

Council Minutes January 8, 2019

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 8th day of January, 2019 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Dan Cogan	
Roger Fisher	
Amy Sabol	
Rusty Sartor	
Roy Turner	

constituting a quorum.

Staff present included:

Brian Bosshardt	City Manager
Cliff Blackwell	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Natalie Foster	Public Information Officer
Jeff Gibson	Police Chief
Kenny Overstreet	Public Works Director
Emilio Sanchez	Planning Manager
Bill Syblon	Development Director

WORK SESSION

Mayor Griffin called the Work Session to order at 5:30 p.m.

• Discussion regarding Bedford's Citizen Boards and Commissions.

Mayor Griffin stated this item was to discuss the overall purpose of the Boards and Commissions; the role of the chairpersons of the Boards and Commissions and holding a joint meeting between them and Council; the role of the Council liaison; and the possible need for term limits. Councilmember Sabol discussed issues related to the Cultural Commission, including that they do not feel they have a purpose, problems with pursuing a cultural district status from the State, and lack of funding. She suggested that money be allocated to them from the Tourism Fund and that the Commission could be tasked with helping select a piece of public art at the new Boys Ranch park. Regarding the Cultural Commission, there was discussion on the Commission's role and purpose; eliminating the Commission's subcommittees; the City's designated cultural district; researching public art installations and programming; working with the City's other Boards and Commissions; potential cultural activities at Bedford Commons and the Old Bedford School; a dedicated space for cultural programming; giving specificity to the Commission's purpose as outlined in the Code; educating the public about arts organizations and activities at existing events; coordinating events with the Library; allocating funding as part of the budget process; developing recommendations for a public arts program and funding; and

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researching what other cities do as far as arts and culture. There was further discussion on the Council hearing ideas from all of the Boards and Commissions; combining the Parks and Recreation Board and the Beautification Commission; the impact of Board and Commission programs on City staff; neighborhood identities as part of the Council's strategic plan; and scheduling a strategic meeting with Council to further discuss Boards and Commissions.

There was discussion on the possible removal of a Board or Commission member, including procedures for removal; having the Mayor speak to the member; and performing an investigation.

Mayor Griffin adjourned the Work Session at 6:33 p.m.

REGULAR SESSION

The Regular Session began at 6:41 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Joe McCrary, First Assembly of God DFW)

Joe McCrary of First Assembly of God DFW 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 reported on upcoming events, including college planning classes at the Library on January 12 and 16; a Valentine's Day event at the Bark Park on February 1, 2019; the Annual Valentine's Day Dance at the Boys Ranch Activity Center on February 9, 2019; and the City Expo and Pet Fair on March 23, 2019.

OPEN FORUM

Roger Gallenstein, 4013 Fairmont Court, Bedford - Mr. Gallenstein signed up to speak on Items #8 and #9. He stated there has been opposition to high density development since the 1990s, when the Council allowed apartments to be developed in the Central Business District. A zoning change for apartments in Bedford Commons was defeated by a 5-2 vote in October 2017 and he and others believed the issue was done. He stated that through open records, City staff continued to talk to the developer regarding a site plan, which was subsequently voted down by the Planning and Zoning Commission. He discussed his group, Save Bedford Texas in Opposition to High Density Residential. He stated an ordinance on high density, which was crafted with the assistance of an attorney, was presented to the Council the previous August. It was his understanding that there was no discussion on the ordinance and in October, the group obtained approximately 2,300 signatures on their petition. He feels the Council has three choices, which are to develop its own ordinance aligned with the group's ordinance, place the ordinance on the ballot, or to block it. He asked Council to approve the ordinance and let it go on the ballot.

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Bryan Henderson, 2416 Bedford Circle, Bedford – Mr. Henderson signed up to speak on Items #8 and #9. He expressed that that what has been presented thus far was not designed as Bedford Commons, but instead was a pure apartment development, and that the proposed changes in the ordinance were in part to move that development in a different direction. He thought that there would be some discussion on the ordinance presented to Council in August, and there were items, including redevelopment, that were negotiable; however, there was no discussion or feedback. In his opinion, the number of signatures on the petitions equates to a voter mandate. He stated that based on open records received that day, City staff is working on incorporating the ordinance into the existing code. He stated that redevelopment can be covered in multiple ways, including through a planned unit development, or adding to and/or changing ordinances.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Council was of the consensus to move Items #6 and #7 to the consent agenda. City Manager Brian Bosshardt presented an overview of the items on the consent agenda.

Motioned by Councilmember Fisher, seconded by Councilmember Turner, to approve the following items by consent: 1, 2, 3, 6 and 7.

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

1. **Consider approval of the following City Council minutes:**
 - a) **December 11, 2018 regular meeting**

This item was approved by consent.

2. **Consider a resolution of the City Council of Bedford, Texas, authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Hurst, North Richland Hills and the County of Tarrant, Texas for the Fiscal Year 2017 Byrne Justice Assistance Grant (JAG) Formula Program Award.**

This item was approved by consent.

3. **Consider a resolution of the City Council of Bedford, Texas, authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the City of Fort Worth for the Fiscal Year 2017 Byrne Justice Assistance Grant (JAG) Formula Program Award.**

This item was approved by consent.

NEW BUSINESS

4. **Public hearing and consider an ordinance to rezone Tract 4F, Abstract 1641, AJ Woodson Survey, located at 3030 Harwood Road, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP)/Self-service Storage Facilities, specific to Section 3.2.C(11)h of the City of Bedford Zoning Ordinance, allowing for Bedford Self-Storage to build and operate a self-storage facility. The subject property is generally located south of Harwood Drive and west of Martin Drive. (PZ-SUP-2018-50065)**

This item was discussed after Item #5.

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Planning Manager Emilio Sanchez presented information regarding this item, which a specific use permit to allow for a three-story, 98,325 square foot self-storage facility at 3030 Harwood Road. The Planning and Zoning Commission denied the applicant two times previously and the applicant chose to withdraw prior to the items going to Council. The applicant incorporated comments from the Commission into their most recent submittal, which includes the possibility of adding a 3,000 square foot area of retail/office space. The item was approved by the Commission at their meeting in October 2018, with the stipulation that the applicant be given the option to move forward to the City Council with or without the retail/office space.

Michael Hope, 6722 Lupton Drive, Dallas, representing the property owner, presented information on the background and the ownership of the parcel of land. He discussed challenges with the site, including the topography, the lack of sanitary or storm sewers, and its proximity to Meadow Creek Elementary that would prohibit uses with alcohol sales, including restaurants or convenience stores. He stated that private schools and churches have shown interest in the property; however, they do not add to the City's tax base. In his opinion, the proposal is the highest and best use he has seen and would be a high-quality development on a property that nobody else wants, as running a sanitary sewer line would be cost prohibitive to any other user. He stated the facility would look like a suburban office complex, and would benefit the City, its citizens, and the tax base.

Dallas Conthrum, 900 Jackson Street, Dallas, Texas, representing the applicant, stated that storage facilities have gone from an industrial use to a neighborhood-services/retail use. The project is a \$10,000,000 investment and would be entirely air conditioned. He discussed the look of the building, the construction materials and the hours of the facility. The materials presented to Council include a detailed site plan, elevations and building materials. He discussed constraints to the site, including the lack of sewer service, the shape and slope of the property, low traffic counts, proximity to the school, and retail vacancy in the area. He presented information on the Bedford retail market and retail closings. He discussed the reasons for a storage facility at the site, including market demographics, the ability to absorb the cost of infrastructure, and having the least impact on City and the Hurst-Euless-Bedford Independent School District (HEB ISD) resources. He presented comparisons of a self-storage facility and other uses, including the estimated tax impact, and information on the Bedford storage market, the local demand for storage, and common misconceptions about storage facilities. In response to questions from Council, Mr. Conthrum stated that the applicant chose Bedford due to demand, the affordability of the property, and location. He stated that storage operators go in every single community.

Mayor Griffin opened the public hearing at 7:53 p.m.

William Rogers, 2616 Juniper Court, Bedford – Mr. Rogers stated that the City has 128 acres left for development and finds itself competing for every business opportunity, which oftentimes goes to neighboring cities. He felt that storage units do not generate sales tax and this development would not bring additional traffic needed to revitalize the area or stimulate new development. He stated that existing storage facilities are not full and thousands of square feet are available for rental, and there is no need to add to the inventory. He stated that Highway 121 and Harwood Road is a gateway street to Bedford and this development would be the sixth storage facility within a half mile radius. He spoke against the proposal at the Planning and Zoning Commission meeting, and against the previous two proposals, and asked that Council vote against this item as he feels it is not the right type of business for the City.

Charles Baetz, 2609 Willow Bend, Bedford – Mr. Baetz stated that he spoke in opposition to this item at the Planning and Zoning Commission meeting. He showed Council a petition of his

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neighbors who are in opposition to the item. In his opinion, storage facilities are the same as apartments. He stated his background is as a real estate appraiser and he felt that the project would work better at Cummings Drive and Highway 121, which has the same topography. He felt that people do not want storage facilities and the location is not the right place for this facility. He discussed issues once the building is constructed and with the deficiencies of the property having been alleviated. He stated that the materials presented by the applicant do not show a retention pond. He asked that the Council vote down the item.

Tom Burnett, 2253 Bedford Circle, Bedford – Mr. Burnett stated that the owner of the property should have tried to negotiate on water and sewer services with the City in the 1970s, and there is the opportunity for the developer to ask the City for an abatement. He stated the development is being driven by price. He expressed that the area of the City is aging and felt the project would not make it any younger. He stated that the City is in the redevelopment phase of its life, and this part of the City needs redevelopment. The applicant had previously shown that self-storage facilities have the lowest traffic impact of businesses compared to several other uses, and Mr. Burnett stated that traffic and a better development is needed to help stimulate and rehabilitate the empty retail space on both sides of Highway 121 off Harwood Road. He felt that more storage may not be needed in the City, but the use would be perfect in the City's industrial/commercial park area. He discussed the estimated taxable value and stated the City needs a combination of property and sales tax.

Mayor Griffin closed the public hearing at 8:09 p.m.

Mr. Conthrum stated that the project is a redevelopment and that the site could not be a medical, dental or small office unless the City helps to pay for the sewer services. The construction would be more expensive than an office building due to weights, loads and infrastructure, and the materials would be nicer than what is required by the City's Code for other interested users. He stated that most users of self-storage are single families. He expressed that the project would have the nicest building and the greatest landscaping and felt other retail users would build the least expensive building, putting most of their money into the infrastructure costs. Mr. Conthrum presented information on the differences between the current project and what was previously presented to the Planning and Zoning Commission, including the option for retail space, 100 percent interior storage, more building articulation, better materials, no rollup doors, increased landscaping, underground detention and less parking. There was discussion on how the taxable value for the project was arrived at. In response to questions from Council, Mr. Conthrum stated that the facility would be run by national operator and nobody would be living at the site. There was discussion on storage facilities closing, how storage facilities perform during differing economic periods, repurposing the building in the future, the impact of storage facilities to the property values of surrounding properties, and meetings held between the applicant and residents.

Motioned by Councilmember Fisher, seconded by Councilmember Sartor, to deny an ordinance to rezone Tract 4F, Abstract 1641, AJ Woodson Survey, located at 3030 Harwood Road, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP)/Self-service Storage Facilities, specific to Section 3.2.C(11)h of the City of Bedford Zoning Ordinance, allowing for Bedford Self-Storage to build and operate a self-storage facility. The subject property is generally located south of Harwood Drive and west of Martin Drive. (PZ-SUP-2018-50065)

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

5. Public hearing and consider an ordinance extending Article IV Chapter 82, "Offenses and Miscellaneous Law Enforcement Regulations," of the Code of Ordinances of the

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City of Bedford, Texas, relating to curfews; making it cumulative; providing for penalties; providing a severability clause; and declaring an effective date.

This item was discussed prior to Item #4.

Police Chief Jeff Gibson presented information regarding this item, which is to authorize the continued enforcement of curfew violations. He stated that three daytime curfew citations were issued from 2014 to 2018. He presented juvenile crime statistics during the daytime curfew hours from the school years starting in 2013 through 2018. He requested the ability to continue to utilize the daytime curfew due to its impact on minors. In response to questions from Council, Chief Gibson stated the nighttime curfew hours are 12:00 a.m. to 6:00 a.m. on Saturday and Sunday, and 11:00 p.m. to 6:00 a.m. on weekdays. The daytime curfew is 9:00 a.m. to 2:30 p.m. and it does not apply when school is out of session. There was discussion on different scenarios regarding enforcement of the ordinance; exceptions and defenses to the ordinance; the reasoning behind the implementation of the daytime curfew, including it being a request of HEB ISD due to an increase in truancy; and whether neighboring cities have a daytime curfew,

Mayor Griffin opened the public hearing at 7:19 p.m.

Dave Gebhart, 65 Merrill Drive, Bedford – Mr. Gebhart stated that the Police Department has the authority to stop anyone they feel under a Terry stop, and the daytime curfew is not needed to make that happen. He felt that HEB ISD requested the curfew as they wanted students in school as it means more money for them, and this ordinance short-circuited the normal truancy process. He stated that it was put into effect by the State legislature to counter large-scale youth crime, and Bedford does not have such a crime problem as compared to Hurst and Euless, who do not currently have a daytime curfew. He stated there is no need for the daytime curfew and refuted that there was proof of its effect on juvenile crime. He stated the ordinance used to only have being homeschooled as a defense to prosecution, which he helped get changed.

Mayor Griffin closed the public hearing at 7:24 p.m.

Motioned by Councilmember Cogan, seconded by Councilmember Turner, to approve an ordinance extending Article IV Chapter 82, "Offenses and Miscellaneous Law Enforcement Regulations," of the Code of Ordinances of the City of Bedford, Texas, relating to curfews; making it cumulative; providing for penalties; providing a severability clause; and declaring an effective date.

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

6. Consider a resolution authorizing the City Manager to enter into an agreement with Ace Asphalt, in an amount not to exceed \$200,000, for the 2019 Street Subgrade Repairs at Various Locations through The Interlocal Purchasing System (TIPS/TAPS) Cooperative Purchasing Program.

This item was approved by consent.

7. Consider a resolution authorizing the City Manager to enter into an agreement with Curtco, Inc., utilizing the City of Grand Prairie's Joint and Crack Sealing Services contract through the Master Interlocal Cooperative Purchasing Agreement, in the amount of \$150,000, for the 2019 Joint and Crack Sealing Services Program.

This item was approved by consent.

EXECUTIVE SESSION

- a) 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 - Initiative Petition.
- b) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - clothing donation containers.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1 Whisperwood Center Addition.

Council convened into Executive Session pursuant to Texas Government Code 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 - Initiative Petition; Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - clothing donation containers; and Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1 Whisperwood Center Addition, at 8:34 p.m.

Council reconvened from Executive Session at 9:31 p.m. Any necessary action to be taken as a result of the Executive Session will during the Regular Session.

8. Present the Notice of Certification for Petition for Initiative #1 to the City Council of Bedford, Texas and receive direction from the City Council.

City Secretary Michael Wells presented information regarding this item and Item #9, which are to present the notice of certification of Petition #1 and Petition #2 to the City Council as required by the City Charter. He stated that on October 15, 2018, a group of five citizens filed affidavits with his office stating they would constitute a petitioner's committee responsible for circulating the petitions. Petition blanks were issued on October 17, 2018 and the signed petitions were returned by the due date of November 19, 2018. The required number of signatures on both petitions was 1,584, or five percent of the number of registered voters at the time of the last regular election. The City contracted with Tarrant county to verify the signatures, which was completed on December 7, 2018. On Petition #1, Tarrant County verified and accepted 2,217 signatures, while on Petition #2, 2,206 signatures were verified and accepted.

Motioned by Mayor Griffin, seconded by Councilmember Boyter, to direct staff to bring forth the proposed initiative zoning ordinance, without any changes in substance, for adoption by the City Council and to accept the certification as presented by the City Secretary.

There was discussion on distrust and lack of communication; the signatures on the petition being a vote; adopting the language that was part of the petition; the Council representing constituencies as part of the development process; Council making their goals and objectives clear to staff; and landowners and developers receiving a fair hearing.

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

9. Present the Notice of Certification for Petition for Initiative #2 to the City Council of Bedford, Texas and receive direction from the City Council.

Motioned by Mayor Griffin, seconded by Councilmember Fisher, to direct staff to bring forth the proposed initiative zoning ordinance, without any changes in substance, for adoption by the City Council and to accept the certification as presented by the City Secretary.

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

10. Mayor/Council Member Reports

Mayor Griffin discussed the Salvation Army Mayor's Challenge and stated Bedford raised approximately \$1,100. He thanked City Manager Brian Bosshardt and Councilmembers Cogan, Sabol, Turner and Sartor for their assistance. He discussed meeting with the citizen group and he stated that appreciated the effort of the group to meet.

Councilmember Fisher thanked Dorothy McWhorter for providing food prior to the meeting. He offered prayers to the family of Katie Savage, who passed away that morning.

Councilmember Cogan felt that after the vote on the petitions, he felt the air has lifted in the room and perhaps it is the moment that Bedford changed and turned things around.

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

✓ **Animal Shelter Advisory Board**

No report was given.

✓ **Beautification Commission**

No report was given.

✓ **Community Affairs Commission**

No report was given.

✓ **Cultural Commission**

No report was given.

✓ **Library Advisory Board**

No report was given.

✓ **Parks and Recreation Board**

Councilmember Sartor reported that the Friends of Bedford Parks Foundation received their non-profit status and was awarded tax-exempt status.

✓ **Teen Court Advisory Board**

Councilmember Cogan reported that the Board had to cancel their last meeting and a new one is scheduled for February 7, 2019.

✓ **Senior Citizen Liaison**

No report was given.

12. City Manager/Staff Reports

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No report was given.

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

Items #8 and #9 were voted on during the Regular Session.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 9:47 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary