

Council Minutes November 18, 2014

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 5:00 p.m. in the Conference Room, Work Session at 5:45 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 18th day of November, 2014 with the following members present:

Jim Griffin
Michael Boyter
Ray Champney
Jim Davisson
Steve Farco
Roger Fisher
Roy W. Turner

Mayor
Council Members

constituting a quorum.

Staff present included:

Beverly Griffith
David Miller
Stan Lowry
Michael Wells
Kelli Agan
Cliff Blackwell
Natalie Foster
Roger Gibson
Eric Griffin
Les Hawkins
Tom Hoover
Mirenda McQuagge-Walden
Bill Syblon

City Manager
Deputy City Manager
City Attorney
City Secretary
Technical Services Manager
Administrative Services Director
Marketing Specialist
Police Chief
Deputy Police Chief
Deputy Police Chief
Public Works Director
Managing Director
Development Director

CONFERENCE ROOM WORK SESSION

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

- **Interviews for appointments to Bedford's Citizen Boards and Commissions.**

The Council conducted interviews to Bedford's Citizen Boards and Commissions.

Mayor Griffin adjourned the Work Session at 5:51 p.m.

COUNCIL CHAMBER WORK SESSION

Mayor Griffin called the Work Session to order at 5:52 p.m.

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

Council did not discuss items for approval by consent during the Work Session.

- **Presentation on the Water Master Plan Update.**

Public Works Director Tom Hoover stated the Water Master Plan was last updated several years ago. Due to some current and future projects, Kimley-Horn was asked to prepare an analysis.

Todd Strouse, the project manager for the project with Kimley-Horn, stated that the Plan was last updated in 1996 by Knowlton, English, Flowers, Inc. The main items identified by that company were the construction of the 2M gallon elevated storage tank by Stonegate Well, eliminating two-inch water lines and various water line improvements totaling \$8.1M. Currently, the City receives 93 percent of its water from the Trinity River Authority through a 20 inch water line from their water treatment plant. There are also 42 inch and 60 inch water lines that pump water to the Murphy Pump Station to help with water flow and pressures. There are three elevated storage tanks that total 5M gallons in capacity. The Northwest Pressure Plane Project will have pumps to create a separate plane supplied by the Simpson Terrace Tank.

Mr. Strouse stated that they coordinated with the City to go through all as-builts and to receive water meter data from various land use types. They determined that the data from the previous five years will be good moving forward. Data from the Central Business District was incorporated into the analysis. Twelve fire flow tests were run and verified that the numbers that the models gave correlated with the testing. They analyzed what lines needed to be installed in the future and he stated that everything is fine as far as the Texas Commission on Environmental Quality (TCEQ). Moving forward, their analysis will help with water quality, fire flows and pressures. They divided their recommendations into three priorities made up of 20 projects totaling approximately \$7.5M. The biggest project under Priority A is to extend a water line to the west from the elevated storage tank and extend and upsize the line to the south. This would help to cycle the tank more to help with water quality and decrease flushing. The total cost for Priority A is approximately \$3.5M. Priority B is mainly the looping of existing water lines in the central south part of the City to help with water quality issues. The total cost of these projects is approximately \$1.8M. Priority C is looping the system along the edge of the eastern portion of the City at a cost of approximately \$2.1M.

In answer to questions from Council, it was stated that these projects are to improve the City's level of service; that the City has 57 flush points every month due to lines that dead-end; that these lines would be extended to make loops and reduce, but not eliminate, the flush points; that areas along the highway were examined to increase flow; that TCEQ requirements were complied with; that pressures, especially in the southern portion of the City, would be increased; that looping eliminates a dead-end; that the infrastructure for the Bedford Commons is fine to meet the needs; that water lines in southern part of the City would be bolstered due to their age and deterioration; that the City would be looking to do these projects in the next three to five years; that some projects in Priority C are already in the books; that projects in Priority A are the highest priority; that the main issue in Kimley-Horn's findings were water quality issues caused by turnover at station tanks; that water pressure meets minimum standards; that water would be saved by the reduced flushes; that this Plan would work in line with any new development; that the City has a superior rating from TCEQ; that the City's control systems have been updated; that the development on Brasher Lane and Highway 157 only needs an eight inch water line; and that there is no need to replace lines for the Bedford Commons.

- **Discussion regarding the ability to appoint teens to the City's Boards and Commissions.**
**Item requested by Councilmember Davisson

Councilmember Davisson stated that the Boards and Commissions have been used to groom people as potential Council candidates or for other areas in the City and that he believes that there are teens capable of serving and adding something to the Boards and Commissions. He would like to open the possibility for teens to serve and that they would be recruited like anyone else. He stated that currently there are teens serving on the Teen Court Advisory Board and that he would like to see them serve on other Boards, including the Parks and Recreation and Library Advisory Boards, where teens are

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actively involved. There was discussion on teens being an underutilized group and not limiting them to specific boards.

In answer to questions from Council, it was stated that there is currently no age limit to serve on a Board or Commission. There was discussion on staff researching State statutes regarding teens serving on the Planning and Zoning Commission; a student from L. D. Bell High School that served on the Beautification Commission; and revisiting this topic in January once staff has researched State statutes and vacancies on the Boards and Commissions are assessed.

Mayor Griffin adjourned the Work Session at 6:21 p.m.

EXECUTIVE SESSION

To convene in the conference room, if time permits, 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 1, First State Bank Plaza.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations with the City of Euless.
- d) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Stonecourt Subdivision.

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 1, First State Bank Plaza; Section 551.087, deliberation regarding economic development negotiations with the City of Euless; and Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Stonecourt Subdivision at 6:24 p.m.

Council reconvened from Executive Session at approximately 6:47 p.m. Council was unable to finish the Executive Session and will convene again at the end of the Regular Session.

REGULAR SESSION 6:30 P.M.

The Regular Session began at 6:52 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Pastor Robert White, Cornerstone Church North)

Pastor Robert White of Cornerstone Church North gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

ANNOUNCEMENTS/UPCOMING EVENTS

Marketing Specialist Natalie Foster invited everybody to the Bedford Tree Lighting on Friday, December 5 starting at 4:00 p.m. at the Library, with Santa arriving at the Old Bedford School at 6:00 p.m. followed by the tree lighting. There will be a Peppermint Twist and Tea Party on Saturday, December 6 at 10:00 a.m. with a puppet show, holiday snacks and a visit from Frosty the Snowman. She stated that the deadline to sign up for the Holiday Decorating Contest is Tuesday, December 9 at 12:00 p.m. Contestants need to email five pictures of their home, contact information and a description of the house. On-line voting begins on Wednesday, December 10.

OPEN FORUM

Nobody chose to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

This item was moved after Item #11.

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 12, 13, 14, 15, 16 and 17.

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:

Patrice Kleypas, Public Services - 15 years of service
Tony Harrington, Fire Department - 20 years of service

2. Proclamation recognizing the Fire Safety Poster Contest Winners.

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

Nyeena Hanomanjie - First Grade, Shady Brook Elementary
Sylvia Rodriguez - Second Grade, Spring Garden Elementary
Olivia Vecco - Third Grade, Meadow Creek Elementary
Natalia Rich - Fourth Grade, Bedford Heights Elementary
Jake White - Fifth Grade, Bedford Heights Elementary
Jackson Banfield - Sixth Grade, Bedford Heights Elementary

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:

- a) **October 21, 2014 special meeting**
- b) **October 28, 2014 regular meeting**

Motioned by Councilmember Davisson, seconded by Councilmember Champney, to approve the minutes of the October 21, 2014 special meeting and the October 28, 2014 regular meeting.

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

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

Abstaining from voting due to not being at the meetings: Councilmember Turner

PERSONS TO BE HEARD

4. **The following individual has requested to speak to the Council tonight under Persons to be Heard.**
 - a) **Ben Panchasarp, 4020 N. Macarthur Boulevard, Suite 122-278, Irving, Texas 75038 – Requested to speak to the Council regarding the City Ordinance on lawn care.**

Mr. Panchasarp withdrew his request to speak.

OLD BUSINESS

5. **Consider an ordinance amending the City of Bedford Code of Ordinances, Chapter 114 by adding a new Article X “Use of Portable Electronic Devices while Operating a Motor Vehicle Prohibited;” repealing conflicting ordinances; providing a penalty clause; providing a severability clause; and providing an effective date.**

Police Chief Roger Gibson presented information regarding this item, which is a proposal for a distracted driving ordinance. The recent Citizen Satisfaction Survey indicated that 70 percent of respondents would strongly support, and 22 percent would support, a texting while driving ordinance. He stated that Texas is one of six states that does not have a law regarding this subject. Enforcing texting while driving is problematic and the terminology garnered from other communities is “distracted while driving.” Research indicates that if one takes their eyes off of the road for two seconds, they are 23 times more likely to be involved in an accident. The average time for texting while driving is five seconds, which is comparable to a blood alcohol content of 0.15. The reason this item was tabled recently was to look at FCC license holders and after researching the issue, a provision was added under Section 114.041. He stated that if approved, the objective of his staff is not to immediately issue citations but to have an educational campaign.

In answer to questions from Council, Chief Gibson stated that if a device is hands-free, it is not a violation and that the ordinance only restricts electronic devices. There was discussion on relaying information regarding the ordinance through traffic and electronic signage, social media, the City’s website and the Library. In answer to further questions from Council, Chief Gibson stated that in regards to what is driving the ordinance at this time, staff had researched this issue prior to the Survey but that the Survey did show the community wanted this issue addressed; that statistics show this to be a huge safety issue, especially for teen drivers; that several area cities, but no adjacent cities, have this type of ordinance; that with texting while driving, the burden of proof is if the person was actually texting and that with distracted while driving, there is a greater opportunity for enforcement; that staff will be cognizant that the community is transient during the day; that the ordinance would be enforced immediately in extreme cases; that there would be an opportunity for enforcement after an event has occurred; that these types of accidents are grossly underreported; that the ordinance would be moot if State law were to move on this issue; that this type of law comes up at every State legislative session and that there is an effort from the law enforcement community to have this discussion; and that he does not know if any other area cities are moving in this direction.

Motioned by Councilmember Champney, seconded by Councilmember Davisson, to approve an ordinance amending the City of Bedford Code of Ordinances, Chapter 114 by adding a new Article X “Use of Portable Electronic Devices while Operating a Motor Vehicle Prohibited;” repealing conflicting ordinances; providing a penalty 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 consider an ordinance amending Ordinance No. 98-2445 from Planned Unit Development District, PUD for properties as wholly contained within the following legal description known as Block 1, Lot A; Block 2, Lots 11-17; Block 3, Lots 1-9; and Block 4, Lots 1-16, Stonecourt Addition to Amended Planned Unit Development District, PUD to replace a portion of the Stonecourt subdivision perimeter masonry fence with an alternate fence screening material; providing for an Exhibit "A" being a Site Plan; providing for an Exhibit "B" being an illustration and details of the fence/wall; 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 properties are generally located north of State Highway 183 and west of Industrial Boulevard. (Z-259)**

Development Director Bill Syblon presented information regarding this item, which is for the Stonecourt Homeowner's Association (HOA) to amend their Planned Unit Development (PUD) to allow for an alternate building material for a portion of their perimeter wall. The current PUD Site Plan shows a mixture of wood and masonry, and the masonry wall has been deteriorating. They would like to replace the masonry wall with a synthetic material that has the appearance of masonry. The Planning and Zoning Commission recommended denial of this application at their October 14 meeting by a unanimous vote. For Council to overturn their recommendation would require a supermajority.

The applicant, Rick Beasley, 4000 Granite Drive, Bedford, stated that he has been president of the HOA since February of this year. They are seeking approval to amend their PUD for an alternate fencing material to be placed around the perimeter of the subdivision. The subdivision is made up of 146 homes and was developed in 1998 by Hank Dickerson & Company. The HOA is financially sound and have collections in excess of \$130,000 in dues with less than \$5,000 in delinquencies. They are requesting to amend Ordinance No. 2445 to use an alternate fencing material that is more durable than wood and masonry, and would allow them to benefit from a material best suited for safety and cost efficiency. He stated that the City's Code of Ordinances allow for alternate fencing and that the HOA would not install substandard fencing. He stated that the existing masonry walls along the southern, eastern and western boundaries have significant structural deterioration and sit along a four to ten foot high retaining wall with six inches between them. He displayed a map of the subdivision and photographs of the current fencing. Two engineering reports were obtained from Dotson Engineers and Childress Engineering, which indicated the structural deterioration of the wall is due to issues with the footings. He stated that the reports recommend replacing the walls with a non-masonry material. He discussed the original geotechnical report and, after speaking with Rone Engineering, he stated that there was enough information in the original report to substantiate their claim of vertical soil movement. Rone provided an addendum regarding vertical soil movements being the main factor contributing to the distress of the masonry wall and gave the opinion that a SimTek fence is an acceptable replacement due to its light weight and flexibility. He displayed a development plan for the subdivision and examples of SimTek fencing used at locations locally and across the country. He stated that characteristics of SimTek fencing include patented construction, superior wind rating, excellence as a sound barrier, durability in any temperature, resistance to graffiti, free of maintenance, and eco-friendliness. He displayed a chart showing a comparison between SimTek fencing and fences made of vinyl, wood, composites and concrete, which shows that SimTek rates equal or superior to concrete in every area. He stated that they are looking at using the lifetime warranty material. The depth required for a SimTek fence is from 30 to 36 inches, while for concrete is five to eight feet. He stated that SimTek fencing comes in solid panels. He displayed a map showing the surrounding businesses that support them and stated that there is unanimous support from the subdivision residents. He stated the subdivision is 600 feet from Industrial Boulevard, 300-400 feet from the Highway 183 service road and 600 feet from Reliance Parkway. He stated that at the Planning and Zoning Commission meeting, it was stated by an individual that the HOA was having financial difficulties and could not afford a masonry fence, and he wanted to make it clear that they are financially sound. He stated that their request is not based on financial standing and that cost/benefits should not discredit their solution. He played a video showing the SimTek product.

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In answer to questions from Council, Mr. Beasley stated that he does not know if their current fence has a warranty, that the manufacturer is out of business, and he does not know if the same people manufactured and installed the fence; that the developer has not been of much help with this issue; that the SimTek fences installed locally were done so within the last two years; that the piers for SimTek fencing would go down 30 to 36 inches and would not interfere with the horizontal footings for the retaining wall; and that SimTek fencing costs half that of masonry. There was discussion regarding durability and flexibility of the SimTek fencing and that it is reinforced by galvanized steel; the intent of the original ordinance; and changes to ordinances. In answer to further questions from Council, Mr. Beasley stated that the current fence is deteriorating due to vertical soil movement and the piers not being deep enough. There was discussion on posts for a masonry fence and the risk of damage to the retaining walls; and that if a masonry fence is installed, conditions may exist for further ground movement that may jeopardize any warranty conditions. In answer to further questions from Council, Mr. Beasley stated that SimTek fencing was the best recommended material; that it would be installed in five different stages by a trained installer but that they do not have a schedule planned out; that the HOA has insurance and that they will be proactive in working with residents and the installer; that previously at a HOA meeting, he stood up against installing a wooden fence; and that their recommendation has nothing to do with finances.

Mayor Griffin opened up the public hearing at 8:11 p.m.

John DeLorme, 1129 Woodvale Drive, Bedford – Mr. DeLorme discussed the development being approved in 1998 and that it was contentious as the area in which the residential subdivision was being developed was more commercial and industrial. One of the requirements of the PUD was to have a masonry wall that the HOA would be responsible for. At the recent Planning and Zoning Commission meeting, it was stated that the footings were installed too shallow by the original developer. He stated that the HOA did not address this during the ten-year warranty period with the developer and that the developer should pay for the replacement of the fence. He stated that the HOA did not have a choice regarding alternate materials without any changes to the PUD and that the HOA would have to repair or replace the masonry wall over time. He stated that the HOA did not want to have to repair the footings that may damage the retaining wall. He stated that the requirement was for masonry, it was not done properly by the developer, which caused issues, and to properly correct it would cost the HOA more due to the retaining wall and therefore, they are seeking an alternate material. He stated that this is not a City issue, but a developer and an HOA issue.

Patricia Nolan, 1005 Carousel Drive, Bedford – Ms. Nolan stated the reason for changing the ordinance was to keep City aesthetics. There is a situation at McLain Road and Crestview Drive where there is a great looking masonry fence on one side and a wood fence on the other side. She stated that at the Planning and Zoning Commission meeting, the HOA had a show-and-tell and the SimTek fence fell down and that in the video shown earlier, the SimTek fence bends. She stated that the company has only been in existence since 2005 and questioned the lifetime warranty. She suggested to Council that the City needs to keep their standards high and keep the ordinance in effect. She stated that this is clearly a developer issue and that they need to correct the problem. She stated that when the HOA first came to the Council, it was about money as they could not afford to replace the fence, and that the issue needs to go back to the developer and the HOA.

Tatiana Kelly, 4032 Granite Drive, Bedford – Ms. Kelly stated that the HOA has been through some difficult times and has had problems with the retaining wall. She stated that she has lived in the subdivision since 2001 and that the developer, while supportive, has not been helpful. She stated that Mr. Beasley has the support of the entire community and that the issue is not financial one. She stated that times have changed since the ordinance was implemented and that SimTek fencing is a wonderful product.

Katherine Cannon, 3912 Sovereign Drive, Bedford – Ms. Cannon stated that there are six inches between the top of her retaining wall and the fence in question, and that there is no clearance at that height to install a masonry fence. She stated that there have been derogatory statements made by people outside the subdivision about their finances and that the primary reason they are there is not

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the cost.

Greg Mullinax, 4000 Marble Drive, Bedford – Mr. Mullinax stated the City has written multiple checks for the existing masonry fence because it backs up to the City's Service Center and holes have been punched into it. He stated that this would be a cost saver and benefit to the City as well.

Jerry Mabli, 2000 Canterbury Drive, Bedford – Mr. Mabli stated that he has lived in the subdivision since the beginning. He served on the HOA board and apologized for previous comments made at meetings by people on the Board, which were inappropriate and incorrect. He stated that in unique circumstances, different possibilities need to be thought of. He discussed the SimTek material suiting the purpose that is necessary and maintaining the principle required in the law.

Mayor Griffin closed the public hearing at 8:25 p.m.

Mr. Beasley stated that in regards to comments regarding the fence falling apart at the Planning and Zoning Commission meeting, the cap comes off because it is a sample and is different from one that is fully installed; that all over the City there are places where different types of fencing come together; and that it sickens him that somebody can continue to talk about the HOA finances and that he will show any documents to Council members to prove their financial stability.

There was discussion on speeding up the implementation phases sequentially. In answer to questions from Council, Mr. Beasley stated that there is a plan by the HOA to address the erosion issues. There was discussion on the issue being a City issue including the history of the item through various City commissions and the Council; changes in construction materials and methods; costs for engineering and soil tests; the developer installing a concrete fence instead of a brick fence; fences being designed to flex; and the Building Code allowing for decorative blocks.

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve an ordinance amending Ordinance No. 98-2445 from Planned Unit Development District, PUD for properties as wholly contained within the following legal description known as Block 1, Lot A; Block 2, Lots 11-17; Block 3, Lots 1-9; and Block 4, Lots 1-16, Stonecourt Addition to Amended Planned Unit Development District, PUD to replace a portion of the Stonecourt subdivision perimeter masonry fence with an alternate fence screening material; providing for an Exhibit "A" being a Site Plan; providing for an Exhibit "B" being an illustration and details of the fence/wall; 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 properties are generally located north of State Highway 183 and west of Industrial Boulevard. (Z-259)

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

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

Voting in opposition to the motion: Councilmember Davisson

- 7. Public hearing and consider an ordinance to rezone the property known as Lot 4BR2A, Block 1, Northeast Community Hospital Addition, located at 1905 Forest Ridge Drive, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/New and Used Cars and Truck Sales/Service to allow for used car sales by Fort Worth Community Credit Union; 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 Forest Ridge Drive. (Z-261)**

Mr. Syblon presented information regarding this item, which is a request by Fort Worth Community Credit Union for a Specific Use Permit to allow them to dedicate a portion of their parking lot for the

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storage, display and sale of reclaimed vehicles. The site is currently over-parked by 60 spaces and the applicant proposes to use approximately 24 of the spaces for storage and 15 spaces for sales and displays. The Planning and Zoning Commission recommended approval of this item at their October 23 meeting by a unanimous vote with the following stipulations: the total spaces be limited to 24 for storage and 15 for display and sales; parking spaces must be clearly indicated and designated on a site exhibit map; no signage for vehicle display and sales, with the exception of an information sheet placed on the windshield, may be located on the site; no banners, flags, balloons or visual sales aids may be used; no vehicle may be decorated with window paint or similar treatment to advertise sales; no maintenance or washing facilities may be located on site; and no inoperable vehicles.

In answer to questions from Council, Mr. Syblon stated there was nothing to prevent other businesses to ask to sell used cars on their property; that he is not aware of any other property where this type of situation exists; that the property falls within the Master Highway Corridor Overlay District (MHC), which was amended recently to allow for new and used vehicle sales; and that a business would have to obtain an SUP for this use on a case-by-case basis.

In answer to questions from Council, Mark Rhodes, Vice President for Support Services for Fort Worth Community Credit Union, 3605 Pelican Court, Arlington, stated that they sell cars at this location as it is their headquarters and it is easier to consolidate vehicles at one location; that they have been selling cars there since 2001 and did not know that it was impermissible; that they were notified of the violation by the City; that they have 12 branches; that as a credit union, they make loans on vehicles that sometimes come back as repossessions and they turn around and sell them to ameliorate the loss on the loans; that they are not in the used car business; that they never thought that the sale of repossessed vehicles would be an issue and that other financial institutions sell vehicles at their locations; that the number of cars will vary due to time of year; that derelict vehicles will not be left on the property; that if this item is turned down, they would have to find another location for the general public to look at the vehicles; that there are approximately nine to ten vehicles on-site currently; and that they put in a sheet of paper in the window of the vehicles denoting vehicle type, number of miles and the asking price. In answer to questions from Council, it was stated that it was not readily apparent that the cars at the location were for sale and that the Credit Union received a warning citation by Code Compliance. There was discussion on having a permit from the State to sell vehicles.

Mayor Griffin opened up the public hearing at 8:51 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 8:52 p.m.

Motioned by Councilmember Fisher, seconded by Councilmember Turner, to deny an ordinance to rezone the property known as Lot 4BR2A, Block 1, Northeast Community Hospital Addition, located at 1905 Forest Ridge Drive, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/New and Used Cars and Truck Sales/Service to allow for used car sales by Fort Worth Community Credit Union; 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 Forest Ridge Drive. (Z-261)

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

- 8. Public hearing and consider an ordinance to rezone the property known as Lot 4, Block 1, The Shops at Central Park Addition from "PUD" Planned Unit Development District to Heavy Commercial/Specific Use Permit/Automobile Parking Lot and Areas. The property is generally located south of State Highway 183 and east of Central Drive. (Z-263)**

The applicant withdrew their application and no action was taken on this item.

9. Consider a resolution amending 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 DFWHD Partners LP (Texas Harley-Davidson).

Mr. Syblon presented information regarding this item, which is an amendment to an agreement with Texas Harley-Davidson. At the time of the agreement, it was thought that the construction of the new dealership would be complete by the end of 2014. Due to delays, the project will not be complete until March of 2016. The completion date in the agreement has been changed to reflect the new date.

Motioned by Councilmember Champney, seconded by Councilmember Farco, to approve a resolution amending 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 DFWHD Partners LP (Texas Harley-Davidson).

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

10. Consider a resolution of the City Council of the City of Bedford, Texas amending 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 Shops Dunhill Ratel, LLC. (Movie Tavern).

Mr. Syblon presented information regarding this item. In 2012, an agreement was formalized with Dunhill Partners to assist in the development of a Movie Tavern theater. At the time of the agreement, it was anticipated that the project would be completed by the summer of 2013. Construction was delayed and the agreement was amended for a 2014 completion date. Changes in ownership then caused further delays; however, the project is now moving forward. It is anticipated that the project will be completed by the end of 2015 and that language was changed in the agreement.

Motioned by Councilmember Davisson, seconded by Councilmember Turner, to approve a resolution of the City Council of the City of Bedford, Texas amending 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 Shops Dunhill Ratel, LLC. (Movie Tavern).

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

11. Consider a resolution authorizing the City Manager to purchase a 2015 Chevrolet Silverado truck in the amount of \$20,883.66 through Holiday Chevrolet utilizing the Tarrant County Cooperative Contract.

Deputy Police Chief Les Hawkins presented information regarding this item, which is for the approval of a new vehicle for Code Compliance. Staff originally asked for a ¾ ton truck at \$25,000 during the budget process but realized they could get along with a ½ ton truck, which reduced the cost. It is to replace a 2001 truck that has over 91,000 miles on it.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve a resolution authorizing the City Manager to purchase a 2015 Chevrolet Silverado truck in the amount of \$20,883.66 through Holiday Chevrolet utilizing the Tarrant County Cooperative Contract.

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

Council discussed placing the remaining action items on consent.

12. Consider a resolution authorizing the City Manager to purchase eight 2015 replacement patrol vehicles and related accessories in the amount of \$251,790 through Holiday Chevrolet utilizing the Tarrant County Cooperative Contract.

This item was approved by consent.

- 13. Consider a resolution authorizing the City Manager to purchase a Robotex Avatar III tactical robot in the amount of \$29,154.10 through Robotex, Inc.**

This item was approved by consent.

- 14. Consider a resolution authorizing the City Manager to enter into the first year of a three-year agreement with Texas Harley-Davidson for the lease of five Harley-Davidson police package motorcycles in the amount of \$24,000.**

This item was approved by consent.

- 15. 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.

- 16. Consider a resolution authorizing the City Manager to purchase a replacement 2015 Chevrolet 2500HD Extended Cab truck in the amount of \$25,220 through the BuyBoard Cooperative Purchasing Program.**

This item was approved by consent.

- 17. Consider a resolution authorizing the City Manager to purchase a GapVax Combination Jet/Vacuum Machine in the amount of \$352,058 from Rush Truck Center through BuyBoard, a Local Government Purchasing Cooperative.**

This item was approved by consent.

- 18. Discussion on the antique light poles in the Stonegate neighborhood. **This item requested by Councilmember Fisher.**

Councilmember Fisher requested this item be placed on the agenda for discussion. He stated that in September, there was a discussion on a Facebook page regarding the antique light poles in the Stonegate subdivision. It was asked if these lights could be restored and where the other lights may be, and he promised that he would look into it. The City Manager has verified the City does own the lights. There are only two lights currently standing and they are in substandard condition. He stated that the Council has asked what the City can do to enhance and establish neighborhoods. He stated that he did not know what it would take to restore the lights but that there is a genuine interest in doing so. There was discussion on the lights being disconnected; that there were six to eight at one time; it being a project for the Cultural Commission; restoring the lights to working order; costs and fundraising; re-finishing the lights; the feasibility to making them operable again; and what it would take to paint the lights. Council was of the consensus for staff to investigate utilizing a Boy Scout troop or Eagle Scout candidate to research this item.

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

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

Councilmember Fisher reported that the Board met last week. They had a quick meeting and there are no items to discuss.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reported that the Commission held its first meeting with its newly organized membership the previous night. The new chairperson Marty Geer has been active in recruiting new

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membership and five people interviewed for the Commission earlier in the evening. They have some great plans and new ideas being put forth for discussion.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter commended the Commission's new chairperson, Roy Savage, on doing a tremendous job. He is looking forward to lively and energetic activities from the Commission moving forward.

✓ **Cultural Commission - Councilmember Champney**

Councilmember Champney reported that the Commission along with staff assembled at the storefront art gallery at Harwood Road and Central Drive. High school art and other art such as paintings, ceramics and jewelry were there. Due to the weather, they were not able to have the event as planned, but the gallery is set up.

✓ **Library Board - Councilmember Davisson**

Councilmember Davisson discussed the earlier agenda item regarding appointing younger members to the City's Boards and Commissions.

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

No report was given.

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

Councilmember Farco reported that the Board met and chose April 16, 2015 as the date for the next Teen Court Banquet, which will be held at the Hurst Conference Center. The next meeting is scheduled for January 15, 2015.

20. Council member Reports

No other reports were given.

21. City Manager/Staff Reports

City Manager Beverly Griffith reported that the groundbreaking for the Boys Ranch Park improvements will be held on Saturday, December 6 at 9:00 a.m.

EXECUTIVE SESSION

To convene in the conference room, if time permits, 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 1, First State Bank Plaza.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations with the City of Euless.**
- d) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Stonecourt Subdivision.**

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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 1, First State Bank Plaza; Section 551.087, deliberation regarding economic development negotiations with the City of Euless; and Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Stonecourt Subdivision at 9:20 p.m.

Council reconvened from Executive Session at 9:41 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.

22. 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 9:42 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary