

## Council Minutes January 10, 2017

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

**The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 10th day of January, 2017 with the following members present:**

Jim Griffin	Mayor
Roger Fisher	Council Members
Dave Gebhart	
Rusty Sartor	
Roy W. Turner	

constituting a quorum.

Councilmember Champney was absent from the meeting.

Staff present included:

Roger Gibson	City Manager
Kelli Agan	Assistant City Manager
Cathy Cunningham	City Attorney
Amanda Jacobs	Assistant City Secretary
Natalie Foster	Public Information Officer
Jeff Gibson	Police Chief
Meg Jakubik	Strategic Services Manager
Wendy Hartnett	Special Events Manager
Kenny Overstreet	Public Works Director
Emilio Sanchez	Planning Manager

### **COUNCIL CHAMBER WORK SESSION**

Mayor Griffin called the Work Session to order at 5:30 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: 2, 8, 9, and 10.

Public Works Director Kenny Overstreet presented information regarding Item #8, which is to enter into an agreement with Kimley-Horn and Associates, Inc. for engineering and design of the step-up transformer for the Simpson Terrace Well and construction contract administration. Mr. Overstreet stated that a firm was hired several years ago to design the project, but staff at the time decided to terminate the contract with the design engineer and do the work in-house. A decision was made, at that time, to install a bigger pump and motor and set the motor at a deeper depth to pump more water and avoid having to purchase water from the Trinity River Authority (TRA). The larger pump began having amperage problems and that an outside electrical cord was used to make the pump think it had the amperage necessary, which causes the amperage to go up and the voltage to down. This then heats the wiring, the motor and the transformer, decreasing the life expectancy. He stated that an electrical engineer needs to redesign the project to ensure that the new transformer has the proper size, amperage and voltage; and that funding will come from the 2012 General Obligation Bonds. In response to questions from Council, Mr. Overstreet stated that staff, at the time, did not take into consideration the

## Council Minutes January 10, 2017

extra electrical concerns for boosting the pumps to increase the number of gallons of water pumped per minute; that staff has a checks and balances process in place to avoid mistakes in the future; and that a rough cost estimate for the project is between \$92,000 and \$95,000.

Public Works Director Kenneth Overstreet presented information regarding Item #9, which is to enter into an interlocal agreement with Tarrant County for street improvements on Brown Trail from Harwood Road to the Bedford/Colleyville city limits and Tibbets Drive from Hospital Parkway to the Bedford/Eules city limits. Mr. Overstreet stated that the City has worked with Tarrant County for many years; that they provide the manpower and equipment and the City purchases the asphalt; and that this project will include a 2" mill overlay.

Strategic Services Manager Meg Jakubik presented information regarding Item #10, which is to enter into an agreement with CGI Meg Communications, Inc. for the Community Video Program. Ms. Jakubik stated that the City was approached by CGI, who is partnered with the National League of Cities and the US Conference of Mayors, to provide video highlights that municipalities can use for their own promotion; that there is no cost to the City and CGI makes their money by selling sponsorships to local businesses; that the City has no say in who chooses to partake on the sponsorship side; that the City is able to put a disclaimer; that six video packages will be created, which can be run on BTV and the City's website; and that the City has unlimited non-commercial use of the videos. In response to questions from Council, Ms. Jakubik stated that CGI provides scriptwriting services; and that staff can edit the script and will have full control over the content and final authorization of the videos.

Mayor Griffin adjourned the Work Session at 5:49 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 Williams, TW Survey A1735 Tr 6C02, also known as, 1805 L. Don Dodson Drive.**
- b) 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 – Economic Development Agreement with Suns Field Development.**
- c) Pursuant to Section 551.074, personnel matters - City Manager search**

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Williams, TW Survey A1735 Tr 6C02, also known as, 1805 L. Don Dodson Drive; Section 551.087, 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 – Economic Development Agreement with Suns Field Development; and Section 551.074, personnel matters - City Manager search at 5:59 p.m.

Council reconvened from Executive Session at 6:30 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**

The Regular Session began at 6:30 p.m.

**CALL TO ORDER/GENERAL COMMENTS**

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

**INVOCATION**

Councilmember Gebhart gave the invocation.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the flags of the United States and Texas were given.

**ANNOUNCEMENTS/UPCOMING EVENTS**

Public Information Officer Natalie Foster reported that the City of Bedford has taken the It's Time Texas Challenge to make healthier choices in 2017. The Library is having a Second Saturday event called the Glow in the Dark Party on Saturday, January 14, 2017 from 6:00 to 8:00 p.m. The Boys Ranch Activity Center will host the 17th annual Father/Daughter and Mother/Son Valentines Dance on Saturday, February 4, 2017.

**OPEN FORUM**

Nobody chose to speak during Open Forum.

**CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilmember Turner, seconded by Councilmember Gebhart, to approve the following items by consent: 2, 8, 9 and 10.

Motion approved 5-0-0. Mayor Griffin declared the motion carried.

**COUNCIL RECOGNITION**

- 1. Proclamation declaring the week of January 7 – 14, 2017 as Football Week in the City of Bedford.**

Mayor Griffin read a proclamation declaring the City of Bedford's participation in the 2017 College Gridiron Showcase (CGS). Special Events Manager Wendy Hartnett, Jose Jefferson and Craig Redd with CGS, and Karin Grebe with Holiday Inn accepted the proclamation. Mr. Jefferson stated that their talent and event has grown and thanked the City staff for all of their help. Mayor Griffin stated that many businesses were involved in the event, including Holiday Inn, Texas Harley, What's Poppin' Texas and Chick-fil-A.

**APPROVAL OF THE MINUTES**

- 2. Consider approval of the following City Council minutes:  
a) December 13, 2016 regular meeting**

This item was approved by consent.

**NEW BUSINESS**

- 3. Public hearing and consider an ordinance to rezone Lot 2R, Block 4, Uptown Bus & Prof Center Addition, located at 813 Brown Trail, Suite #2, Bedford, Texas from Service Commercial (S) to Service Commercial/Specific Use Permit/Church (S/SUP), specific to Section 3.2.C(2)a of the**

## Council Minutes January 10, 2017

**City of Bedford Zoning Ordinance, allowing for The Change Church to operate an approximately 1,430 square foot church within the existing business center. The property is generally located east of Uptown Boulevard, west of Brown Trail and south of Plaza Boulevard. (PZ-SUP-2016-50071)**

Planning Manager Emilio Sanchez presented information regarding this item, which is to rezone Lot 2R, Block 4, Uptown Bus & Prof Center Addition from Service Commercial (S) to Service Commercial/Specific Use Permit/Church (S/SUP), allowing for The Change Church to operate. Mr. Sanchez stated that the site is a multi-tenant business center.

Mayor Griffin opened the public hearing at 6:45 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 6:45 p.m.

Motioned by Councilmember Gebhart, seconded by Councilmember Turner, to approve an ordinance to rezone Lot 2R, Block 4, Uptown Bus & Prof Center Addition, located at 813 Brown Trail, Suite #2, Bedford, Texas from Service Commercial (S) to Service Commercial/Specific Use Permit/Church (S/SUP), specific to Section 3.2.C(2)a of the City of Bedford Zoning Ordinance, allowing for The Change Church to operate an approximately 1,430 square foot church within the existing business center. The property is generally located east of Uptown Boulevard, west of Brown Trail and south of Plaza Boulevard. (PZ-SUP-2016-50071)

Motion approved 5-0-0. Mayor Griffin declared the motion carried.

- 4. Public hearing and consider an ordinance to rezone Lot 35, Block 1, West Bellvue Addition, located at 849 Brown Trail, Bedford, Texas from Service Commercial (S) to Residential 7500 (R75), specific to Section 3.2.C(1)a of the City of Bedford Zoning Ordinance, allowing for Darla Smith to rezone the existing residence back to residential. The property is generally located northwest of Hurst Drive, west of Brown Trail and south of Cheryl Avenue. (PZ-ZC-2016-50077)**
- 5. Public hearing and consider an ordinance to amend Ordinance Number 10-2978 of the Bedford Comprehensive Land Use Plan (2010) for a parcel from Commercial Focus Area to Residential. The parcel is known as Lot 35, Block 1, West Bellvue Addition. The property is generally located northwest of Hurst Drive, west of Brown Trail and south of Cheryl Avenue. (PZ-ZA-2016-A-043)**

Councilmember Fisher stated that he had a conflict of interest with this item and left the Council Chamber before the discussion.

Mayor Griffin combined the public hearings for Items #4 and #5 as they both relate to the property located at Lot 35, Block 1, West Bellvue Addition, located at 849 Brown Trail.

Mr. Sanchez presented information regarding these items, which are to rezone Lot 35, Block 1, West Bellvue Addition, located at 849 Brown Trail from Service Commercial (S) to Residential 7500 (R75) allowing for Darla Smith to rezone the existing residence back to commercial and to amend Ordinance Number 10-2978 of the Bedford Comprehensive Land Use Plan (2010) for a parcel from Commercial Focus Area to Residential. Mr. Sanchez stated that in 1975, there was a zoning change request for Hurst Hospital to use the property as a doctor's office; that the Smith's purchased the property; that the property has been used as residential since the late 1970's; and that the Planning and Zoning Commission recommends approval. In response to questions from Council, City Attorney Cathy Cunningham stated that it is a statutory requirement that if the zoning is changed, the Comprehensive Land Use Plan has to be changed as well.

## Council Minutes January 10, 2017

Mayor Griffin opened the public hearing at 6:50 p.m.

Ms. Darla Smith – 849 Brown Trail spoke on this item. Mrs. Smith stated that her family has lived on the property since 1968 and that prior to that time it was leased to a doctor.

In response to questions from Council, Mr. Sanchez stated that the adjacent property is zoned Service Commercial and used as residential as well.

Mayor Griffin closed the public hearing at 6:52 p.m.

Motioned by Councilmember Gebhart, seconded by Councilmember Sartor, to approve an ordinance to amend Ordinance Number 10-2978 of the Bedford Comprehensive Land Use Plan (2010) for a parcel from Commercial Focus Area to Residential. The parcel is known as Lot 35, Block 1, West Bellvue Addition. The property is generally located northwest of Hurst Drive, west of Brown Trail and south of Cheryl Avenue. (PZ-ZA-2016-A-043)

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

Motioned by Councilmember Turner, seconded by Councilmember Sartor, to approve an ordinance to rezone Lot 35, Block 1, West Bellvue Addition, located at 849 Brown Trail, Bedford, Texas from Service Commercial (S) to Residential 7500 (R75), specific to Section 3.2.C(1)a of the City of Bedford Zoning Ordinance, allowing for Darla Smith to rezone the existing residence back to residential. The property is generally located northwest of Hurst Drive, west of Brown Trail and south of Cheryl Avenue. (PZ-ZC-2016-50077)

Motion approved 5-0-0. Mayor Griffin declared the motion carried.

### **6. Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 43rd Year Program for roadway improvements on Bedford Court East from Brown Trail to Dora Street.**

Mr. Overstreet presented information regarding Item #6, which is to authorize the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 43rd Year Program for roadway improvements on Bedford Court East from Brown Trail to Dora Street. Mr. Overstreet stated that the Bedford Court Project was sent out for bid several months ago and came in over the budgeted amount; and that the Bedford Court East Project is located within the CDBG targeted area, which allows the City to request funding as a CDBG project. In response to questions from Council, Mr. Overstreet stated that CDBG projects are bid as a group package with other Tarrant County projects, resulting in a lower price; and that this item is to fund a future bid and that new bids for this project will go before the 4B Corporation.

Mayor Griffin opened the public hearing at 7:00 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:00 p.m.

Motioned by Councilmember Turner, seconded by Councilmember Sartor, to approve a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 43rd Year Program for roadway improvements on Bedford Court East from Brown Trail to Dora Street.

Motion approved 5-0-0. Mayor Griffin declared the motion carried.

- 7. Consider a resolution authorizing the City Manager to enter into a contract with Badger Meter Inc., dba National Meter and Automation (Badger), in the amount of \$14,375,863.79 for the Automated Meter Reading (AMR) System Project, SWIFT 16-03.**

Mr. Overstreet presented information regarding Item #7, which is to enter into a contract with Badger Meter Inc., dba National Meter and Automation (Badger), in the amount of \$14,375,863.79 for the Automated Meter Reading (AMR) System Project, SWIFT 16-03. Mr. Overstreet stated that the City applied for a Texas Water Development Board (TWDB) low-interest loan, received \$30M and set aside \$15M for automation of the meters to replace every meter in the City; that this includes new meter boxes and automation software, which allows staff to get meter readings instantly; that homeowners can see their usage, and receive text messages and emails regarding their usage; that it is about a 14-month project; and that three public meetings will be held with the meter company to help citizens set-up on-line accounts and answer any questions about going automated.

In response to questions from Council, Mr. Overstreet stated that this is a 10-year contract; that the City will take the savings over the initial 10 years to renew the contract; that the renewal will be approximately \$9M for the second 10-year contract; that the new meters are 99.9 percent accurate; that the lifespan of the new meters is 20 years for the meter itself and the end point lifespan is 10 years; that the meter does not have a shut-off and it can only shut off manually at the curb; that water customers can set up their accounts to alert them once a certain amount of water has been used; that Badger Meter has been in business for 45 years in the United States; that there is a battery in the meter; that the meters have a 20-year life expectancy and the end-point batteries have a 10-year service life; that what goes into the overall cost of service for water and sewer is operation and maintenance expenses, capital expenses, depreciation of fixed assets, working capital and consumption; that the current model used takes a rolling average over three to five years of the consumption; that staff takes revenue requirements (cost) divided by consumption to formulate a rate structure; that the current water and sewer system supports \$2.7M of annual debt service; that the SWIFT money makes up half of that amount; that operation and maintenance costs, adding additional debt, and increased water purchase or sewer costs from TRA could be driving the increase in water customer bills; that the increase approved in September was simply a pass-through; that the debt section of budget document and the statistical portion of the Comprehensive Annual Financial Report shows the outstanding debt throughout the City outlined in graph form, including both the general tax-supported portion of the debt and the water and sewer; that water consumption will be read more accurately and therefore bills may go up once the new meters are in place; and that public meetings will be held to educate the public on the new meters.

Motioned by Councilmember Turner, seconded by Councilmember Sartor, to approve a resolution authorizing the City Manager to enter into a contract with Badger Meter Inc., dba National Meter and Automation (Badger), in the amount of \$14,375,863.79 for the Automated Meter Reading (AMR) System Project, SWIFT 16-03.

Motion passed 5-0-0. Mayor Griffin declared the motion carried.

- 8. Consider a resolution authorizing the City Manager to enter into an agreement with Kimley-Horn and Associates, Inc. in an amount not to exceed \$24,000 for engineering design of the step-up transformer for the Simpson Terrace Well and construction contract administration.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with Tarrant County for street improvements on Brown Trail from Harwood Road to the Bedford/Colleyville city limits and Tibbets Drive from Hospital Parkway to the Bedford/Eules city limits.**

This item was approved by consent.

**10. Consider a resolution authorizing the City Manager to enter into an agreement with CGI Communications, Inc. for the Community Video Program.**

This item was approved by consent.

**11. Accepting Council Member resignation and discussion/approval of Council procedures to fill Council vacancy.**

Mayor Griffin presented information regarding Item #11, which is accepting council member resignation and discussion/approval of Council procedures to fill Council vacancy.

Mayor Griffin read Councilmember Steve Farco's resignation letter.

Dear Mayor, City Attorney, City Manager, City Secretary, and Staff,

The New Year brings new beginnings and self-improvement. I hope that you all had a great holiday and blessed New Year. As some of you know, for the past few months I have been experiencing health challenges. After council with my doctor, family, and some close friends I have determined that I need to remove some stress from my life for the betterment of my health and my family. With this comes a tough decision for me to make. I was not planning on seeking re-election in May, but due to these health challenges it saddens me to announce that I will be moving this timeline up and stepping down from council seat upon this reading.

I have enjoyed my service to the citizen of Bedford and I am grateful for the outpouring support and prayers that I have received. Being elected is one of the humblest things in my opinion that can happen to a person. I have been part of a team that has put needs of the City first and I am proud to call them friends. We set out to do one basic thing, and that was to leave the City a little better than we found it. I am happy to report that although I am vacating my seat early, we have accomplished many great things in this City. I am not going away and will continue to be a leader in Bedford and the H.E.B. community but I will need to take my previous backseat approach. I intend to be sworn in as Chairman of the H.E.B. Chamber of Commerce; Our Chamber has a large board and a very capable CEO should I need to rely on them.

To our Staff... I will continue to be your biggest cheerleader and advocate. I thank you for your friendship, honesty, and loyalty. You are truly what makes Bedford the best.

Mayor Griffin stated that he thanks Mr. Farco for his service to the community. Councilmember Fisher stated that Mr. Farco has been a tireless advocate for the staff and knows that he will continue to be their cheerleader. Councilmember Turner stated that being on the Council is a difficult job; that it has been his privilege to serve with Mr. Farco and that he appreciates his enthusiasm and knowledge. Councilmember Gebhart stated that he has always been impressed with Mr. Farco's honesty and kindness; that one knew where he stood at all times; and that he is a man of integrity. Councilmember Sartor stated that he appreciates Mr. Farco's friendship and that he will miss serving on Council with him.

Mayor Griffin stated that pursuant to the Constitution and the City of Bedford Charter, the Council needs to approve the following procedures for appointment:

- The Council shall appoint someone at the current meeting or the next available Council meeting in order to present prospective names.
- At either the current meeting or the next meeting, as decided above, the Mayor will ask for any suggested names from the Council. The Mayor may also participate in the discussion and provide suggested names.
- After discussion, the Mayor will call for a motion and second to appoint one of the names proposed during discussion.
- After the motion and second, the Council shall vote on the proposed appointee.
- If a majority of Council members vote in favor of the motion, then the person named in the motion

## Council Minutes January 10, 2017

is appointed. If a majority of Council members vote against the motion, the Mayor shall call for another motion and second.

- If the person appointed agrees to serve, that person could be sworn in at the beginning of the meeting or at a specially called meeting and could serve after that. If the person refuses to serve, the item will be reset for the next available meeting.

Motioned by Councilmember Fisher, seconded by Councilmember Turner to approve the procedures to fill the Council vacancy.

Motion passed 5-0-0. Mayor Griffin declared the motion carried.

### **12. Consider a resolution authorizing the appointment of Council Member Place 4 for an unexpired term ending at the next General Election.**

Mayor Griffin presented information regarding Item #12, which is to approve a resolution authorizing the appointment of Council Member Place 4 for an unexpired term ending at the next General Election.

Councilmember Fisher stated there is a lot going in the City; he thanked the Mayor for all of his work in getting the Council where they need to be regarding the resignation of Mr. Farco; that Michael Boyter has expressed interested in running again in the May election; that he is the last eligible person that served on Council; and that given the requirements of the Charter he would nominate Michael Boyter fill the unexpired term. Councilmember Turner stated that there are a number of people qualified to serve; and that one of the considerations for choosing the appropriate person would be one who has had direct experience on the Council, which Michael Boyter has. Councilmember Gebhart stated that he would prefer to have an election for the process, but recognizes that Mr. Boyter is qualified; and that there are circumstances in place whereby if action is not taken the Council could lose quorum and not be able to conduct business.

Motioned by Councilmember Fisher, seconded by Councilmember Turner, to approve a resolution authorizing the appointment of Council Member Place 4 for an unexpired term ending at the next General Election.

Motion passed 5-0-0. Mayor Griffin declared the motion passed.

### **13. Report on most recent meeting of the following Boards and Commissions:**

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

Councilmember Fisher reported that the Board met on the December 28, 2016 and that statistics are available on-line.

- ✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reported that the Commission will meet on January 16, 2017 and that plans are underway for spring activities.

- ✓ **Community Affairs Commission - Councilmember Farco**

No report was given.

- ✓ **Cultural Commission - Councilmember Champney**

No report was given

- ✓ **Library Advisory Board - Councilmember Farco**

No report was given



## Council Minutes January 10, 2017

### ✓ Parks and Recreation Board - Councilmember Sartor

Councilmember Sartor reported that the Board met on Thursday, January 5, 2017 and continues to have discussions on the all-inclusive park, which will be presented at an upcoming Council meeting. The Board is working with the Boy Scouts to plant trees around the City.

### ✓ Teen Court Advisory Board - Councilmember Gebhart

Councilmember Gebhart reported that the Board met on Thursday, January 5, 2017 where they appointed new officers and continued planning for the Gala, which is their primary fundraiser used to award scholarships to those who participate in the Teen Court Program. The teens who volunteer get experience as attorneys and as bailiffs. It is a great program that helps keep teens out of serious trouble and gives teens opportunities to experience the legal and judicial system.

### ✓ Senior Citizen Liaison - Councilmember Turner

No report was given.

## 14. Council member Reports

Mayor Griffin thanked the Council for their work on the previous two items on the agenda. There are a number of things that the Council is working on and that adding to the ranks is going to help the mission they are on.

## 15. City Manager/Staff Reports

City Manager Roger Gibson welcomed Mr. Boyter and stated that he and staff look forward to working with him. He stated that staff wished Councilmember Champney a speedy return and they will miss Mr. Farco as well.

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

There was no action takes as a result of the Executive Session.

## ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:09 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary