that he has personal experience with JLB and they are a reputable contractor. The project should take 125 working days, and if the item is approved, work should begin by the first of the year once the contractor gets its bonding and insurance, and the contract documents are executed. In answer to questions from Council, Mr. Hoover stated that people will be kept informed by flyers and by signage put up by the contractor; that temporary access will be put up to allow people to get in and out of their houses; that the previous times that Dora Street was rehabilitated, the old pavement was put in the middle but now it is milled off and hauled away; that the contractor has done work for the City in the past; and that funding for this project comes from the 2013 General Obligation Bonds.

Council discussed Item #12 and was of the consensus to give eight votes each for Joe Pothoff, John Eubanks and David Averitt.

Motioned by Councilmember Champney, seconded by Councilmember Brown, to approve the following

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items by consent: 2, 8, 9, 10, 11, and 12 with the stipulation that the votes be portioned between Joe Pothoff, John Eubanks and David Averitt.

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

### **COUNCIL RECOGNITION**

#### **1. Proclamation recognizing Fire Safety Poster Contest Winners.**

Mayor Griffin presented proclamations recognizing Fire Safety Poster Contest Winners to the following students:

Haley Sheppard – First Grade, Bedford Heights Elementary  
Grant Miller – Second Grade, Meadow Creek Elementary  
Makenna Smith – Third Grade, Bedford Heights Elementary  
Alex Gutierrez – Fourth Grade, Bedford Heights Elementary  
Jaida LaCour – Fifth Grade, Bell Manor Elementary  
Jon Williams – Sixth Grade, Bedford Heights Elementary

### **APPROVAL OF THE MINUTES**

#### **2. Consider approval of the following City Council minutes:**

##### **a) October 22, 2013 regular meeting**

This item was approved by consent.

### **PERSONS TO BE HEARD**

#### **3. 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 for a follow-up presentation on a Cultural Diversity Initiative for Bedford.**

Reverend Melvin Brown, Sr., 2813 Airport Freeway, Suite #416 – Reverend Brown presented to Council a progress report since the last time he appeared. From a relationship standpoint, he met with Scott Sheppard, the Executive Director of 6Stones, and that started a collaboration of meetings and sharing with young people from his ministry, who will be volunteering to rebuild homes. Mr. Sheppard also helped with computer training for people coming out of jail. He stated that Bedford is a great place to live and that his mission was to share his passion for diversity. He is encouraging other pastors to get involved and he has received positive feedback. In regards to economic development, people have been coming to him and asking how they can get plugged in. Through his church constituency, he has the opportunity to minister to 10,000 people in the area and he is encouraging them both to shop in and get to know Bedford. He has contacted the owners of three businesses who are considering coming to Bedford, and he hopes those people can present their business idea to Council by the end of the year or the beginning of next year. Over the next 12 months, there will be a development with ex-inmates becoming part of the network to help with the renovation of homes.

### **OLD BUSINESS**

#### **4. Discussion on the development of the citizen survey instrument.**

Managing Director Mirinda McQuagge-Walden introduced Dr. Paul Ruggiere, the director of the UNT Survey Research Center. She stated that the Council had previously been emailed survey examples and the goal tonight is to come up with topics Council wants to survey, including specific questions,

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policy ideas, and specific functional areas. Benchmarking questions were also included if Council wants to be benchmarked against other cities but that they did not need to use all of the questions.

Dr. Ruggiere stated that he would like to receive input from Council on concepts they want to look at such as policy matters, things Council is considering doing in the future, and economic development or other initiatives. He stated that, as this is the first survey the City has done in a while, it is helpful to have some sort of benchmark. He discussed their 2011 Metroplex Survey, which included 1,200 residents, 300 of whom were in Tarrant County, and 180 of whom were in cities of between 50,000 to 100,000 in size. The standard questions are very broad but Council can choose to do more in-depth explorations. 3,500 households would be selected and contacted by mail or telephone, and who would have the opportunity to respond via the web, phone, or mail. He asked to hear from Council on the questions that were sent previously and what concepts or ideas they want to have measured.

Council discussed adding the benchmarking questions and questions related to: recycle carts; the Better It app and the Bedford Alert; identifying trends including types of housing, jobs, and how far people travel; a service to go to the railroad; identifying emerging concerns and the support for new initiatives; development and redevelopment; and more in-depth information for strategic planning. In answer to a question from Council regarding how stringent the benchmarking is and allowing feedback on questions, Dr. Ruggiere stated that the Metroplex Survey could be changed to allow for comments and that there can be open-ended follow-up questions. He cautioned that there may be a tendency to be drawn towards what a few people say, and that comments need to be considered and balanced. He further suggested that the survey only have follow-up questions on those items that rate "poor". Council further discussed adding questions related to: restrictions on gas drilling; a no-smoking ordinance for restaurants and public buildings; no texting while driving; what people feel is the biggest issue or the biggest area to improve; burying utility wires; registering pets; the ambulance subscription program; donations such as to Animal Control and Parks; how the City should look in the future and at what amenities the City should look for; how City staff has responded to issues; and questions for businesses including how easy is it to do business in the City and if they feel a part of the community. Dr. Ruggiere stated that a survey to businesses may need to be a different project and that they would need to get a larger response since there are fewer businesses than residents. There was further discussion regarding comments on the survey and Dr. Ruggiere stated that comments would be an acceptable part of the survey. There was discussion on adding a question related to the "Trap, Neuter and Release" program; and not allowing people to take the survey if they have lived in the City less than a year or six months. In response to questions from Council, Dr. Ruggiere stated that in regards to the effectiveness of digging deeper on the survey, it is hard to know until the answers are received; that his best role is to measure what people say, provide that measurement, and explain what that means; that the actions that should be taken to address issues would be a policy question and that it does not hurt to dig deeper on "poor" responses as long as the responses are in context. There was discussion on questions being specifically relevant to Bedford and for them to be actionable items. In answer to questions from Council, Dr. Ruggiere stated that respondent's information is kept confidential and that they are told the answers they give are given to Council as percentages.

Dr. Ruggiere stated that the next step is to put together a draft questionnaire, which will be forwarded to Council, and then to go through the specific questionnaire during the next meeting in December.

- 5. Consider an ordinance amending Chapter 6 of the City of Bedford Code of Ordinances, Section 6-70 "Special Sign Types," Section 6-72 "Temporary Signs," and Section 6-74 "Prohibited Signs"; providing for an Exhibit 'A' being the City of Bedford Sign Regulations; providing a savings clause; providing a severability clause; and providing an effective date.**

Development Director Bill Syblon presented information regarding this ordinance. He stated this item came about through input from the business community at the October 8 Council meeting, where there was a request to allow more flexibility for signage under the "Still In Business" category. These are allowed where businesses are hampered by road construction; and, once construction is completed, the signs would go away. Currently, the only two sign types allowed are horizontal and sidewalk vertical banners. The amendment would allow the use of any other temporary sign type as a "Still In Business"

sign. Additionally, it removes “swooper flags” as a prohibited sign type and adds that as a definition to the temporary sign section. As with the current ordinance, the amendment allows the Building Official to defer to the City Manager for approval, whose decision would then be final. The signs would require a permit but carry no fee. There was discussion on the end date being the end of construction; having the changes be applicable to construction projects of 30 days or longer; that the only time that the provision would be used is during road construction; that this item does not affect grand openings or re-openings; and business retention being a priority.

Motioned by Councilmember Davisson, seconded by Councilmember Nolan, to approve an ordinance amending Chapter 6 of the City of Bedford Code of Ordinances, Section 6-70 “Special Sign Types,” Section 6-72 “Temporary Signs,” and Section 6-74 “Prohibited Signs”; providing for an Exhibit ‘A’ being the City of Bedford Sign Regulations; providing a savings clause; providing a severability clause; and providing an effective date.

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

### **NEW BUSINESS**

- 6. Public hearing and consideration of an ordinance to rezone a portion of the property known as Lot 1R1, Block 1, Harwood Hills Village Addition, located at 3354 Harwood Road, Bedford, TX, from Planned Unit Development (PUD) to Amended PUD, Site Plan Modification in the Master Highway Corridor Overlay District (MHC), specifically for the operation of a Tom Thumb Fuel Station; 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 State Highway 121. (Z-240)**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. The public hearing was published in the October 18 edition of the Star-Telegram. It is for a Tom Thumb fuel station where a 7-11 used to be, and which closed in 2009. There is a need to amend the Planned Unit Development and to receive site plan approval as the property is located within the Master Highway Corridor Overlay District (MHC). All setbacks have been met from the Zoning Ordinance. Ingress and egress are through existing curb cuts on Harwood Road and the Highway 121 frontage road. Both entrance drives are accented with decorative street pavers; 25 percent of landscaping is provided, in excess of the required 20 percent; there is a 30-foot landscape buffer along the frontage road; 57 new shrubs will be provided between the curb cuts; vents in the front area will be screened by shrubbery; the exterior elevations for the canopy and kiosk are primarily stucco with brick accenting, which meets MHC standards. Exterior materials are of earth tones and match the exiting Tom Thumb grocery store. There is articulation in the roof line, included in the canopy. The use meets the intent of the Comprehensive Plan and this item was unanimously approved by the Planning and Zoning Commission at their October 10, 2013 meeting.

In answer to a question from Council, Ms. Reyff stated that the canopy does not need a peaked roof as it is over 5,000 square feet. In answer to questions from Council, the applicant, Ron Yeary representing Tom Thumb, 6125 Sherry Lane, Dallas, stated that the kiosk would sell items including pre-packaged food, drinks, coffee, ice cream, milk, motor oil, etc.; that the kiosk is 950 square feet; that it is owned and will be operated by Tom Thumb and not leased to anyone else; that they will be adding new oak trees along the west boundary line, as well as new hedge rows; that Tom Thumb would be responsible for all of the maintenance; and that the timeline for construction is typically 120 days.

Mayor Griffin opened the public hearing at 7:47 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:47 p.m.

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Motioned by Councilmember Davisson, seconded by Councilmember Champney, to approve an ordinance to rezone a portion of the property known as Lot 1R1, Block 1, Harwood Hills Village Addition, located at 3354 Harwood Road, Bedford, TX, from Planned Unit Development (PUD) to Amended PUD, Site Plan Modification in the Master Highway Corridor Overlay District (MHC), specifically for the operation of a Tom Thumb Fuel Station; 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 7-0-0. Mayor Griffin declared the motion carried.

**7. Public hearing and consideration of a resolution approving a site plan for the property known as Lot 2R1, Block 1, Harris Methodist Health Systems and a portion of Abstract 1392, Tract 1C1, Wallace W. Smith Survey, located at 1609 Hospital Parkway, Bedford, TX, specifically for the HEB Cancer Center. The property is generally located south of Harwood Road and west of State Highway 121. (S-058)**

Ms. Reyff presented information regarding this resolution. The public hearing was published in the October 18 edition of the Star-Telegram. This case is for a site plan consideration for a 39,250 square foot HEB Cancer Center at 1609 Hospital Parkway. The existing property is green space with no improved structures and is owned by HEB Hospital. The Center would be built and leased by separate ownership. The Center would be utilized for those going to doctor and treatment appointments. It would be located south of an existing professional building and west of HEB Hospital. The property is zoned H-Heavy Commercial, and the Center would be a permitted use once the site plan is approved as it is over three acres in size. All of the setbacks meet the Zoning Ordinance requirements. The project exceeds the minimum number of parking spaces of 157; there are 246 existing spaces around the medical office building to the north and they will locate 248 new spaces around the new building. Ingress and egress are along curb cuts on Hospital Parkway and Central Park Boulevard. Landscaping is 29 percent, above the Zoning Ordinance requirement of 20 percent. Parking lot landscaping is required to be 10 percent and 15 percent is being provided. The project also includes a healing garden. On-site detention will be in the form of a detention pond along the Hospital Parkway frontage and screened by a black, wrought-iron fence. The property sits adjacent to the Master Highway Corridor Overlay District (MHC) and staff worked with the applicant to represent the building in a way to reflect the spirit of the medical district and the MHC. The elevations are of earth tones and the articulation and design of the building would meet the MHC's requirements. The materials indicated on the elevations are masonry, metal and glass. The building and site-development meet and in many cases exceed the Zoning Ordinance requirements. The use meets the intent of the Comprehensive Plan and the Planning and Zoning Commission unanimously approved this item at their October 10 meeting. There was discussion on the property being taxable; and the number of parking spaces. In answer to questions from Council, the applicant, Grant Callison representing Cambridge Holdings, 8383 Preston Center Drive, Dallas, stated that the oncologists at the Center will all be existing physicians.

Mayor Griffin opened the public hearing at 7:59 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:59 p.m.

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve a resolution approving a site plan for the property known as Lot 2R1, Block 1, Harris Methodist Health Systems and a portion of Abstract 1392, Tract 1C1, Wallace W. Smith Survey, located at 1609 Hospital Parkway, Bedford, TX, specifically for the HEB Cancer Center. The property is generally located south of Harwood Road and west of State Highway 121. (S-058)

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

**8. Consider a resolution authorizing the City Manager to purchase medical equipment and related components from Physio-Control, Inc., in the amount of \$36,607.40.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to enter into a contract with JLB Contracting for Dora Street reconstruction from Pipeline Road to Phyllis Street in the amount of \$1,041,746.05.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to accept an armored personnel carrier from the Texas Department of Public Safety through the Texas 1033 Program.**

This item was approved by consent.

- 11. Consider a resolution authorizing the Mayor to certify the Equitable Sharing Agreement and Certification as required by the United States Department of Justice.**

This item was approved by consent.

- 12. Consider a resolution casting votes for candidates to serve on the Board of Directors for the Tarrant Appraisal District.**

This item was approved by consent with eight votes each going to Joe Pothoff, John Eubanks and David Averitt.

- 13. Discussion on the fence ordinance. \*\*This item requested by Councilmember Nolan.**

Councilmember Nolan requested this item be placed on the agenda for discussion. She stated that earlier in the year, Council had been looking at revisions to the Fence Ordinance and that had been put on hold because of an extenuating circumstance at the HOA along Highway 183. She would like to have staff come back to Council with the findings on the Fence Ordinance, including ensuring that if a fence is masonry, it has to be replaced with masonry along an entryway. In answer to questions from Council on the specific issue with the HOA being resolved, Deputy City Manager David Miller stated that the HOA had withdrawn their application for an amendment to their Planned Unit Development; and that Code Compliance officials have taken enforcement action and sent a letter requiring compliance by the end of November. Council was of the consensus for staff to find a time for a work session to revisit the Fence Ordinance. City Manager Beverly Griffith stated that staff can package all of the materials on the Ordinance and get them to Council for review.

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

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

Councilmember Boyter reported that the Board met last week and is once again reveling in the successful Pet Fair. They are drafting and preparing a presentation to Council regarding the "Trap, Neuter And Release" program.

- ✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner stated the Commission is preparing for the spring.

- ✓ **Community Affairs Commission - Councilmember Boyter**

No report was given.

- ✓ **Cultural Commission - Councilmember Nolan**

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No report was given.

### ✓ **Library Board - Councilmember Davisson**

Councilmember Davisson stated that Christmas Fest will be held on Saturday at the Library. It will feature arts and crafts and Santa will be there from 10:30 a.m. to 12:30 p.m.

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

No report was given.

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

Councilmember Turner reported that the Board did not meet last month due to a lack of quorum and their meeting has been rescheduled for early December. The Thanksgiving luncheon is scheduled for November 22 at noon.

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

Councilmember Champney reported that the Board is debating where to hold their banquet next year and it looks like it will be at Texas Star. Teen Court Coordinator Mindy Eichorst recently made a presentation to rotary.

## **15. Council member reports**

Councilmember Nolan reported that the City will be hosting a luncheon on Friday at Bizzi's for the Tarrant County Women in Government. The organization was revitalized by Mayor Betsy Price of Fort Worth and Mayor Mary Lib Saleh of Euless. It is for any woman in Tarrant County who is an elected official. The guest speaker will be Judy Hoberman, author of "Selling in a Skirt."

## **16. City Manager/Staff Reports**

Ms. Griffith reported that the City is conducting their annual food drive and is asking for donations to help feed local families during the holiday season. The drive is being sponsored by the Fire Department and there are drop-offs at all three fire stations. The drive runs through December 31. Tuesday, November 19 is the date for the turkey drop-off. In regards to the Thanksgiving trash schedule, pick-ups on Thursday will be shifted to Friday and those on Friday shifted to Saturday.

## **17. 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 8:40 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary