

Council Minutes April 8, 2014

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in 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 8th day of April, 2014 with the following members present:

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

constituting a quorum.

Councilmember Champney arrived at 6:01 p.m.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Chuck Carlisle	Risk/Contract Services Manager
Roger Gibson	Police Chief
Wendy Hartnett	Special Events Manager
Tom Hoover	Public Works Director
Meg Jakubik	Assistant to the City Manager
Mirenda McQuagge-Walden	Managing Director
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director
Eric Valdez	Recreation Manager

WORK SESSION

Mayor Griffin called the Work Session to order at 6:00 p.m.

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed placing the following items on consent: 4, 8, 9, 10, 11, 12 and 13.

Assistant to the City Manager Meg Jakubik presented information regarding Item #8, which is to replace Article III, Chapter 82 of the Code of Ordinances that addresses smoking. Council had requested at their January 24 strategic planning session that an ordinance be drafted to address electronic cigarettes. This ordinance would prohibit the use of electronic cigarettes and liquid nicotine anywhere that smoking is already prohibited in the City, including hospitals, within 25 feet of the entrance of public facilities and 100 feet of the Library. Additionally, because State Legislation has not taken action on these products, the ordinance prohibits the possession, use, sale, or purchase of these products by minors. It mirrors State law on tobacco and also applies to retailers regarding selling to minors. In

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answer to questions from Council regarding informing retailers about the regulations, Ms. Jakubik stated that information regarding this ordinance would be posted to the City's website, and the Police Department and Development would contact the business community.

Risk/Contract Services Manager Chuck Carlisle presented information on Item #9, which is to replace the flooring at the Senior Center. It was approved in the budget for \$42,000; however, going through TIPS/TAPS, the cost is \$29,239. In answer to questions from Council, Mr. Carlisle stated that it would be for all of the flooring in the Senior Center, except for the front two offices and restrooms; that the flooring is old and mismatched; that the expansion joint can be seen where the building was added on to; and that there is loose composite vinyl tiling in the big room.

Mr. Carlisle presented information on Item #10, which is for covering the existing roof at the Facilities Maintenance building. The current roof is a roll roof not meant to be used more than ten years and it has several leaks. When this item was originally quoted for the budget, it was for a spray-on type of covering; however, after further research, it was discovered that the type of material starts to break down quickly. The bid from Harrison Walker & Harper came in over budget at \$25,261 compared to \$16,500; however, with the savings on the flooring for the Senior Center, both items together come in approximately \$4,000 under budget.

Public Works Director Tom Hoover presented information on Item #11. He stated that every year, funding is set aside to restripe the City's roads. This year, there are approximately 80,000 linear feet, including Martin Drive and Cummings Drive that had mill overlays. The City entered into an agreement with the City of Grand Prairie to piggyback on their bidding process for striping. The contract amount is \$78,627.48 and the budgeted amount is \$100,000 from the 4B budget. In answer to questions from Council, Mr. Hoover stated that other streets can be added to the contract up to 25 percent of its value; and that there were savings of \$6,000 by working with Grand Prairie.

- **Discussion regarding support of Proposition One.**

Mayor Griffin stated that this item was discussed at the previous night's Tarrant County Mayor's Council meeting and that the City was advised not to proceed as a Council addressing this issue in this manner.

Mayor Griffin adjourned the Work Session at 6:12 p.m.

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)

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak during Open Forum.

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CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Champney, seconded by Councilmemberr Davisson, to approve the following items by consent: 4, 8, 9, 10, 11, 12 and 13.

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

COUNCIL RECOGNITION

1. Proclamation recognizing the week of April 6–12, 2014 as National Crime Victims' Rights Week.

Mayor Griffin read a proclamation recognizing the week of April 6–12, 2014 as National Crime Victims' Rights Week. Police Chief Roger Gibson and Crime Victims Coordinator Courtney Janes, were present to accept the proclamation.

2. Proclamation recognizing the week of April 13–19, 2014 as National Public Safety Telecommunicators Week.

Mayor Griffin read a proclamation recognizing the week of April 13–19, 2014 as National Public Safety Telecommunicators Week. Chief Gibson and Communications Supervisor over the Dispatch Division Amy James, were present to accept the proclamation.

3. Proclamation declaring April 13-19, 2014 as National Library Week in the City of Bedford.

Mayor Griffin read a proclamation declaring April 13-19, 2014 as National Library Week in the City of Bedford. Community Services Supervisor Jeanne Green was present to accept the proclamation.

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes:

a) March 25, 2014 regular meeting

This item was approved by consent.

PERSONS TO BE HEARD

5. The following individuals have requested to speak to the Council tonight under Persons to be Heard:

a) Jessica Feldt, 2124 Shady Grove Drive, Bedford, Texas 76021 – Requested to speak to the Council regarding Ordinance No. 12-3039 Section 54-70 and requests that the Council allow/approve property owners to use reusable containers to store trash and also to dispose of trash from their property.

Jessica Feldt, 2124 Shady Grove Drive, Bedford – Ms. Feldt stated that the reason she came to Council is that there is an ordinance that states one has to get approval for the container in which to dispose of their trash. Her family tries to minimize the amount of trash by the receptacles they use and to reduce their footprint by not using plastic or paper bags. She was advised that trash had to be in a plastic or paper bag. She stated these do not keep out wildlife and that it can be nasty picking up other people's trash if it is not tied down. She is asking that Council allow for the use of rectangle trash cans. She stated that hers has attached lids and would not attract bugs. She stated that she understood that she would be responsible for the cost, not causing damage to property and putting it up at the end of trash day. In response to Ms. Feldt, it was stated that the Council is not in the position to vote on this item at

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this time; that the City is completing a citizen survey, that one of the items on the survey was about using plastic receptacles for recycling, that the City is waiting to receive the data, and that they can take her request into consideration along with the other pieces of the survey; that the results of the survey should be tabulated by the end of May; and that it would probably be discussed in a Council work session and advertised on the City website.

- b) Joyce Johnson, 1701 Brookhaven Circle, Bedford, Texas 76022 – Requested to speak to Council regarding difficulties with disputing a traffic ticket and problems getting open records fulfilled and problems with what is in the Court Docket at bench trial and driving record matters and all related matters and effects on her reputation.**

Ms. Johnson did not attend the meeting.

NEW BUSINESS

- 6. Public hearing and consider an ordinance to rezone the property known as Lot 8, Block 1, Airport Freeway Center Addition, located at 201 Bedford Road, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/New and Used Cars and Truck Sales and Service, specifically for a Specific Use Permit to allow for used car sales for Karnext, Inc.; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. The property is generally located north of Bedford Road and west of Brown Trail. (Z-244)**

Planning Manager Jacquelyn Reyff presented information regarding this item, which is for the property at 201 Bedford Road. It is currently operating as an automotive repair shop and the owner would like a specific use permit (SUP) for automobile sales. The property is zoned H-Heavy Commercial and automobile sales is a permitted use in this district with a SUP. The business name is Karnext and they plan on using the existing shop and property for repairs and auto sales. There would be no physical changes to the site. They currently employ three people and their business model is to buy disabled vehicles from auction, repairing and then selling them. The existing landscape is from a previous development and is sufficient for the proposed use. Parking remains from the previous development with ten regular spaces and one handicap space, and is in compliance with the Zoning Ordinance. The Comprehensive Plan indicates the location to be commercial so the proposed use with an SUP does not conflict with the Plan. The Planning and Zoning Commission recommended denial of this item at their March 13 meeting by a vote of 5-2-0; therefore, a supermajority vote of the Council would be needed to override the denial. Ms. Reyff read a letter of opposition from the City of Hurst regarding this item based on a request from Council.

Mayor Griffin opened the public hearing at 6:55 p.m.

John DeLorme, 1129 Woodvale Drive, Bedford – Mr. DeLorme stated that he is the chairperson of the Zoning Board of Adjustment and disagrees that this is the right type of development for the property. He stated that this part of the City does need redevelopment but does not think this is the right type of redevelopment for the size of the lot and that the City can do better in regards to sales tax and commercial retail development in the area. He stated that there are three car dealerships west of Brown Trail and south of Highway 183. He urged Council to reject this application.

Mohamed Kalim, 201 Bedford Road, Bedford - Mr. Kalim is the applicant and stated that there was confusion at the Planning and Zoning Commission meeting regarding the property being a used car lot. He stated that it would not be a full dealership and they would sell at most four or five cars a month. Their business model is to buy high-end cars, repair and sell them. He stated that they do not need to put out signs for sale. He stated that the business was originally in the City of Arlington where there is no requirement for an SUP. He stated that they have spent over \$100,000 in equipment, the location is

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the cleanest it has been, and they have not received any tickets. He further stated that they can keep the cars inside.

Mayor Griffin closed the public hearing at 7:04 p.m.

In answer to questions from Council, Mr. Kalim stated that they have inventory from their location in Arlington but are not selling cars at this time since they do not have an SUP. In answer to a question from Council, City Attorney Stan Lowry stated that from a land use zoning component, it is what is occurring on the site; that the Council is considering a zoning allowance or prohibition; and that the means of sale is not germane to the discussion.

Motioned by Councilmember Champney, seconded by Councilmember Nolan, to deny an ordinance to rezone the property known as Lot 8, Block 1, Airport Freeway Center Addition, located at 201 Bedford Road, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/New and Used Cars and Truck Sales and Service, specifically for a Specific Use Permit to allow for used car sales for Karnext, Inc.; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. The property is generally located north of Bedford Road and west of Brown Trail. (Z-244)

Motion approved 6-1-0. Mayor Griffin declared the motion carried.

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

Voting in opposition to the motion: Councilmember Brown

- 7. Public hearing and consider an ordinance to amend Planned Unit Development Ordinance No.106, specific to amending the Bedford Forum Land Use Plan Development Standards, III. Uses, A.1., for property located within the Reliance Parkway Corridor, specifically for a portion of the property known as Lot B, Block 4, Bedford Forum Addition, located at 1812 Reliance Parkway, Ste. C, Bedford, Texas, to allow for a Gun Shop, specifically allowing the sale of firearms for M.O.A. Refinishing and Repair; providing Exhibit "A" and "Exhibit B" being the text amendments to the Zoning Ordinance; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. The property is generally located north of State Highway 183 and west of Industrial Boulevard. (Z-246)**

Ms. Reyff presented information regarding this item, which is for the property at 1812C Reliance Parkway. They are currently operating as a gun refinishing shop and they want to utilize it for gun sales. The property is commercial and most closely operates as a property zoned H, Heavy Commercial, which would require a SUP for this type of use. Because it is in the Bedford Forum Planned Unit Development (PUD), an amended PUD is requested to include "gun shop" as a recognized land use. The name of the business is MOA Refinishing and Repair and they plan on using the existing shop for transfers and new and used firearm sales. The State license to operate as a gunsmith is the same needed to sell firearms. They employ two full-time employees and have two business partners. There will be no changes to the site and any changes would be internal to the building. The landscaping is from a previous development, and the parking is also from a previous development with a total of 60 spaces, which is in compliance with the Zoning Ordinance. The Comprehensive Plan indicates the location to be commercial so the proposed use does not conflict with the Plan. Based on discussion during the public hearing at the March 13, 2014 Planning and Zoning Commission meeting, staff is proposing an option included in the presented materials, which tightens the area of the PUD by confining gun sales to the Reliance Parkway Corridor. The Commission approved this item by a vote of 7-0-0.

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Jerry Lindsey, 305 Dallas Drive, Euless – Mr. Lindsey is the applicant and stated that the business opened the first week of December and he believed he was in compliance. His signage says sales and transfers and he was surprised to find out later that he was not supposed to sell guns. There was discussion on the safety and welfare of the citizens and assuring that Mr. Lindsey is in full compliance for managing such a business. Mr. Lindsey stated that he believed he made his intentions clear during the CO process; that he formally had a shop in Euless for three years; that he did sales out of his house; and that he has been licensed since October of 2010. In answer to a question from Council, it was stated that gun sales are allowed in other parts of the City.

Mayor Griffin opened the public hearing at 7:15 p.m.

Kyle Bumgardner - 1013 Carousel Drive, Bedford – Mr. Bumgardner stated that he recently graduated from L.D. Bell High School and that every morning and every evening, there are always activities on campus. He stated that this gun shop will be opening minutes from Trinity High School. He discussed the recent tragedies at Fort Hood and Sandy Hook and that his friends will be minutes away from somebody making the wrong choice. He stated that the country has had enough of tragic shootings and he is terrified of another gun shop opening. It makes him fear for his friends enrolled in HEB and asked Council what they would think of a potential killer on the loose. He further stated that Council would have blood on their hands.

Al Zim, 1804 Reliance Parkway, Bedford - Mr. Zim stated that he owns a large percentage of Reliance Parkway. The first thing he asked of Mr. Lindsey when he came to rent the space is if he had a federal firearms license and told him that he needed to go to the City regarding the use of the space to sell firearms. They went through the procedure and Mr. Lindsey did not sell guns when he did not have a license at the store. Since he moved in, security around the store has been made tighter with a heavy steel roll-up door, pipe bollards and a caged front door that is locked up at night. He stated that Mr. Lindsey has been a good tenant and has paid the rent on time. He hopes that the City will approve this request. In regards to a change in use of Reliance Parkway, he encouraged Council not to make any changes to what is already a functioning situation.

Lisa McMillan, 2231 Caldwell Drive, Bedford – Ms. McMillan stated that if an Academy Sports Store was coming, then everybody would be excited, and that they would sell a lot more guns than this shop would sell. She stated that the area is commercial but is really light industrial and is a place a gun shop should be. She stated that she would be upset if it was located on Highway 157 across the street from Trinity but that this is not a place that kids walk by every day. At any time, there are three or four cars at their current gun shop, so she does not think there would be a lot of traffic, and that there is a lot of parking. She stated that this is a small business that the City should be encouraging, that this is a prime area for this light industrial use, and that she supports the zoning change.

Keith Quigley, 3849 Berkshire Lane, Bedford – Mr. Quigley stated that gun shops do not equate to mass killings and that the question the Council needs to consider is whether this is a sound business proposal. Stronger background checks and a mental health registry are not what are being debated. He stated that if the current zoning allows for this specific use with the proper approvals, he encouraged Council to approve this as a resident and a gun owner.

Salvatore Caruso, 148 Ravenswood Drive, Bedford – Mr. Caruso stated that the burden discussed by a previous speaker should not be put on the Council's shoulders and that this is a national debate between gun owners and non-gun owners. He stated that this is a small business with two full-time employees and he should be allowed to have this type of business. Every gun shop and gun owner he knows are very responsible people. He discussed mental disease that is not being treated in this country.

Mayor Griffin closed the public hearing at 7:29 p.m.

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There was discussion on the business' sign and how it reads; concerns over the City finding out about this several days after the business opened; and that gun sales are allowed in the City.

Motioned by Councilmember Davisson, seconded by Councilmember Boyter, to approve an ordinance to amend Planned Unit Development Ordinance No.106, specific to amending the Bedford Forum Land Use Plan Development Standards, III. Uses, A.1., for property located within the Reliance Parkway Corridor, specifically for a portion of the property known as Lot B, Block 4, Bedford Forum Addition, located at 1812 Reliance Parkway, Ste. C, Bedford, Texas, to allow for a Gun Shop, specifically allowing the sale of firearms for M.O.A. Refinishing and Repair; providing Exhibit "A" and "Exhibit B" being the text amendments to the Zoning Ordinance; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. The property is generally located north of State Highway 183 and west of Industrial Boulevard. (Z-246)

In answer to questions from Council, Ms. Reyff stated that this ordinance includes the piece discussed earlier about tightening up the use of gun sales specific to the Reliance Parkway portion of the PUD; and that gun sales are allowed in Heavy Commercial with an SUP and since this is a PUD, it has to be handled a little differently.

Motion approved 6-1-0. Mayor Griffin declared the motion carried.

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

Voting in opposition to the motion: Councilmember Nolan

- 8. Consider an ordinance repealing Chapter 82 – "Offenses and Miscellaneous Provisions," Article III, "Smoking," of the City of Bedford Code of Ordinances and all other ordinances in conflict therewith and creating a new Chapter 82 – "Offenses and Miscellaneous Provisions," Article III, "Smoking;" providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; and providing an effective date.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to enter into a contract with Harrison Walker & Harper to replace existing flooring and vinyl cove base at Bedford Senior Center in the amount of \$29,239.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to enter into a contract with Harrison Walker & Harper to replace the ageing roof system at the Facility Maintenance Building in the amount of \$25,261.**

This item was approved by consent.

- 11. Consider a resolution authorizing the City Manager to utilize the City of Grand Prairie's Pavement Marking Service Contract with Stripe-A-Zone in the amount of \$78,627.48 through a Master Interlocal Cooperative Purchasing Agreement.**

This item was approved by consent.

- 12. Consider a resolution authorizing the City Manager to enter into a contract with Western Enterprises Inc. for the 2014 4thFest Fireworks Program in the amount of \$29,000.**

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This item was approved by consent.

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

This item was approved by consent.

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

✓ Animal Shelter Advisory Board - Councilmember Boyter

Councilmember Boyter thanked Board members Connie Ziegler-Stout and Sandy Osburn who were in attendance. He discussed the Pet Fair scheduled for April 12, where there will be free food and a lot of great animals available for adoption.

✓ Beautification Commission - Councilmember Turner

Councilmember Turner reported on a successful Clean Up Bedford Day, which had a great turnout and donations. He stated that Chunk Your Junk was also successful and the only complaints were about waiting in line so long. The Commission has searched for ways to expand the event to other days but that there are problems with the companies that do this. The Commission will be invited to the next Council meeting to commend them for their activities. He stated that the Crud Cruiser Day will be April 26 for people to get rid of their hazardous waste, and that there will be an upcoming shred day.

✓ Community Affairs Commission - Councilmember Boyter

Councilmember Boyter reported that the Commission is doing great work and recognized members in the audience including Roy Savage, Ruth Culver, Sal Caruso, David Franklin and Gary Morlock. He stated that they are working on a Mayor's Forum and an HOA Roundtable.

✓ Cultural Commission - Councilmember Nolan

Councilmember Nolan reported that the Commission has not yet met but was part of the first Twilight Thursday and will hopefully be involved in others.

✓ Library Board - Councilmember Davisson

Councilmember Davisson reported that the Library survey is currently being conducted and that people can find it on the Library's website.

✓ Parks & Recreation Board - Councilmember Davisson

Councilmember Davisson reported that the Board does not meet until Thursday. He stated that the Easter Egg Hunt will be Saturday, April 10 from 10:00 a.m. to 2:00 p.m. and that there is a five dollar registration.

✓ Senior Citizen Advisory Board - Councilmember Turner

Councilmember Turner reported that the Board will meet on April 21. As the liaison to the Board, he thanked the Council for allowing the new floors at the Senior Center.

✓ Teen Court Advisory Board - Councilmember Champney

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Councilmember Champney stated that he was not able to attend the Teen Court Banquet but was at Twilight Thursdays, which had about 260 people in attendance.

15. Council member reports

Mayor Griffin stated that the Council's plot at the Community Garden was taking shape and for Council to be on the lookout for another tray of vegetables. He stated that the Teen Court Banquet was a great event and well attended including Councilmember Nolan, Councilmember Davisson, Councilmember Turner, Deputy City Manager David Miller and Administrative Services Director Cliff Blackwell. Several well deserving students received scholarships. He reported that CPR was held the preceding weekend and that there were five homes in Bedford. With the next Blitz in the fall, they will exceed their 300th home in the Hurst, Euless and Bedford.

16. City Manager/Staff Reports

City Manager Beverly Griffith reported on several upcoming events at the Old Bedford School. The next Twilight Thursday will be from 7:00 p.m. to 9:00 p.m. and will feature BluPrint, which does R&B, classic rock and jazz. There will also be a food truck from Taco Bueno. The next Twilight Thursday after that will feature Behan, an Irish pub-type group. On April 26, there will be a murder mystery dinner, "Reservations for Murder," and that information can be found on the School's website. On May 3 starting at 6:45 p.m., there will be a performance by "Silly Strings" featuring hand-crafted marionettes. At the Boys Ranch, summer camp registration is open for residents and non-residents, and signups for swim lessons will begin on April 11.

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

No Executive Session was held.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 7:45 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary