

Council Minutes November 26, 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 26th day of November, 2013 with the following members present:

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

Mayor
Council Members

constituting a quorum.

Staff present included:

Beverly Griffith
Stan Lowry
Michael Wells
Kelli Agan
Cliff Blackwell
Roger Gibson
Tom Hoover
Bill Syblon

City Manager
City Attorney
City Secretary
Technical Services Manager
Administrative Services Director
Police Chief
Public Works Director
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 551.071, consultation with City Attorney regarding pending or contemplated litigation – StoneCourt Homeowner’s Association.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – StoneCourt Homeowner’s Association at 8:51 p.m.

Council reconvened from Executive Session at 9:13 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.

INVOCATION (Dr. Timothy Pierce, Woodland Heights Baptist Church)

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Dr. Timothy Pierce of Woodland Heights Baptist Church gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Tom Culbert, 1925 Charleston Drive – Mr. Culbert thanked the Council for the Senior Center luncheon.

DISCUSSION AND CONSIDER APPROVAL OF ITEMS BY CONSENT

Council discussed placing the following items on consent: 2, 7, 8, 9, 10, 11, 12 and 13.

Economic Development Director Bill Syblon presented information on Item #7. This item is for the development of the regulating standards for the Central Bedford Development Zone. The Central Bedford Development Zone is a vision developed through the input of City Council, residents, staff and a stakeholder committee representing Bedford's business community. Mr. Syblon stated that the regulating standards are a set of long and short term strategic action goals for the CBDZ; they are firm guidelines that can be taken to the planning community to find a developer to develop the CBDZ.

In response to questions from the Council, Mr. Syblon stated that a series of joint work sessions with the City Council and Planning and Zoning Commission will be held to determine the design standards of the CBDZ.

Administrative Services Director Cliff Blackwell presented information on Item #9 and #10. These items are for utility bill production and mailing services. He stated that these items relate to the Customer Service function of folding and mailing utility bills. Mr. Blackwell stated that this function has been outsourced since 2001 to DataProse, LLC and that by piggy backing on the City of Plano's contract with DataProse, LLC, the City will benefit from a lower rate, resulting in a savings of \$20,000 each year. The City of Plano has waived certain services that the City of Bedford currently provides to Bedford water customers. Item #10 will amend the contract in order to retain those services at current budgeted prices.

Public Works Director Tom Hoover presented information on item #11. This item is for a professional services contract with J. Richard Perkins, P.E. Mr. Hoover stated that the City has had a contract with J. Richard Perkins, P.E. for many years and that he provides a valuable service to the City. The hourly rate has increased, but the maximum contract amount remains unchanged.

Mr. Hoover also gave a presentation on Item #13. This item is for the Sulphur Branch Channel Improvements Final Design. Mr. Hoover stated that in July, 2013 the City authorized Kimley-Horn and Associates to do some preliminary analysis to look at a segment of Sulphur Branch between the 183/121 expansion and Bedford Road. The idea was to incorporate the improvements made by the State into what the City wants its section to look like. The design work is complete. The next step is to authorize Kimley-Horn to complete the final design.

In response to question from the Council Mr. Hoover stated that the preliminary cost is approximately \$900,000 and that on a project this size, the City will not be able to utilize the resources of the Corp of Engineers.

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 2, 7, 8, 9, 10, 11, 12 and 13.

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

COUNCIL RECOGNITION

1. Employee Service Recognition

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

Jeremy Beekman, Development Department – 5 years of service
Kay Brown, Development Department – 5 years of service
Ivan Roman-Gutierrez, Police Department – 5 years of service
Michelle Ricard, Police Department – 15 years of service
Roger Gibson, Police Department – 30 years of service

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:

- a) November 12, 2013 regular meeting**
- b) November 13, 2013 special meeting**

This item was approved by consent.

OLD BUSINESS

3. Presentation by Robert Hinkle, NTE, regarding the S.H. 183 expansion.

Robert Hinkle with NTE gave a presentation to Council regarding the S.H. 183 expansion. He stated that 142 companies have worked on the project, along with several hundred subcontractors. On a daily basis, almost 2,400 people are working on the project. Approximately 4M cubic yards of dirt have been excavated, most of which is reused but some has been given to charitable organizations like 6Stones. The project is 74 percent complete. In regards to operations and maintenance, they have assisted 130 motorists per month along with the Police Department, and they are below the state and national incident rates. They are averaging 240 lane closures per month. Recent activity includes the reopening of the Central Drive exit and the westbound Murphy Drive entrance. He presented information regarding blackout periods including during Thanksgiving week, and the Christmas and New Year's holidays. He stated that the Brown Trail bridge is scheduled to be completed in the first quarter of 2014; the Bedford Road intersection is scheduled to be completed in the first or second quarter of 2014; Forest Ridge Drive is scheduled to be completed in the first quarter of 2014; the bridge at Central Drive is scheduled to be completed in the first or second quarter of 2014; and the SH121/183 split is scheduled to be completed in the first quarter of 2014. In regards to the final configuration of the corridor, all of the ramps are going to stay the same except the eastbound onramp from Norwood Drive is being moved to Brown Trail. Southbound north of S.H. 121 from Central Drive will now cross Murphy Drive. Eastbound "TEXpress" traffic will only be able to exit at Industrial Boulevard, while westbound TEXpress traffic will be able to exit at Brown Trail and Bedford-Eules Road.

Mr. Hinkle stated that there are going to be combination exits to different streets done for safety reasons. The three free lanes in the east segment will be there after the project is complete. There will be two "TEXpress" lanes in each direction, with eastbound entrances at Bedford-Eules Road and Brown Trail, and eastbound exits at Industrial Boulevard and S.H. 121. Westbound, there are entrances to the "TEXpress" lanes at Industrial Boulevard and southbound S.H. 121, and exits at Brown Trail and Bedford-Eules Road. He stated that the TEXpress lanes are for the long-term commuter, while the local traffic will benefit from the rebuilt general-purpose lanes and the expanded frontage roads. There will be double the capacity once the corridor is complete. There was discussion on impact information being made available that shows a project like this being beneficial; and residents getting dirt to which Mr. Hinkle replied that they could look at doing a "load of dirt" Saturday in the next six months. In answer to questions from Council, he stated that it would be safe to say a project like this would benefit the community and they are seeing restaurants, strip centers, and big box stores looking at the corridor; that there will be no major deterioration in getting on or off of the highway; that there will be ingress and

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egress at Central Drive; that the Brown Trail exit is already opened; that they have started a post-construction outreach to all the cities; and that the highway would have three free lanes and two "TEXpress" lanes in each direction. In answer to questions from Council, City Manager Beverly Griffith and Development Director Bill Syblon stated that the City has already seen new businesses in addition to those that have shown an interest; that sales tax revenue has been increasing, which correlates to new business along S.H. 183; that the number of major businesses being lost is minimal; that property values have increased over the last two years; that in regards to concerns over increased traffic on Harwood Road and Highway 10 once construction is completed, shopping centers in that area have had increased occupancy rates due to increased traffic. There was discussion on getting the correct information out to the public.

NEW BUSINESS

4. Public hearing and consideration of an ordinance to rezone a portion of Lot 1, Block 1, Bedford Meadows Addition, located at 2101 Bedford Road, Suite M, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Secondhand, Rummage & Used Furniture Stores, for a Goodwill Donation Station. The property is generally located north of Bedford Road and east of Central Drive. (Z-237)

Development Director Bill Syblon presented information regarding this ordinance. It is an application for a Specific Use Permit (SUP) to allow Goodwill Industries to open a new donation station in the Bedford Oaks Shopping Center. They would be occupying 2,500 square feet for a store front that would accept donations only and they do not intend to resell any goods. As it is in a shopping center, existing parking and landscaping have been provided as part of the overall development. The Planning and Zoning Commission recommended approval of this item at their October 24, 2013 meeting by a vote of 6-1 with the stipulation that the SUP be issued to the business name Goodwill Donation Station and the permit run with the name of the business, not the land.

In answer to concerns from Council regarding items being left outside of the station when it closes, Mr. Syblon stated that the issue came up during the Planning and Zoning Commission meeting and their concerns were allayed by the fact the location would be open seven days a week; and that he talked to a neighboring community but did not receive any feedback on this issue occurring. David Cox, President and CEO of Goodwill Industries of Fort Worth, stated that they have made an intentional shift from trailers to lease spaces; that they have similar locations in other cities and they have not seen that kind of behavior; that people are much more hesitant to leave items in a well-landscaped and nicely lit shopping center; that the lease space would protect the donations and project a better image for Goodwill and the City; that the station would be open from 9:00 a.m. to 5:00 p.m. Monday through Saturday, and 12:00 p.m. to 5:00 p.m. on Sundays, and that they will extend the hours as needed; that the station would serve a different area and that there is a highway between their Bedford store and the station; that they try to place stations one mile apart; and that it would relieve congestion at the Bedford store, as well as increase the donor base. There was discussion regarding having the SUP for Goodwill to only collect precluding them from selling at any point, to which City Attorney Stan Lowry stated that it could unless the underlying zoning allows for retail. Mr. Cox stated that they have no intention to sell out of the station as it is too small and they like to place stores five miles apart. In answer to questions from Council on doing something definitive about items being left outside other than code enforcement such as the station being open 24 hours a day, Mr. Lowry stated that conditions can be imposed on the granting of an SUP but that they cannot be compelled to be open. In answer to questions from Council, Mr. Syblon stated that in regards to the economic benefits to the City, any additional tenant generates additional traffic to the shopping center; and that anybody dropping off items after hours would have to be caught in the act. In answer to further questions from Council, Mr. Cox stated that they have eight lease spaces in the Fort Worth area; that the most they have seen outside of their lease spaces is a small box or bag; that the stations only exist for donations; that they have polices against selling items out of their donation centers; that the Colleyville station has been there for approximately 10 years; that most likely the material from the station would go to the store on Industrial Boulevard to be sold; that the store has revenues of \$1.7M; that it would be safe to assume the revenue at the store would increase;

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that when sales go down it is due to the lack of product; that the reason they try to increase revenue is to serve more people.

Mayor Griffin opened the public hearing at 7:46 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:46 p.m.

Motioned by Councilmember Turner, seconded by Councilmember Champney, to approve an ordinance to rezone a portion of the property known as Lot 1, Block 1, Bedford Meadows Addition, located at 2101 Bedford Road, Suite M, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Secondhand, Rummage & Used Furniture Stores specifically for a Specific Use Permit to allow for Goodwill Donation 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. (Z-237)

Motion approved 4-3-0. Mayor Griffin declared the motion carried.

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

Voting in opposition to the motion: Councilmember Boyter, Councilmember Davisson and Councilmember Nolan.

5. Public hearing and consideration of an ordinance amending Ordinance Number 2275, specific to Section 1.2.B Definitions to include a definition for Shopping Center; providing Exhibit "A" being the text amendment to the Zoning Ordinance. (A-031.1)

Mr. Syblon presented information regarding this ordinance. He stated that through the discussion of other development related topics, it was determined there was a need to add a definition of "shopping center" to the Zoning Ordinance to help with the administration of the Ordinance. The definition reads: "provides for a unified 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."

Mayor Griffin opened the public hearing at 7:49 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:49 p.m.

Motioned by Councilmember Davisson, seconded by Councilmember Nolan, to approve an ordinance amending Ordinance Number 2275, specific to Section 1.2.B Definitions to include a definition for Shopping Center; providing Exhibit "A" being the text amendment to the Zoning Ordinance. (A-031.1)

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

6. Public hearing and consideration of a resolution approving a site plan for the property known as Lot 1, Block 1, HEB Medical Center Addition, located at 1600 Hospital Parkway, Bedford, Texas, specifically for Texas Health HEB Hospital ICU Expansion of 50,680 SF in the Master Highway Corridor Overlay District (MHC). The property is generally located south of State Highway 183 and east of Hospital Parkway. (S-059)

Mr. Syblon presented information regarding this resolution. It is for Texas Health Resources to construct a new 50,000 square foot ICU expansion to their existing hospital campus. Site plan approval is required as it falls within the Master Highway Corridor Overlay District (MHC). The expansion would be constructed internal to the campus on an existing parking surface, with limited visibility from the Corridor.

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As the bottom floor of the structure is being used for parking, only nine spaces are being lost. Overall parking and landscaping for the campus exceeds the Zoning Ordinance standards. The applicant is proposing the expansion to be of metal material. Mr. Syblon explained that alternative materials beyond masonry critical to the architectural theme of the structure can be approved by the Council upon recommendation of the Planning and Zoning Commission. The Commission recommended approval of the site plan at their October 24, 2013 meeting by a vote of 6-1.

Rob Hudson, 4512 Sandera Lane, Flower Mound, representing the architectural firm of Sterling Barnett Little in Arlington, displayed images of the existing hospital and the proposed ICU expansion. The expansion is elevated to maintain physician parking and for loading docks. He displayed a graphic showing the amount of parking and impervious surfaces on the campus. The parking is at 1,272 spaces and the minimum required is 540 spaces. He displayed the site plan with the required data. The ground level plan shows physician parking and loading docks. The first floor plan is a shell space, which will potentially be used for operating rooms or administrative space. The second floor plan is the ICU with 18 beds, which are situated around the perimeter as the Texas Department of Health requires them to have windows. The third floor plan shows another shell space, which is connected to the hospital and would be used potentially for medical surgery/universal care rooms. The roof plan shows screens to cover the rooftop units for aesthetic appeal. He displayed the primary elevations from the highway corridor and secondary elevations facing south. For the south elevation, they are proposing a metal panel system, which would be a high-end finished product. He explained that there are issues related to settlement at the existing facility and that they want to work with that movement by using a material that is more forgiving. The metal panels are of the mica family, which is a material with earthy tones. The campus has had ten renovations over the years and that the facility can be dated with the various brick colors. He explained that metal panels have been used on the campus prior to the MHC. In regards to the color of the panel, he stated it was the preference of the designer and that it was recommended they use an earthy tone.

Mayor Griffin opened the public hearing at 8:05 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 8:05 p.m.

Motioned by Councilmember Turner, seconded by Councilmember Champney, to approve a resolution approving a site plan for the property known as Lot 1, Block 1, HEB Medical Center Addition, located at 1600 Hospital Parkway, Bedford, Texas, specifically for Texas Health HEB ICU Expansion of 50,680 SF in the Master Highway Corridor Overlay District (MHC); declaring that this resolution be cumulative of all other resolutions; 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. Consider a resolution authorizing the City Manager to enter into a contract with Gateway Planning in the amount of \$29,980 to develop regulating standards for the Central Bedford Development Zone.

This item was approved by consent.

8. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Haltom City, Hurst, North Richland Hills and the County of Tarrant, Texas for the Fiscal Year 2013 Byrne Justice Assistance Grant (JAG) Formula Program Award.

This item was approved by consent.

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- 9. Consider a resolution authorizing the City Manager to enter into an assignment of contract with DataProse, LLC for utility bill production and mailing services.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to enter into an amended agreement with DataProse, LLC to add the "NetBill" on-line bill presentment and collection package plus the additional services listed in the Schedule 1.0 to the current contract for the production and mailing of utility bills.**

This item was approved by consent.

- 11. Consider a resolution authorizing the City Manager to enter into a professional services contract with J. Richard Perkins, P.E., for the following: (1) periodic staff review of plats and construction/site plans for private developments within the City; (2) periodic review of construction plans from other engineering consultants under contract with the City for the design of public improvements; and (3) consulting, review, oversight, design and general administration of ongoing City projects and other public works projects as determined by the Public Works Director.**

This item was approved by consent.

- 12. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement between the City of Bedford and Tarrant County for street improvements on Martin Drive from Park Avenue to Cummings Drive, and Cummings Drive from SH 157 to SH 121.**

This item was approved by consent.

- 13. Consider a resolution authorizing the City Manager to enter into a construction administration agreement with Kimley-Horn and Associates, Inc., in the amount of \$78,000 for the Sulphur Branch Channel Improvements Final Design (SH 121/183 to Bedford Road).**

This item was approved by consent.

- 14. Discussion of probable cost to install paving, storm drainage, water and sanitary sewer lines in an unimproved area located in the Oak Grove Estates.**

Public Works Director Tom Hoover presented information regarding probable costs to install paving, storm drainage, and water and sanitary sewer lines in an unimproved area located in the Oak Grove Estates. He stated that in August, there were conversations about water and sewer line extensions along Highway 157. The sewer line ends at the carwash area, and the water line ends at the carwash area in the south and Shipley's Donuts in the north. There had been further discussion on doing these improvements, as well as Brasher Lane, Midway Court and Renee Drive, as an economic development stimulus. The total cost to do everything was over \$3M. Mr. Hoover presented different scenarios. The first scenario is to do nothing. There are 71 platted lots, most of which are not provided with water, sewer or streets. Staff went on the assumption that vacant lots are worth \$10,000 on the tax rolls and that the taxable basis of a new single family home is \$200,000. Commercial sites were assumed to have a value of \$1.4M per acre. With the 71 lots, there is \$710,000 worth of value, which generates \$3,500 a year total in tax revenue. The second scenario would be to build the water and sewer lines at a cost of over \$200,000. This would open up 20 residential lots along Highway 157 or would generate about 9.5 acres of commercial between Highway 157 and Renee Drive. This would generate \$4M worth of residential value, for \$20,000 in taxable revenue, or \$13M in commercial value, which would generate \$66,000 in ad valorem taxes. The third scenario would be to do the water and sewer lines and to build Brasher Lane. This would involve 465 feet of major drainage improvements and paving for a total project cost of \$1M. This would open up 16 lots on Brasher Lane south of Aspenwood Drive. This would equal \$7M in residential value, for \$35,000 in ad valorem taxes, or \$20M in commercial, for

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\$100,000 in ad valorem taxes. The fourth scenario would be to include the construction of Midway Court for a total project cost of \$1.6M. This would add 39 residential lots or 14 acres of commercial property. The fifth scenario would include the construction of Renee Drive for a total project cost of \$3M. This would generate \$100,000 in revenue for commercial or \$70,000 in ad valorem taxes for residential.

In answer to questions from Council, Mr. Hoover stated that the assumption is that all the properties between Renee Drive and Highway 157 would be commercial; and that the design for the water and sewer mains for Highway 157 are completed and it would take less than six months for construction. In answer to a question from Council, Mr. Syblon stated that if a business determined that there was no infrastructure, they would move on and the City would not have the opportunity to speak to them. There was Council discussion on deferring this discussion to a work session. In answer to questions from Council, Mr. Hoover stated that the lots along Highway 157 are zoned either residential or industrial; that in regards to residential, TxDOT has changed their access requirements and they would probably require 300 feet between driveways. There was Council discussion on the improvements to Highway 157, not doing any work on Renee Drive; and the fourth scenario. In answer to questions from Council, Mr. Hoover and Mr. Syblon stated that residential zoning is not a big a problem as residential use, and that the area is reflected as commercial in the City's Comprehensive Plan. There was consensus from Council to have another work session on this item and for staff to provide more detailed cost probabilities.

15. Discussion regarding convening a Strategic Planning Work Session to discuss the correlation of the Bedford Boys Ranch, the Cultural District and the Central Bedford Redevelopment Zone as the catalyst for economic development and community revitalization. **This item requested by Councilmember Champney.

Councilmember Champney requested this item be placed on the agenda for discussion. He is requesting a strategic planning work session focusing on the Boys Ranch, the Cultural District, and the Central Bedford Redevelopment Zone. These items go hand-in-hand from the standpoint of planning aspects for what they need to do for the City. The three initiatives are at various stages of development and he would like Council to sit down to discuss their correlation, marketing, and developing a plan for the necessary steps in a controlled and coordinated effort. The desired outcome of the meeting is identifying the critical success factors, the stakeholders, and action items, as well as a tentative timeline for completion. He would like it as a brainstorming session that would not be part of the planned January work session.

There was discussion on waiting to see the Cultural Commission Strategic Plan; having the Commission have input at a work session and Council and the Cultural District being part of the Central Bedford Development Zone.

Councilmember Brown stated that the CDBZ is not something that the Council needs to direct how to market. He is of the opinion that the Council will be doing more harm than good by trying to create a strategy right now. He agrees that the three initiatives play off of each other but are not necessarily so cohesive that we need to have a direct marketing strategy for them together.

The Council agreed that it was premature to create a marketing plan at this time and that as each individual project evolves it will become evident to revisit the issue.

16. 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 is beginning to winterize their activities.

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✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported that the Commission had a productive meeting last week and they are encouraged by their work on anticipating what they want to get involved in next year. They plan to come to Council over the next few months regarding items they want to develop.

✓ **Cultural Commission - Councilmember Nolan**

No report was given.

✓ **Library Board - Councilmember Davisson**

Councilmember Davisson reported that the Board discussed new circulation policies. He stated that the Library Foundation put on their annual ChristmasFest and raised \$2,500 for the Library. Santa Claus as well as the Mayor and First Lady were there.

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

No report was given.

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

Councilmember Turner stated the Board will meet in early December and that the Senior Center hosted their holiday luncheon the previous Friday.

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

No report was given.

17. Council member reports

No other reports were given.

18. City Manager/Staff Reports

Ms. Griffith reminded everybody that City offices will be closed Thursday and Friday for the Thanksgiving holiday. The annual Christmas Tree Lighting will be Friday, December 6 from 4:00 p.m. to 6:00 p.m. at the Library, and then starting at 6:00 p.m. at the Old Bedford School.

19. 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 9:15 p.m.

Jim Griffin, Mayor

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ATTEST:

Michael Wells, City Secretary