

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Executive Session at 4:30 p.m., Work Session at 5:30 p.m., and Regular Session at 6:30 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 12th day of April 2011 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Roy Savage	
Roy W. Turner	

Constituting a quorum.

Councilman Griffin was not present at tonight's meeting.

Councilman Fisher arrived at 4:35 p.m.

Staff present included:

Beverly Queen Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Administrative Services Director
Roger Gibson	Interim Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Bill Syblon	Development Director
James Tindell	Fire Chief

**EXECUTIVE SESSION:**

**To convene in the Building A 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: The Oaks of Landera Apartments.**
- b) Pursuant to Section 551.072 of the Texas Government Code: to deliberate the purchase, exchange, lease or value of real property: properties located in the 100-year floodplain in Sulphur Branch and SB-1.**

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.071, Consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments and Section 551.072, to deliberate the purchase, exchange, lease or value of real property: properties located in the 100-year floodplain in Sulphur Branch and SB-1 at 4:30 p.m.

Council reconvened from Executive Session at approximately 5:37 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.

## **WORK SESSION**

Mayor Story called the Work Session to order at 5:45 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: 4, 7, 10, 12, 13, 14, 15 and to table 16.

- **Presentation by Jeri Harwell, Allied Waste, regarding a recycling program for the City of Bedford.**

Jeri Harwell of Allied Waste presented information regarding a recycling program in the City of Bedford. Ms. Harwell is the new Municipal Services Manager for Bedford. The recycling bank program was introduced about four years ago and it rewards people for recycling. The three basic steps of the program are recycle, report and reward. It would allow residents to earn reward points for recycling. She stated that recycling has increased everywhere it has been introduced in the United States.

Every resident would have an account in the recycle bank which can be set up on-line or through a customer service line. Residents would get emails back and forth from the bank giving them other ways to recycle such as reduce and reuse. They can also mail in cell phones, small laptops, and PDA's for additional points. Each resident would start with 300 points and they can get a reward right off from those 300 points. Points can be donated to schools and charities. Ms. Harwell stated that she believes that this program will be passed tonight in Hurst. Reward points would be received electronically into accounts on a weekly basis. Currently, the program has over 1700 reward partners. Local partners would be developed in the first 60 days of the rollout. From an economic development standpoint, Allied Waste would try to get as many businesses in the City to participate.

With the increase in recycling, households can save ten trees, 721 gallons of oil and 4,536 gallons of water. As far as educating residents on the bank, once the program is rolled out by Council, a letter will be mailed by Allied Waste, signed off by the Mayor, which outlines the program. The bank will send mailers to residents and hold town hall meetings. The program offers reporting tools to show which residents are participating in recycling and where they are spending their points. It would also monitor what is actually being recycled. This would be the second program in Tarrant County after Hurst approves it.

Ms. Harwell stated that there would be no change in the price for solid waste. She presented two options. Option 1 would be for a 65 or 95 gallon cart picked up weekly. The cost of recycling would increase to \$4.52 per month for a total bill of \$11.67. Option 2 would be for a 65 or 95 gallon cart picked up every other week. The cost of recycling would increase to \$3.62 per month for a total of \$10.77. If Council is interested in the program, Allied Waste would withdraw the rate increase request on Item 9. Ms. Harwell also asked that if Council agrees to move forward on the bank, that the contract with Allied Waste be extended two more years past its current expiration date to allow for cost recovery of the recycling bins.

The consensus of the Council was to hold a public information meeting so that residents can ask questions of Allied Waste on the program. Carts would be brought to this meeting to give residents a chance to see them. This information meeting would be followed up by a survey to help gauge resident interest in the recycle bank.

- **Report on flooding at the intersection of Glenda Drive and Patricia Lane.**

Public Works Director John Kubala presented a report on flooding at the intersection of Glenda Drive and Patricia Lane. Council has received correspondence from a resident who lives at the intersection of these streets, concerning her house flooding several times during recent rain events.

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Mr. Kubala presented three alternatives for this issue. The first alternative would be a storm sewer system consisting of a 36" to 66" pipe and an 8' by 4' culvert. The estimated cost is \$2.3 million. The second alternative would be similar to the first but it eliminates the culvert and increases the length of the 66" pipe for an estimated cost of \$1.3 million. The third alternative would not solve the problem as the house would still flood in anything over a 10-year rain event. This would consist of a 24" pipe in Glenda with inlets at the intersection that would take water down to Pipeline Road and tie into an existing storm sewer system. The estimated cost is \$193,000. If Council wishes to proceed with any of these alternatives, it would have to be done as part of a future capital improvement program. There is enough money in the Storm Water budget to do the design for the 24" line, approximately \$20,000. Council could then decide from there to proceed with that option or pursue the other alternatives.

Mayor Story adjourned the Work Session at 6:40 p.m.

### **REGULAR SESSION 6:30 P.M.**

The Regular Session began at 6:40 p.m.

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

Mayor Story called the meeting to order.

### **INVOCATION (Senior Pastor Marty Akins, First Baptist Church of Bedford)**

Senior Pastor Marty Akins was unable to attend tonight's meeting. Mayor Story gave tonight's invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

### **OPEN FORUM**

Paul Harris, 1428 Autumn Chase – Mr. Harris requested to speak regarding a safe passing ordinance. He stated that there would be no cost for passing this ordinance. Every year, 50 cyclists, 400 pedestrians and 500 motorcyclists are killed on the roads and highways. This ordinance would have saved at least one of them. Current state law says that motorists should pass at a safe passing distance. The safe passing ordinance would define what that distance is. The legislature passed a bill in 2009, that was vetoed by the Governor, which defined who vulnerable road users are. An ordinance would take people who are relegated to the side of the road and makes sure that motorists give them three feet when passing. Commercial vehicles would be six feet. Penalties would be established by the City. Sixteen states have already passed this law. Eight cities in Texas have already passed it and he would like to see Bedford join this list.

Kendal Benson, 2612 Ellison Court - Signed up to speak on the safe passing ordinance but was not present when their name was called.

Julie Bryant, 1217 Circle - Ms. Bryant requested to speak regarding a safe passing ordinance. She stated that during daylight savings time, she rides her bike every Tuesday and Thursday. Last summer, she was riding down Forest Ridge Drive past the Boys Ranch. It was dark but she had lights on. A car passed too close to her and a small misjudgment on the driver's part or a small move on her part could have lead to an accident. She talked to some police officers in the Luby's parking lot and was told that there was nothing they could do. This law would be some measure of protection so you cannot pass people that close.

### **CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilman Champney, seconded by Councilman Savage, to approve the following items

by consent: 4, 7, 10, 12, 13, 14, 15 and to table 16.

Motion approved 6-0-0. Mayor Story declared the motion carried.

### **COUNCIL RECOGNITION**

#### **1. Proclamation declaring April 2011 as Safe Digging Month.**

Mayor Story read a proclamation declaring April 2011 as Safe Digging Month. Patrice Kleypas from the Public Works Department accepted the proclamation.

#### **2. Consider a resolution authorizing the Beautification Commission to recognize Lupe's Tex-Mex Grill, for maintaining, improving, and/or keeping their property visually attractive to the community.**

Michael Boyter, Chairperson of the Beautification Commission, presented information on the resolution.

Motioned by Councilman Turner, seconded by Councilman Champney, to approve a resolution authorizing the Beautification Commission to recognize Lupe's Tex-Mex Grill, for maintaining, improving, and/or keeping their property visually attractive to the community.

Motion approved 6-0-0. Mayor Story declared the motion carried.

### **PERSONS TO BE HEARD**

#### **3. The following individual has requested to speak to the Council tonight under Persons to be Heard.**

- **Vernon Dede, 2812 Central Drive, Bedford, Texas 76021- Requested to speak to the Council regarding how good the Bedford Police and Fire Departments are.**

Vernon Dede, 2812 Central Drive, spoke to Council regarding a recent fire at Kwik Kar, which he manages. Two weeks ago, there was a fire at the shop caused by an exhaust fan in the employee restroom. It burned out 2/3rds of the second floor. He wanted to give kudos to the Police and Fire Departments in responding so quickly to the shop. They were only closed for one day. The recovery is going well and they finished putting the roof on today.

### **APPROVAL OF THE MINUTES**

#### **4. Consider approval of the following City Council minutes: a) March 22, 2011 regular meeting**

This item was approved by consent.

### **OLD BUSINESS**

#### **5. Presentation by Michael Boyter, Chairperson of the Beautification Commission, regarding a Bedford community garden.**

Michael Boyter, Chairperson of the Beautification Commission, presented information regarding a Bedford community garden. He introduced Scott Shepard and Alex Gordon with 6 Stones. He spoke about the Commission and about its mission to make the City a clean and attractive place to live, to maintain a healthy environment and educate the residents of the ongoing process of keeping the community beautiful. The Commission has taken on wide range of projects to focus on carrying out its mission statement.

Mr. Boyter is pleased to continue the discussion on the community garden. Last year, the Commission began discussions on creating and executing a plan to develop a garden in the City. After their

discussions, they became aware of challenges, including identifying property to develop, determining and soliciting the financial resources to create and maintain the garden, identifying and keeping to a minimum the obligation of City resources, and to develop the structure for perpetual oversight and management of the garden. Surveys were conducted to gauge the public's interest and the results were overwhelmingly in favor of the idea. They were approached by 6 Stones in December who had developed an interest in the garden and were actively looking to get project off the ground. By partnering with 6 Stones, all the challenges above could be overcome.

The garden would be located within the City on vacant land currently owned by the First Baptist Church of Euless at the northwest corner of 183 and Industrial Boulevard. The church would provide the land and provide it for gardening. The property already has irrigation, which would be modified for gardening plots. The costs of water for irrigation would be funded by the church. The conceptual garden plan and model for the development of the site starting with a tract of land equaling one soccer field. A needs list has been developed to identify all materials required to build the garden. The area would be divided into 77 plots which residents could lease on an annual basis. The plots would range in size from 4X8, 4X12, and 4X16 and would be leased annually for \$20.00, \$30.00, and \$40.00 respectively. Proceeds from the leases would be reinvested into the cost of maintaining the garden. Residents who lease agree to abide by a set of standards in order to maintain their beds. Each plot will consist of a raised bed surrounded by brick. Each bed owner will be responsible for planting, watering, and harvesting of their beds. Master gardens will be actively involved in assisting and supporting individual gardeners. 6 Stones and its network of corporate citizens have taken the lead on identifying and acquiring all materials needed to get the project off the ground, including brick, mulch, soil, irrigation systems and preparation of the land. A management committee will be created to take over the day-to-day oversight of the garden and will include representation of all parties involved in the conceptualization of the garden as well as other local citizens and leaders. It will not require routine maintenance on the part of City personnel or additional City resources. The required financial resources would be shared by all of the parties as well as donations from corporate citizens.

The City's obligation to the project would be simple and include the assistance once or twice a year with a backhoe or tractor to move soil and mulch. Also, the Beautification Commission has unanimously approved and is asking for the Council's permission for use of Beautification discretionary funds to purchase a temporary tool shed and tools in an amount less than \$10,000.

Mr. Boyter stated that later on in the meeting, Council will consider amending the Zoning Ordinance to include, define, and relegate new language regarding community gardens. At their last meeting, the Beautification Commission unanimously voted to encourage the Council to accept these changes to the Zoning Ordinance.

In regards to a question regarding the use of the backhoe and tractor, specifically City employees working on City time using City equipment, which is not consistent to a previous agreement made with 6 Stones, it was agreed that this provision could be taken out.

**6. Consider an ordinance amending Chapter 2 "Administration," Article IV "Boards, Commissions, and Committees" of the City of Bedford Code of Ordinances by the addition of Division 5 hereby named the "Cultural Commission;" repealing all ordinances in conflict herewith; containing a savings clause and declaring an effective date. (Tabled at March 22, 2011 Council meeting)**

Councilman Champney presented information regarding this ordinance. He stated this was a continuation of the discussion from a previous meeting to establish a commission. The reason for the commission is that the application the City made last year to get a cultural district designation was rejected by 30-40 points because this entity was not in place to help garner community support. In conversations with the Texas Commission on the Arts, the Commission stated that a commission would go a long way towards accomplishing what the City wanted to accomplish.

The composition of the Commission would be four Bedford residents, two representatives from ARTSNET, and a member of the community representing the HEB Chamber of Commerce. The duties of

the Commission include:

- Create an identity and awareness for the Cultural District.
- Identify various types of artists and their associations and encourage the use of the Bedford Cultural District for their diverse artistic activities to continue and strengthen the relationship already established within the art community.
- Coordinate with ARTSNET, OnStage, the local/regional Art Community, and the School District.
- Work with staff and outside groups to develop a plan and flow chart of activities that will take place during the year.
- Continuously communicate Cultural District Activities to the general public and Council, Mayor and staff.
- Explore and seek out federal, state and local grant opportunities.
- Provide input on the types of business ideally suited for the cultural district.
- Assist economic development, as directed, in researching to identify target businesses likely to locate in a cultural district.
- Other duties as directed by the City Council from time to time.

Additions since the previous discussion include adding the additional duty of developing a strategic plan for the Bedford Cultural District. Also, the City Council will appoint the Chairperson and Vice-Chairperson of the Commission and there will be two ex officio members: one shall be a member of the City Council, who shall serve as liaison between the Commission and the City Council; the other ex officio member shall be the City Manager or his/her designee. A date has not yet been determined for Council to interview candidates.

Motioned by Councilman Champney, seconded by Councilman Savage, to approve ordinance amending Chapter 2 "Administration," Article IV "Boards, Commissions, and Committees" of the City of Bedford Code of Ordinances by the addition of Division 5 hereby named the "Cultural Commission;" repealing all ordinances in conflict herewith; containing a savings clause and declaring an effective date.

Motion approved 6-0-0. Mayor Story declared the motion carried.

**7. Consider a resolution amending Resolution 11-27 ordering the May 14, 2011 General Election by adding the Notice of Election as Attachment A.**

This item was approved by consent.

**NEW BUSINESS**

**8. Public hearing and consider and act upon an amendment to the Zoning Ordinance of the City of Bedford, Chapter 1. Introduction and Definitions, Section 1.2 Definitions; Chapter 3. Permitted Uses, Section 3.1 Schedule of Permitted Uses, and Section 3.2 Explanation of Uses and Specific Use Permit Requirements, including regulations pertaining to Community Gardens. (A-027)**

Development Director Bill Syblon presented information regarding this ordinance. As with any new and unlisted use, research had to be done to see where community gardens would fall within the Zoning Ordinance or even if it would be addressed in the Ordinance. Community gardens can include a broad scope of variables including the size of the land, the intensity of the use, the parties involved and varying levels of commercialization. After discussion with the Development Review Committee and the Planning and Zoning Commission, they have come up with an approach that would allow the use, but includes general definitions and parameters.

It is recommended that community gardens be allowed as an ancillary use in all zoning. A specific use permit would be required to allow Council and staff to further review the situation on particular sites. This would include when it is the principle use of the property, when there is no onsite parking, when a permanent structure is desired, when public safety personnel need additional access, or if the tract of land is larger than 3 acres. If it is determined that a specific use permit is required, certain conditions

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would apply, such as fencing would be made of decorative iron. No sales could occur on-site unless a special event permit is acquired. A permanent structure should not compose more than 15% of the total area. This amendment would also define market gardens which would not be allowed in the City.

This amendment received unanimous approval at the March 24, 2011 Planning and Zoning meeting. Based on questions from Council, Mr. Syblon stated that the ordinance would clarify that the definition of tract of land in regards to the 3 acre restriction would apply to the border of the garden itself.

Council recessed at 7:50 p.m. in order to allow staff to study an issue regarding the amendment.

Council reconvened at 8:20 p.m.

Mayor Story opened the public hearing at 8:21 p.m.

Nobody chose to speak under tonight's public hearing.

Mayor Story closed the public hearing at 8:21 p.m.

Motioned by Councilman Fisher, seconded by Councilman Turner, to approve an amendment to the Zoning Ordinance of the City of Bedford, Chapter 1. Introduction and Definitions, Section 1.2 Definitions; Chapter 3. Permitted Uses, Section 3.1 Schedule of Permitted Uses, and Section 3.2 Explanation of Uses and Specific Use Permit Requirements, including regulations pertaining to Community Gardens.

Motion approved 6-0-0. Mayor Story declared the motion carried.

**9. Consider a resolution deliberating an annual rate modification for solid waste and recycling services requested by Allied Waste Services of Fort Worth as provided for in the terms of the contracts between the City of Bedford and Allied Waste Systems, Inc. DBA Allied Waste Services of Fort Worth dated October 21, 2008 and amended October 19, 2009 and February 23, 2010.**

Jerri Harwell of Allied Waste presented information regarding this resolution. Outlined in the contract between the City and Allied Waste, is the definition of annual rate increase that they are allowed to ask for. Last year they asked for a rate decrease. This year they are asking for an increase based on 70% CPI and 30% disposal costs.

Motioned by Councilman Champney, seconded by Councilman Fisher, to table this issue until a further date subject to additional information coming forth in relation to recycling.

Motion approved 6-0-0. Mayor Story declared the motion carried.

**10. Consider a resolution declaring expectation to reimburse expenditures with proceeds of future debt.**

This item was approved by consent.

**11. Consider a resolution authorizing the City Manager to enter into a contract with Metro Fire Apparatus Specialists, Inc. through the Houston Galveston Area Council (HGAC), for the purchase of one 2011 Crimson Pumper with Spartan 4-door full tilt aluminum cab, aluminum body, single axle and 1500-GPM mid-mounted pump.**

Fire Chief James Tindell presented information regarding this resolution. The unit presented was determined by the needs of the organization. A committee of firefighters was put together to give him input. He did not give them a dollar figure and the final figure is really good. He added specifications to the materials presented to Council so they could see what they are actually getting. Based on questions from Council, Chief Tindell stated that the purpose of aluminum is that it is cheaper and it weighs less. There are no structural differences. The current unit will be auctioned off but he does not know how

much they will get from it. He also explained that the Cummins engine is a better one. The unit will be on a 2009 chassis but there will be no difference in performance and the final vehicle will be stamped 2011.

Motioned by Councilman Champney, seconded by Councilman Brown, to approve a resolution authorizing the City Manager to enter into a contract with Metro Fire Apparatus Specialists, Inc. through the Houston Galveston Area Council (HGAC), for the purchase of one 2011 Crimson Pumper with Spartan 4-door full tilt aluminum cab, aluminum body, single axle and 1500-GPM mid-mounted pump.

Motion approved 6-0-0. Mayor Story declared the motion carried.

**12. Consider a resolution authorizing the City Manager to enter into a contract with First Vehicle Services, Inc. to provide onsite preventative maintenance and specialized repair on fire apparatus.**

This item was approved by consent.

**13. Consider a resolution authorizing the City Manager to enter into an agreement with Texas Harley-Davidson for the lease of one Harley-Davidson police package motorcycle.**

This item was approved by consent.

**14. Consider a resolution authorizing the City Manager to enter into a contract with Consolidated Traffic Controls, Inc./HGAC for School Zone Warning System Communications and Control Upgrade in the amount of \$33,654.**

This item was approved by consent.

**15. Consider a resolution authorizing the City Manager to enter into Change Order #2 with Motorola/HGAC System in the amount of \$15,381.15 for the School Zone Warning System Upgrade.**

This item was approved by consent.

**16. Presentation and possible staff direction regarding a safe passing ordinance. \*\*\*Item requested by Councilman Brown**

This item was tabled by consent.

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

✓ **Animal Control Board- Councilman Griffin**

No report was given.

✓ **Animal Shelter Advisory Board- Councilman Griffin**

No report was given.

✓ **Beautification Commission- Councilman Turner**

Councilman Turner reminded everyone that Crud Cruiser Day is April 30 at Meadowpark and encouraged people to bring out there household hazardous waste.

✓ **Community Affairs Commission- Councilman Fisher**

Councilman Fisher stated that the next meeting of the Commission is April 21 at 5:30 p.m. in the Building A conference room. There was a recent homeowner association roundtable that was attended by 26

HOA's. The Commission will try and hold these quarterly to spread word on the good things going on in the City.

✓ **Library Board- Councilman Brown**

No report was given.

✓ **Parks & Recreation Board- Councilman Griffin**

No report was given.

✓ **Senior Citizen Advisory Board- Councilman Savage**

No report was given.

✓ **Teen Court Advisory Board- Councilman Champney**

Councilman Champney stated that there was a meeting of the Board scheduled last week that was cancelled due to a lack of quorum. Another meeting of the Board called between now and the Teen Court banquet but he does not know the date at this time.

**18. Council member reports**

✓ **Mayor Story- Report on the Tarrant County Mayors Council meeting of April 4, 2011.**

Mayor Story gave a report on the Tarrant County Mayors Council meeting of April 4, 2011. Mayor Cluck of Arlington gave a briefing on the Super Bowl. He hit on the seating problem and the ice that fell off the stadium. In spite of all that, it was very successful. Every time there is a sold out event at the stadium, the City of Arlington gets \$80,000 in sales tax. There were also committee reports on what was going on in the legislature. Captain T.D. Smyers, the commanding officer of the Naval Air Station Fort Worth Joint Reserve Base, gave a presentation on what they do to cooperate with their surrounding cities for economic development, housing and beautification. He also announced that April 10 through April 17 is Navy Week. The weekend of April 16 and 17 will be their Air Power Expo, which will feature the Blue Angels, aircraft and air shows. They expect to have 100,000 people on both Saturday and Sunday and it will be free to attend.

**19. City Manager report**

No report was given.

Council convened into Executive Session pursuant to the Texas Government Code regarding 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: flooding at the intersection of Glenda Drive and Patricia Lane at approximately 8:46 p.m.

Council reconvened from Executive Session at approximately 8:54 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.

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

No action was necessary as a result of Executive Session.

**ADJOURNMENT**

Mayor Story adjourned the meeting at 8:55 p.m.

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Jim Story, Mayor

ATTEST:

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Michael Wells, City Secretary