

Council Minutes March 14, 2017

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 14th day of March, 2017 with the following members present:

Jim Griffin
Michael Boyter
Roger Fisher
Dave Gebhart
Rusty Sartor

Mayor
Council Members

constituting a quorum.

Councilmember Turner was absent from the meeting.

Staff present included:

Kelli Agan
Cathy Cunningham
Michael Wells
Don Henderson
Natalie Foster
Russell Hines
Kenny Overstreet
Bill Syblon

Interim City Manager
City Attorney
City Secretary
Parks Superintendent
Public Information Officer
Building Official
Public Works Director
Development Director

COUNCIL CHAMBER 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: 1 and 4.

Mayor Griffin presented information regarding Item #4. He stated that Councilmember Ray Champney was the Mayor Pro Tem and he believes that the Council has waited an appropriate amount of time to fill that position. The intent of this item is to see if anybody wanted to fill that role and to have perhaps have this discussion again once the Council is filled out in May. There was discussion on the amount of time required to fill the position; Councilmember Fisher serving as Mayor Pro Tem; and the position being filled by somebody not currently running for office.

- **Discussion and staff update regarding construction of the Popeye's/T-Mobile on Bedford Road.
This item requested by Councilmember Fisher

Councilmember Fisher requested this item be placed on the agenda for discussion. Development Director Bill Syblon stated that as with everybody else, he cannot wait for the project to be completed. He does not have an exact answer as to why the project is taking so long, but the developer is making more and better progress. A report received that day indicated that the developer was finishing out the space inside of the building. The developer has maintained enough development activity to keep the building permit alive. In

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answer to questions from Council, Mr. Syblon stated that the timeframe is 180 days; that the last inspection of the property was in January and the 180-day clock is reset after each inspection in the building permit process; that "progress" means development activity on the site and during the building permit process, there are several inspections that must take place; and that the amount of work constituting progress is at some point subjective to the Building Official. Regarding trash, debris and tall grass at the site, he confirmed that the City's codes would still apply even if it is a construction site. There was discussion on the site being an eyesore to the residents around the area; and Code Compliance inspecting the property. Mr. Syblon stated that both Public Works and Building Inspections had to shut down construction because of code issues; that there are no outstanding issues or citations issued to the owner; and that there are requirements for the developer to prove the construction is sound. There was discussion on the tendency for corners to be cut in construction. In answer to further questions from Council, Mr. Syblon stated that the permit was originally pulled in February of 2016, but work did not get started immediately; that the foundation inspection was not performed until July; that the operator and owner of the building is the same as the Burger King, which took eight months to complete; that the owner did not give an estimated time of completion; that the Popeye's corporate real estate office was also frustrated in how long the project was taking; and that the next inspection should be sooner than July based on what has been done on the inside of the building.

Mayor Griffin adjourned the Work Session at 6:15 p.m.

EXECUTIVE SESSION

To convene in the conference room in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - Linbrook Apartments at 531 Bedford Road.**
- b) 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.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Lot 2R, Block 1, Cardio Place Addition.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - Linbrook Apartments at 531 Bedford Road; Section 551.087, deliberation regarding economic development negotiations relative to Williams, TW Survey A1735 Tr 6C02, also known as, 1805 L. Don Dodson Drive; and Section 551.087, deliberation regarding economic development negotiations relative to Lot 2R, Block 1, Cardio Place Addition, at 6:16 p.m..

Council reconvened from Executive Session at 6:31 p.m. Council was unable to finish the Executive Session and will convene again at the end of the Regular Session

REGULAR SESSION

The Regular Session began at 6:35 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Pastor Robert White, Freedom Church)

Pastor Robert White of Freedom Church gave the invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS/UPCOMING EVENTS

Public Information Officer Natalie Foster reminded everybody that the Library Satisfaction Survey is available until Sunday, March 19, 2017. Respondents can give feedback on the Library's collection, programs and services. The results help the Library set budget priorities for the next fiscal year. She announced a residential outreach meeting will be held on Wednesday, March 22 at 7:00 p.m. The Mayor and staff will speak on various projects and updates from around the City. She announced that the 2017 City Expo and Pet Fair will be held on Saturday, April 1, 2017 at the Boys Ranch Activity Center from 10:00 a.m. to 2:00 p.m. There will be booths from every City department to answer questions. Outside, there will be pets up for adoptions, local vets, rescue groups and food. All adoptions from Bedford's Shelter will include a free microchip. She reported the Crud Cruiser event the previous Saturday had 175 cars come through and collected 2,700 pounds of waste. Among what was collected included 8,500 pounds of paint, 1,500 pounds of pesticides and fertilizers, and 850 pounds of oil and gas products.

OPEN FORUM

Nobody chose to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Boyter, seconded by Councilmember Sartor, to approve the following items by consent: 1 and 4, with Councilmember Fisher appointed as Mayor Pro Tem.

Motion approved 4-0-1. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Sartor, Councilmember Boyter and Councilmember Fisher

Abstaining from voting: Councilmember Gebhart

1. **Consider approval of the following City Council minutes:**
 - a) **February 21, 2017 special meeting**
 - b) **February 28, 2017 regular meeting**

This item was approved by consent.

NEW BUSINESS

2. **Consider a resolution authorizing the Interim City Manager to purchase playground structures from Miracle Structures in the amount of \$174,073.32 through the Buy Board Cooperative Purchasing Program.**

Parks Superintendent Don Henderson stated that in 2015, the Park Maintenance Fund was established and, at that time, new playgrounds were installed at Brookhollow Park and Monterrey Park. Staff would now like to install two new playground structures, one at Stormie Jones Park and one at Harris Ryals Park. The total of those projects is \$174,073.32. Staff took options from three different manufacturers to the Parks and Recreation Board for them to choose the structures for each location, and the color options were then chosen at the next meeting. Staff had asked for a discount from the manufacturer, but instead, they offered another piece of equipment for Stormie Jones Park, valued at \$7,000, for free. In answer to questions from Council, Mr. Henderson stated that \$100,000 of the total would come from the Park Maintenance Fund and the remainder from the 2011 Certificates of Obligation (CO). Interim City Manager Kelli Agan stated that the CO is on the books and is related to parks and the improvement of parks, so

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was a natural fit for this item. She confirmed that the City has already received the funds and they have not been put towards a specific project. There was discussion on the types of equipment being installed. Mr. Henderson stated that he gave the vendors a list of criteria to fit a structure of a certain value within the existing borders and if not, there would be additional costs to the City to increase the borders; that the vendors found structures that would fit within the borders and still meet the City's fall zone criteria for safety; that the border at Harris Ryals Park is larger so could encompass a larger structure; that the borders are concrete; that two of the playgrounds along the trails and especially the one at Carousel Park are in the most need of replacement; that regarding the playgrounds along the trails, Oncor was unhappy with the City for having structures under their wires and requested staff not ask for any new structures; that the Parks and Recreation Board had a list of the playgrounds most in need of replacement; that Central Park needs to be on the list but Randy Newby on the Board is working on a project for that park; that one of the criteria asked for was at least one proposal that included an integrated shade system; that he tried to get as much structure as he could with the amount of money budgeted; that the thought was to install a free-standing shade structure at a later date; and that a 30X30 structure, which would cover three-quarters of the structure at Harris Ryals Park, would cost approximately \$15,000.

Motioned by Councilmember Boyter, seconded by Councilmember Gebhart, to approve a resolution authorizing the Interim City Manager to purchase playground structures from Miracle Structures in the amount of \$174,073.32 through the Buy Board Cooperative Purchasing Program.

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

3. Consider a resolution authorizing the Interim City Manager to cancel the July 11, July 25, and December 26, 2017 regular Council meetings.

Interim City Manager Kelli Agan stated the item is to cancel the two Council meetings in July and to cancel the Council meeting on December 26, 2017. Cancelling the meetings in July will allow staff adequate time to prepare the budget. Cancelling the December meeting is to avoid a conflict with the Christmas holiday.

Councilmember Fisher stated that he would vote no on the item because Council should not be cancelling any meetings until they sit down for a long and drawn-out strategic planning session process. In answer to a question from Council regarding cancelling the July meetings, Ms. Agan confirmed that there would be the same amount of work but items would be brought to Council either earlier or later; and that having the month of July off allows staff the additional focus to put in the budget.

Motioned by Councilmember Gebhart, seconded by Mayor Griffin, to approve a resolution authorizing the Interim City Manager to cancel the July 11, July 25, and December 26, 2017 regular Council meetings.

Motion approved 3-2-0. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Sartor and Councilmember Gebhart

Voting in opposition to the motion: Councilmember Fisher and Councilmember Boyter

4. Discussion and action regarding the appointment of the Mayor Pro Tem.

This item was approved by consent, with Councilmember Fisher being appointed Mayor Pro Tem.

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

- ✓ **Animal Shelter Advisory Board**

Councilmember Fisher reminded everybody about the upcoming City Expo and Pet Fair.

- ✓ **Beautification Commission**

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Councilmember Boyter reported that the Crud Cruiser event held the previous weekend was fantastic and he recognized the hard work of the Commission.

✓ **Community Affairs Commission**

Councilmember Boyter reminded everybody about the residential outreach meeting on March 22, 2017 at 7:00 p.m. at the old library. He stated that the City's third Expo event will be held at the Boys Ranch Activity Center on April 1, 2017 from 10:00 a.m. to 2:00 p.m. He recognized Commission Members Doug White and Roy Savage who were in attendance.

✓ **Cultural Commission**

Mayor Griffin reported that an event was held the previous Saturday at Central Arts of Bedford. It was a well-attended event and the portrait of Councilmember Ray Champney was on display. The ArtsFest event will be held on April 8, 2017 at the Boys Ranch Park.

✓ **Library Advisory Board**

Councilmember Boyter reported that the SeussFest held on March 5, 2017 had tremendous attendance despite the rain.

✓ **Parks and Recreation Board**

Councilmember Sartor thanked the rest of Council on behalf of the Board for voting for the playground equipment at Stormie Jones Park and Harris Ryals Park. He recognized Board Member Randy Newby who was in attendance.

✓ **Teen Court Advisory Board**

Councilmember Gebhart reported that the next meeting of the Board will be the first Thursday in April.

✓ **Senior Citizen Liaison**

No report was given.

6. Councilmember Reports

Councilmember Gebhart stated that he had a chance to give blood earlier in the day and asked that if people are able to, to give blood on a regular basis, as every donation can save up to three lives.

7. City Manager/Staff Reports

No report was given.

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Council reconvened from Executive Session at 7:27 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.

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

Motioned by Councilmember Boyter, seconded by Councilmember Fisher, to authorize the City Attorney to file a lawsuit to seek all available legal remedies in regard to the Linbrook Apartments in Bedford.

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

ADJOURNMENT

Mayor Griffin adjourned the meeting at 7:29 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary