

**Council Minutes October 22, 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 22nd day of October, 2019 with the following members present:**

Jim Griffin	Mayor
Michael Boyter	Councilmembers
Dan Cogan	
Ruth Culver	
Roger Fisher	
Amy Sabol	
Rusty Sartor	

constituting a quorum.

Staff present included:

Brian Bosshardt	City Manager
Michael Wells	City Secretary
Matt Butler	City Attorney
Sean Fay	Fire Chief
Natalie Foster	Public Information Officer
Jeff Gibson	Police Chief
Meg Jakubik	Strategic Services Manager
Kenny Overstreet	Public Works Director
Maria Redburn	Library Director
Bill Syblon	Development Director
Dean Yanagi	Senior Staff Engineer

**WORK SESSION**

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

**• Report on recent Library Advisory Board activities.**

Library Advisory Board Chairperson Margaret Carroll gave the Board's Fiscal Year 2019 report, including yearly statistics, circulation, programs, social media, projects, highlights of the HEB Reads program, awards, challenges and opportunities, and return on investment. There was discussion on social media and its impact on Library events; the recent Beers and Brats event; e-book demographics; future concerts on the Library grounds; the return on investment; statistics; the Excellence in Libraries Award from the Texas Municipal Library Director's Association; communication and reaching out to residents; and Library Foundation fundraising.

Mayor Griffin adjourned the Work Session at 6:10 p.m.

**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 - Preliminary and Final Plat, Joseph W Shaklee Survey, Abstract 1390, Tracts 2A01 and 2B.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Centre Block 1 Lot 2R01.

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 - Preliminary and Final Plat, Joseph W Shaklee Survey, Abstract 1390, Tracts 2A01 and 2B; and Section 551.087, deliberation regarding economic development negotiations relative to Bedford Centre Block 1 Lot 2R01, at 6:15 p.m.

Council reconvened from Executive Session at 6:57 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

### **REGULAR SESSION**

The Regular Session began at 6:58 p.m.

### **CALL TO ORDER/GENERAL COMMENTS**

Mayor Griffin called the meeting to order.

### **INVOCATION (Joseph Cartwright)**

Joseph Cartwright 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 a residential outreach meeting at the Movie Tavern on October 24, 2019; The Run to Back the Blue and Red race at the Boys Ranch Park on November 9, 2019; and A Bedford Christmas Event at the Library on November 9, 2019. She further reported City offices would be closed on November 11, 2019 for in-service training.

### **OPEN FORUM**

Tom Culbert, 1925 Charleston Drive, Bedford – Mr. Culbert signed up to speak on Item #15. He stated animals and teenagers, who do not pay taxes, get a board or commission, but seniors that do pay taxes, do not get a board.

James Chapman, 1209 Overhill Drive, Bedford – Mr. Chapman did not sign up under Open Forum but was permitted to speak by Mayor Griffin. He spoke regarding the plat for 1409 Schumac and asked the developer, their attorney and Council if they would be willing to buy properties in the new subdivision.

**CONSIDER APPROVAL OF ITEMS BY CONSENT**

This item was moved after Council Recognition.

There was discussion on adding Items 10 and 11 to the consent agenda, and City Manager Brian Bosshardt presented an overview of all requested consent items.

Motioned by Councilmember Sabol, seconded by Councilmember Sartor, to approve the following items by consent: 1, 10 and 11.

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

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

Voting in opposition to the motion: Councilmember Culver

**1. Consider approval of the following City Council minutes:  
a) October 8, 2019 regular meeting**

This item was approved on the consent agenda by a vote of 6-1-0.

**PERSONS TO BE HEARD**

This item was moved after Council Recognition.

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

**a) Stephen Brennan, 1209 Shannon Lane, Bedford, Texas 76022 – Requests to speak to Council regarding a petition to suspend the development of 1408 Schumac.**

Stephen Brennan, 1209 Shannon Lane, Bedford – Mr. Brennan asked Council if they reviewed the documentation sent in about the issue and responses from staff. He stated he was informed by staff that changes were going to be made to the plat after the Planning and Zoning Commission meeting, including moving the drainage easements outside the Federal Emergency Management Agency (FEMA) flood plain boundaries and asked why this was not caught from the beginning. He felt due diligence may not have been done on the plat. He asked if there were liability issues related to properties the City purchased and houses torn down on Donna Lane several years previously. He stated the FEMA map used for the plat was based on 2009 data and asked if the flood plain could now be bigger and if a new map was requested from FEMA. He stated he saw no provisions for a sidewalk on Schumac Lane and asked who was responsible for items such as retaining walls. He stated the area is low and a lot of grading would need to be done to get the lots on level ground and asked if current residents would now face further drainage issues. He asked if FEMA and the Army Corps of Engineers are involved in the project as work would be done in the flood plain. He stated there is a significant gully missing from the engineering documents. He believes since Highway 183 has widened, more water is coming down the stream and asked if FEMA was contacted about potential increases in water coming into SB-1. He discussed the drainage easement between his property and his neighbor's property, and stated no provisions were made to drive water into SB-1 so the land is being eroded. He asked who would manage the builders on such matters as putting up fences. He stated the bridges become chokepoints, which causes explosive discharges and erosion

problems. He asked what the minimum usable square footage of each lot would be as land is taken up by the flood plain. He further asked about deed restrictions. He felt the developer is going to do the project as cheaply as possible and put the onus on the builder and homeowners.

There was discussion on the planning and zoning process, including that plats go to the Planning and Zoning Commission and once they meet the requirements, they do not come to Council. Afterwards, it would then be between staff and engineers for the final product.

**b) Blaise Ferrandino, 1409 Schumac Lane, Bedford, Texas 76022 – Requests to speak to Council regarding a petition to suspend the development of 1408 Schumac.**

Blaise Ferrandino, 1409 Schumac Lane, Bedford – Mr. Ferrandino gave an overview of the Council's goals, mission statement and top focus areas. He presented a further overview of the City's Zoning and Flood Damage Prevention ordinances and stated he believed the plat was passed in violation of City codes. He felt the City Council should find the materials submitted for the plat at 1408 Schumac to be inadequate and potentially inaccurate. He contended given the complex nature of drainage in the area, further study needs to be done onsite and a comprehensive impact study is needed for the surrounding areas based on the Zoning Ordinance and Comprehensive Land Use Plan. He felt the City opens itself up to legal issues if plans such as this are approved. He asked the City work with the residents in rejecting the plat. He presented an overview of reasons he felt the development at 1408 Schumac should be suspended as well as responses from staff, including the survey map being inadequate, drainage not being fully accounted for in the application, erosion not being accounted for, the potential downstream impact, and safety. He stated in a floodway, drainage improvements must be done before a plat is considered for approval and felt the City violated its own subdivision ordinance. He submitted a petition with 88 signatures to suspend any and all development activities at 1408 Schumac Lane until such time that a comprehensive impact study might be done relative to the areas upstream and downstream of, as well as adjacent to, the stream in this area.

**c) Sheryl Bartos, 1212 Shannon Lane, Bedford, Texas 76022 – Requests to speak to Council regarding a petition to suspend the development of 1408 Schumac.**

Sheryl Bartos, 1212 Shannon Lane, Bedford – Ms. Bartos stated the property at 1408 Schumac does not directly impact her property but she has seen the damage it can do. She discussed drainage issues and water runoff from new developments to the east of her home and felt it would be a horrible mistake for the City to do this. She asked what the answer will be if a house is built on the property and it does flood. She stated only one of the Commissioners at the Planning and Zoning Commission meeting had seen the property. She discussed erosion in the area and the potential impact of the development on her neighborhood. She begged the City to reconsider doing anything with this property as it will impact her property and values and will be a potential liability issue.

**d) Justin Bartos, MD, 1212 Shannon Lane, Bedford, Texas 76022 – Requests to speak to Council regarding a petition to suspend the development of 1408 Schumac.**

Justin Bartos, MD, 1212 Shannon Lane, Bedford – Dr. Bartos discussed the Commission meeting and was disturbed that there was no discussion of ordinances to protect those who might invest in the property. He stated in past developments he was involved in, anything upstream from the normal drainage would usually require a retention pond that controls runoff of the property. He stated the greenbelt where the development is located is essentially a retention pond, and he has seen the area completely inundated. He hopes the City would use its

ordinances and find some other way to utilize this property, including buying the property, preserving the greenbelt and utilizing it as a retention area.

**e) Bev Rothermel, 1409 Schumac Lane, Bedford, Texas 76022 – Requests to speak to Council regarding the proposed development of the land located at 1408 Schumac.**

Bev Rothermel, 1409 Schumac Lane, Bedford – Ms. Rothermel displayed pictures of the proposed development area during a heavy rain and in mid-summer and stated the water can get up to approximately 15 feet in height. She showed pictures and discussed drainage issues to the east coming down Forest Ridge Drive, and stated one of the creeks, not shown on the plat, runs through a proposed lot. She showed pictures of drainage currently coming from the area of the proposed development. She discussed issues with the grading and engineering plans. She further discussed the proposed road and stated a two to three foot retaining wall is to hold an actively eroding 17-foot drop with a road on top. She discussed calculations for the current and proposed runoffs and stated they do not reflect differences in topography. She discussed erosion issues and stated the proposed grading would mean every tree would have to come off the hillside.

**f) Alicia Plaski, 1201 Shannon Lane, Bedford, Texas 76022 – Requests to speak to Council regarding flooding and erosion in neighborhoods.**

Alicia Plaski, 1201 Shannon Lane, Bedford - Ms. Plaski discussed flooding coming from Hidden Oaks. She stated there may be issues with fire trucks if vehicles are parked on both sides of the proposed road. She stated there is much erosion in area, including buckling sidewalks and crumbling retention walls and felt that one should not just look at a map but see how people live in that area.

City Attorney Matthew Butler stated zoning and platting are not the same thing, whereby platting is a property owner wanting to divide a property based on its current zoning. If the plat meets all the design criteria for plats per the subdivision ordinance, state law is clear that the City approve that plat. If the City does not approve the plat, it is at risk of a takings claim. City Manager Brian Bosshardt stated the questions being raised have to do with the City's interpretation of the codes as they pertain to the plat and property, and the City is committed to getting those questions answered. There was discussion on getting the answers prior to anything happening on the property, the permitting and tree mitigation processes, and the impact of the recently discussed master drainage study on the proposed development.

**COUNCIL RECOGNITION**

Council Recognition was moved prior to the consent agenda.

**3. Employee Service Recognition**

The following employee received recognition for dedicated service and commitment to the City of Bedford:

Walt Greenwade, Fire Department - 20 years of service

**4. Presentation of the Large and Small Business of the Year Awards.**

Community Affairs Commission Chairperson Sal Caruso presented the Large Business of the Year Award to Albertsons and the Small Business of the Year Award to Central Arts of Bedford.

**5. Proclamation recognizing November 4-8, 2019 as Municipal Court Week in the City of Bedford.**

Mayor Griffin read a proclamation recognizing November 4-8, 2019 as Municipal Court Week in the City of Bedford. Judge Tim Murphy, Municipal Court Manager Doug Campbell, Lead Municipal Court Clerk Cristy Reynolds, Municipal Court Clerk Fidela Martinez, Teen Court Coordinator Mindy Eichorst, and Senior Teen Court Clerk Diana Boone accepted the proclamation.

**6. Proclamation recognizing November 3-9, 2019, as National Animal Shelter Appreciation Week in the City of Bedford.**

Mayor Griffin read a proclamation recognizing November 3-9, 2019, as National Animal Shelter Appreciation Week in the City of Bedford. Animal Control Supervisor Mark Bellinghausen accepted the proclamation.

**7. Proclamation recognizing October 23-31, 2019 as Red Ribbon Week in the City of Bedford.**

Mayor Griffin read a proclamation recognizing October 23-31, 2019 as Red Ribbon Week in the City of Bedford. Sergeant Jerry Buford accepted the proclamation.

**OLD BUSINESS**

**8. Consider a resolution for a site plan for Lot 14, Block 4, Loma Verde Addition located at 2105 El Campo Street, Bedford, Texas, allowing Lynette Baptiste with Sylvan Meadows HCS LLC to operate a community home specific to Section 3.2.C.1.n of the City of Bedford Zoning Ordinance. The property is zoned Planned Unit Development (PUD). The subject property is generally located south of El Campo Street and west of Loma Verde Drive. This item was tabled at the September 24, 2019 regular Council meeting. (PZ-SP-2019-50021)**

Development Director Bill Syblon presented information regarding this item, which is for Sylvan Meadows HCS LLC to continue to operate a community home at 2105 El Campo Street. This item was tabled at the Council meeting on September 24, 2019. The use is allowed by right in a residential district, with a site plan approval. Conditions on a community home include no more than six residents, registering with the City annually, not being within one half mile of another community or group home, no more vehicles than bedrooms, and the exterior structure must maintain compatibility with the surrounding neighborhood. At the meeting where this item was tabled, Council requested updated exhibits showing the exterior of the home and a detailed dimensioned floor plan, which have now been provided. This item was unanimously approved by the Planning and Zoning Commission at their meeting on July 11, 2019.

There was discussion regarding the differences between a group home and community home. In response to questions from Council, Mr. Syblon stated the applicant is limited by the state to caring for three individuals. Further, two caretakers are allowed on the property by ordinance. There was discussion on the zoning sign being removed on multiple occasions. Mr. Syblon stated the property was operating as community home and the applicant had the proper state certifications but was not aware of the City's requirement for site plan approval. He believed there are approximately ten such homes throughout the City and does not believe the state notifies the City about the existence of the homes. He confirmed the location was inspected and is in full compliance with the City. There was discussion on the certifications required by

community homes and enforcement procedures if it were discovered there were more residents in the home than allowed. Mr. Syblon confirmed there are no notification requirements for community homes.

Motioned by Councilmember Boyter, seconded by Councilmember Culver, to approve a resolution for a site plan for Lot 14, Block 4, Loma Verde Addition located at 2105 El Campo Street, Bedford, Texas, allowing Lynette Baptiste with Sylvan Meadows HCS LLC to operate a community home specific to Section 3.2.C.1.n of the City of Bedford Zoning Ordinance. The property is zoned Planned Unit Development (PUD). The subject property is generally located south of El Campo Street and west of Loma Verde Drive.

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

### **NEW BUSINESS**

- 9. Public hearing and consider a resolution for an amended site plan with building elevation changes for a Walmart Re-Image. The property is zoned Heavy Commercial (H) and located within the Master Highway Corridor Overlay District (MHC) specific to Section 4.18 of the City of Bedford Zoning Ordinance. The legal description is Lot 1R1, Block 1, Wal-Mart Addition - Bedford, and the address is 4101 State Highway 121, Bedford, Texas. The subject property is generally located south of Cheek-Sparger Road and west of State Highway 121. (PZ-SP-2019-50065)**

Mr. Syblon presented information regarding this item, which is for approval of a site plan to reimage the Walmart Supercenter with their prototypical colors. The current colors of the building are earth tone, which was a requirement of the Master Highway Corridor Overlay District at the time the original site plan was approved. The recently passed HB 2439 states cities can no longer regulate building materials or colors if they meet the international building code requirements; however, it is still the City's process to bring site plan approvals to the Planning and Zoning Commission and the City Council. He stated there are no other changes to the building. There was discussion regarding HB 2439 and its impact on the ability for the City to regulate building materials. Regarding color, Mr. Syblon stated there is a provision in the bill which speaks to aesthetic method, which staff and the City Attorney interpret to mean color.

Mayor Griffin opened the public hearing at 9:31 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 9:31 p.m.

Motioned by Councilmember Boyter, seconded by Councilmember Cogan, to approve a resolution for an amended site plan with building elevation changes for a Walmart Re-Image. The property is zoned Heavy Commercial (H) and located within the Master Highway Corridor Overlay District (MHC) specific to Section 4.18 of the City of Bedford Zoning Ordinance. The legal description is Lot 1R1, Block 1, Wal-Mart Addition - Bedford, and the address is 4101 State Highway 121, Bedford, Texas. The subject property is generally located south of Cheek-Sparger Road and west of State Highway 121. (PZ-SP-2019-50065)

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

- 10. Consider an ordinance amending Chapter 22, "Buildings and Building Regulations," Article II "Buildings and Standards Commission," Section 22-31 "Membership;"**

responsibilities;" providing a severability clause; providing a savings clause; and providing an effective date.

This item was approved on the consent agenda by a vote of 6-1-0.

**11. Consider a resolution authorizing the City Manager to enter into an agreement with documentWORKS of DFW, LLC for multi-functional copier services.**

This item was approved on the consent agenda by a vote of 6-1-0.

**12. Discussion and possible action regarding conducting a Boards and Commissions Roundtable. \*\*This item requested by Councilmember Boyter.**

Councilmember Boyter stated the purpose of this item is to engage with the Boards and Commissions, specifically in an interactive conversation with the chairpersons. The benefits include hearing all the same information from the Boards and Commissions, reviewing and possibly acting on their mission statements, and collaborative opportunities to work on projects and grants. There was discussion on which Boards and Commissions to include, holding such meetings on a regular basis, and holding the first meeting within the next 60 days. Council was of the consensus to schedule roundtable meetings with the Board and Commission chairpersons.

**13. Discussion and possible action to ask the Community Affairs Commission to assist in conducting a Bedford Business Town Hall Meeting. \*\*This item requested by Councilmembers Boyter and Culver.**

Councilmember Boyter stated this item is to discuss holding business owner town hall meetings, whereby certain business owners are invited to take part in an interactive conversation with Council and staff to discuss how they are doing, the City's permitting process, how they got started in the City and what can be done together to support the business community. He stated the Community Affairs Commission could host and/or be part of the meetings. There was discussion regarding the logistics of the meetings, focusing on geographical areas and/or shopping centers, troubling economic indicators, the goals of such meetings, and the potential impact on staff. Council was of the consensus to add an item on the next Commission agenda to discuss this idea.

**14. Mayor/Council Member Reports**

Mayor Griffin reported he met with congressmen and senators in Washington, D.C. as part of a coalition of chambers of commerce from north Texas to discuss issues related to trade, healthcare, education and transportation.

Councilmember Fisher discussed comments made by the Speaker of the Texas House of Representatives about the Speaker's disdain for counties and cities and felt anybody involved in those conversations should immediately step down. He gave thoughts and prayers to the communities affected by the recent tornadoes, and stated it is prudent to use all forms of communication during such storms.

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

✓ **Animal Shelter Advisory Board**

No report was given.

✓ **Beautification Commission**

Councilmember Boyter reported the Commission worked with the Parks and Recreation staff on a shred day two weeks previously, and 285 cars were handled, with over 10,000 pounds of paper shredded. They have a workday scheduled on November 9, 2019 to participate in a fall sweep with other groups as part of the Keep Texas Beautiful program. Chairperson Marty Geer is working with staff towards a Keep Texas Beautiful Governor's Achievement Award, which grants money to help beautify cities, and Bedford would be eligible for a grant up to \$250,000. He stated the Commission worked with staff on the landscaping around the Library, and Ms. Geer has attended the meetings of other Boards and Commissions.

✓ **Community Affairs Commission**

Councilmember Culver reported the Commission will host a residential outreach meeting at the Movie Tavern on October 24, 2019.

✓ **Cultural Commission**

No report was given.

✓ **Library Advisory Board**

Councilmember Cogan reported the Board met the previous week and went over the presentation heard earlier. He recognized Board Member Stacy Herron who was in attendance.

✓ **Parks and Recreation Board**

Councilmember Sartor reported the ribbon cutting for the new Carousel Park playground equipment would be held on October 26, 2019. He displayed pictures of the old and new equipment.

✓ **Teen Court Advisory Board**

No report was given.

**16. City Manager/Staff Reports**

No report was given.

**17. 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 9:57 p.m.

**Council Minutes October 22, 2019**

Michael Boyter, Mayor

ATTEST:

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Michael Wells, City Secretary