

**Council Minutes September 27, 2011**

**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 27th day of September, 2011 with the following members present:**

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

constituting a quorum.

Staff present included:

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

**CALL TO ORDER**

Mayor Story called the Work Session to order at 5:30 p.m. Council convened into Executive Session prior to the Work Session items.

**WORK SESSION**

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed placing the following items on consent: 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19 and 20.

- **Present report on the FY 10/11 aquatics season.**

Deputy Director of Parks and Recreation Leigh Morgan presented a report on the FY 10/11 aquatics season. During the pre-season, a lot of work was done on repainting, replacing tiles and resurfacing slides. Gate entry numbers at Splash and Central Pool were 46,554, representing a 2% increase over 2010. Splash was open a total of 94 days and did not have a single closure the whole season. The average daily attendance was 460, with a high of 1,112 on July 4. Central Pool was open a total of 86 days and had an average daily attendance of 43, with a high of 118 on June 12. The percentage of

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residents versus non-residents was up this year to 70%. Revenue for aquatic reservations increased due to fee changes and an increase in after-hour reservations. Staff worked really hard in revamping the concession stand, what products were sold and how they were sold. Revenue increased from the previous year to \$48,376 and expenses were down from the previous year to \$22,042 for a cost recovery of 219%. Some of this was due to the introduction of Kona Ice and staff is looking at bringing them back next year.

In regards to aquatic classes and programs, revenue was up over last year to \$26,933. There was an increase in attendance for water aerobics and water walking. 35 people attended the new aquatics boot camp and there was a lot of positive feedback on that program. A breakdown in operational costs shows the largest expenses were for salaries, utilities, chemicals and instructors. The overall budget summary shows that the original budget was \$409,758 while actual expenses were \$395,714 for a difference of \$14,044. Revenue was estimated at \$325,500 but \$333,524 was actually brought in for a difference of \$8,024. Expense versus recovery was \$62,190 for a cost recovery of 84%.

For special events, there was the addition of a third Flick and Float movie at Splash. Attendance for the three movies was 69, 51 and 37 respectively, which are about even with last year's total. The Dog Splash Day numbers were up. Next year, staff plans to expand the special events programs to Central Pool.

Overall highlights for this year include the addition of the aquatics boot camp, adding swim lessons at Central Pool, the Bedford Surf Swim Team, which had five swimmers who qualified for the State Games of America from August 5-7 in San Diego, the most dogs registered ever for Dog Splash Day and the addition of Kona Ice to the concession stand. Next year staff is looking at continuing classes and programs at Central Pool, increasing the number of lifeguard classes offered, implementing a junior life guard program, and adding special events at Central Pool.

- **Present report on the 2011 City of Bedford Labor Day Blues & BBQ Festival.**

Special Events Coordinator Wendy Hartnett presented a report on the 2011 Labor Day Blues and BBQ Festival. One of the goals of the festival was to increase hotel usage. Hotels in the City were 70% sold on Friday and Sunday and 95% sold on Saturday. The estimated overall economic impact was \$500,000 for the weekend. Other goals included providing a community event, fostering economic growth, encouraging citizen involvement and producing a phenomenal festival that enhances the image of the City. The mission of the festival is to continue the popular old Bedford BluesFest with a new twist – the BBQ cook-off. There was an increase of 37% in overall sponsors and a \$1,000, or a 6%, increase in cash sponsorships. There were also \$40,000 in additional media buys including the Ticket, KERA and KNON. Minuteman Press came on as the print sponsor and Holiday Inn helped out with rooms for Saturday night. There were property sponsors with State National and Chase to help use the revenue from the parking lots. Hill and Company once again was successful in advertising the festival. There were more than 50 total news stories and event listings. Buddy Guy had an interview in the Dallas Observer, which also did a great article after the event as well. Steve Wilson of the Fort-Worth Star-Telegram attended the BBQ judging class and did a great follow-up on DFW.com. There were three television appearances on different networks and coverage from national magazines. The total estimated reach of the advertising media was 8.1M people.

The biggest challenge for the festival this year was the move to a new location, which proved successful. A fourth entry point was added because of parking at the Old Bedford School and the new Library. The event was coupon-less, which was patron requested. A parking plan was implemented with 20 free parking lots and three paid lots, as well as three lots on City property. The use of the old library was a hit with everybody. It proved successful customer service wise, in that it had a direct phone line. Next year, staff is looking at adding another computer. It was also convenient to be able to go over to City Hall to make copies as necessary. The facility was also used as a green room, for the BBQ judging, a break area and a first aid cool down station.

The total savings with the volunteer program was \$4,901, or 8.1%, from the previous year. Ms. Hartnett thanked Judge Tim Murphy and Court Manager Doug Campbell for the court volunteers, who worked

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135 hours, which equaled a savings of \$1,350. There were more participants in the certified judging classes with 22 KCBS member students, 33 non-KCBS member students and 12 table captain class students. This class adds a value of legitimacy to the event. The People's Choice Event was held on Saturday and added \$4,812 in additional revenue. 25 teams competed this year, which amounted to more BBQ for the patrons and tied the contest to the festival. The Battle of the BBQ was held on Sunday and added \$4,057 in additional revenue. There were ten participants, who were also food vendors.

The party tent/cabana options added additional revenue of \$1,451. Combo seats were added due to patron request. Next year, staff is planning on adding additional chairs since the new venue will allow for this. The combo seats proved very successful and 51 reserved seats were sold on-site. 365 "Groupons" were sold for additional revenue of \$3,015.

52 teams competed in the BBQ contest, up from 50 the previous year. There were also 44 vendors and 25 food vendors. The estimated total attendance was 19,100. Total expenses for the event were \$332,623, which included some capital expenses for the move to the new location. Revenue totaled \$213,338 for a net cost of \$119,314, which brings the cost recovery to 64.1%.

Looking forward, staff is looking to increase attendance, add more sponsors, continuing to improve the volunteer structure using more court volunteers, evaluating the parking structure with better guidelines, improving the logistics for the new site, continuing to feature authentic blues artists, enhancing the BBQ events, optimizing special seating options such as increasing the number of reserved seats and removing the cabanas, and preparing a signage plan.

Ms. Hartnett thanked the Parks and Recreations Department, the Finance Department, the Police and Fire Departments, Fire Marshal Joey Lankford, Contract/Risk Manager Chuck Carlisle, GIS Technician Jeremy Beekman, Managing Director of Community Services Mirenda McQuagge-Walden and Communications Coordinator Dominik Pierce.

Mayor Story recessed the Work Session at 6:45 p.m.

- **Discuss and set dates for Board and Commission interviews and dates for November and December Council meetings.**

Mayor Story reconvened the Work Session at 8:11 p.m.

Council discussed setting the date for the Board and Commission interviews as well as the November and December Council meetings. Council set the date for the Board and Commission interviews for Monday, November 28. Council set the November Council meeting dates to November 8 and November 15. Council also set the December Council meeting dates to December 6 and December 13.

Mayor Story adjourned the Work Session at 8:16 p.m.

### **EXECUTIVE SESSION:**

**To convene before the Regular Session, if time permits, in the conference room in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:**

- a) **Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Sulpher Branch & SB-1.**

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Sulpher Branch & SB-1 at 5:30 p.m.

Council reconvened from Executive Session at approximately 5:41 p.m.

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Any necessary action to be taken as a result of the Executive Session will occur during the regular session of the Bedford City Council Meeting.

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

The Regular Session began at 6:46 p.m.

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

Mayor Story called the meeting to order.

### **INVOCATION (Pastor Charles Brown, St. Timothy Presbyterian Church)**

Pastor Charles Brown of St. Timothy Presbyterian Church gave tonight's invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

### **OPEN FORUM**

Nobody chose to speak under tonight's Open Forum.

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

Motioned by Councilman Champney, seconded by Councilman Turner, to approve the following items by consent: 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19 and 20.

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

### **COUNCIL RECOGNITION**

#### **1. Proclamation recognizing October 2011 as Crime Prevention Month in the City of Bedford.**

Mayor Story read a proclamation recognizing October 2011 as Crime Prevention Month in the City of Bedford. Police Chief Roger Gibson and Technical Sergeant Randy Gardner were on hand to accept the proclamation. Sergeant Gardner stated that crime prevention cannot happen without the involvement of citizens, and during the month of October, he asked citizens to pay attention to what is happening in their neighborhoods.

#### **2. Proclamation recognizing October 4, 2011 as the official day for National Night Out.**

Mayor Story read a proclamation recognizing October 4, 2011 as the official day for National Night Out. Police Chief Roger Gibson and Technical Sergeant Randy Gardner were on hand to accept the proclamation. Police Chief Gibson stated that he, Sergeant Gardner, Deputy Chief Hawkins and Patrol Officer II Butch Lindsey will be out in the community that night. He recognized individuals that were also going to be out in the community including Ed Potter, President of the Citizen's Police Academy Alumni Association, John Sargent, President of the Community Emergency Response Team (CERT) Corp Council, and Darren Wallerstedt, President of the Bedford Amateur Radio Club (BARC) and a member of RACES. Citizens who are interested can contact Sergeant Gardner's office.

#### **3. Proclamation recognizing October 2011 as Fire Prevention Month in the City of Bedford.**

Mayor Story read a proclamation recognizing October 2011 as Fire Prevention Month in the City of Bedford. Fire Chief James Tindell and Fire Marshal Joey Lankford were on hand to accept the proclamation. Chief Tindell stated that the Fire Department's Open House is October 22 from 10:00 a.m. to 2:00 p.m. The Department will be kicking off their fire prevention program in schools beginning

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October 3. He mentioned that due to their aggressive approach regarding fire prevention, the City has a lower fire loss than surrounding cities.

### 4. Employee Service Recognition

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

Alex Hardy, Fire Department - 5 years of service  
Ryan Stovall, Fire Department – 5 years of service  
Joseph Hnizdo, Development - 5 years of service  
Kyle Petrick, Public Works – 5 years of service  
Gary Clopton, Support Services - 10 years of service  
Joseph Sisco, Community Services - 15 years of service  
Debi Johnson, General Government - 15 years of service

### PERSONS TO BE HEARD

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

- a) **Teresa Berendowsky, 1900 Wimbleton Drive, Bedford, TX 76021 – Requested to speak to the Council regarding the complaints against Ohana Residential on 9/13/11.**

Teresa Berendowsky, 1900 Wimbleton Drive – Ms. Berendowsky spoke to Council regarding the complaints against Ohana Residential at the July 26 and September 13, 2011 Council meetings. She moved into the house on July 8 and there was a lot of traffic from family and friends during the move-in. She stated that her neighbor was very vocal about cars not parking on the street and interrogated people about who they were and what was going on there. She would stop cars, place notes on cars and ask people not to park on the street. Ms. Berendowsky called the Police Department to know what her rights were. An officer came out and said she could file a complaint to get a restraining order, but Ms. Berendowsky did not want to do that. She stated that her neighbor takes pictures of people coming and going near her driveway and continues to pull up and ask them not to park there. She stated that she watched the video from the July 26 Council meeting when her neighbor spoke and recounted the complete history of the property at 1900 Wimbleton from 1971 to 2001. The neighbor stated that the property has been a problem from the very beginning; Ms. Berendowsky felt that if the neighbor has problems with every single homeowner for over 30 years, then it seems to her that the problem is coming from the neighbor. At the September 13 meeting, the neighbor stated that an ambulance had rolled into the neighborhood and said she realized a person was coming out who had died. Ms. Berendowsky, with the permission of the person's family, stated that the person was not dead but needed to be taken to the hospital. She says the harassment never stops; they have a quiet home with no loud parties, no cars racing their engines and speeding away, and no more traffic than any other home in the community. She has had two unannounced visits from City officials due to the complaints, but she has shown that no laws are being broken. She wants to bring this matter to a close and for her neighbor to leave her alone.

Council stated that the City Attorney is still looking at what laws govern the type of facility at that address and what legal options are available.

- b) **Duane Buuck, Mid-Cities Care Corps, 745 W. Pipeline Road, Hurst, TX 76053 – Requested to speak to the Council to present an overview of Mid-Cities Care Corps.**

Duane Buuck, Mid-Cities Care Corps, 745 W. Pipeline Road – Mr. Buuck is the Executive Director of Mid-Cities Care Corps and spoke to Council regarding his organization. They are a non-profit organization whose mission is to preserve the independence of seniors in northeast Tarrant County. 2011 is an exciting year, as it is the 30th anniversary of the organization, and they are making a concerted effort to expand community awareness. Mr. Buuck highlighted the mission, the services and the opportunities for citizens to become involved in the organization. They provide transportation to

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seniors for routine medical appointments and quality of life rides on weekends for such things as trips to the bank or the grocery store. They also offer routine maintenance at homes, build wheelchair ramps and grab bars, and coordinate an adopt-a-yard program, as well as group work days. The third program they offer is a phone tree, where seniors are connected to other seniors with common interests on the first and third Wednesdays of the month from 1:00 p.m. to 2:00 p.m. Their fourth program is a holiday outreach where they collect gifts and deliver them to seniors over the holiday season.

The organization was established in 1981 with the mission to serve seniors 65 and over, or 60 and over with disabilities. They service 11 communities in northeast Tarrant County. They do not income qualify and they do not charge for their programs. They are located at Precinct Line and Pipeline and their office hours are 8:00 a.m. to noon Monday through Friday and they start taking calls at 9:00 a.m. Mr. Buuck asked that anybody wanting assistance contact them 10 to 14 days in advance.

Last year, volunteers completed 1,085 round trips, completed 130 service orders, established two phone trees, and delivered 222 food baskets. Overall, volunteers contributed 3,967 hours for the organization. In their database, they have 258 seniors, 250 volunteers who have had background checks, and 300 one-day volunteers. They will be celebrating their 30th anniversary Thursday, November 3 starting at 6:00 p.m. at the Hurst Convention Center. They will be raffling off a classic 1981 El Camino. Tickets are \$30.00 each or four for \$100.00. Information about the organization can be found on their website at [www.midcitiescarecorp.org](http://www.midcitiescarecorp.org) or by calling 817.282.2051.

### **APPROVAL OF THE MINUTES**

- 6. Consider approval of the following City Council minutes:**  
**a) September 13, 2011 regular meeting**

This item was approved by consent.

### **NEW BUSINESS**

- 7. Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A, Schedule of Fees by updating fees imposed by the City for the rental of certain City facilities and/or furniture, for the provision of certain services; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.**

This item was approved by consent.

- 8. Consider a resolution 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 2011 Byrne Justice Assistance Grant (JAG) Formula Program Award.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with Tarrant County for the purposes of adding the City of Bedford as a member of the North Central Texas Major Case Investigative Team (MCIT).**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to enter into a seven year agreement with New World Systems for the renewal of the software and maintenance contract in the amount of \$41,500 annually, a one-time technology upgrade in the amount of \$490,000, of which \$366,150 will be funded through a lease agreement, and travel and training costs in the amount of \$37,500.**

This item was approved by consent.

- 11. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the City of Fort Worth in the amount of \$47.00 per voucher to allow for the collection and disposal of household hazardous waste for Bedford households at the permanent collection site from October 1, 2011 to September 30, 2012.**

This item was approved by consent.

- 12. Consider a resolution authorizing the revision of the following employee personnel policy:**

- **VI. While-At-Work Weapons Possession**

This item was approved by consent.

- 13. Consider a resolution authorizing the City Manager to enter into the first year of a five year contract with Siemens Industry, Inc. to service and maintain the City's HVAC mechanical, monitoring, and building automation systems in 17 facilities throughout the City, in the amount of \$58,000, beginning FY 11/12.**

Council discussed tabling this item until the next meeting in order to get more information and to look at possibly going out for bids for these services. City Manager Beverly Griffith stated that this would not be an issue; the bidding process would take a minimum of four weeks, so this item could be brought back at the last meeting in October or the first meeting in November. Deputy City Manager David Miller stated that there are no more outstanding issues with Siemens than with any other vendors as far as responsibilities and response times. Only the mechanical portion of the contract could be bid out since the monitoring and automation are software-based, which is proprietary to Siemens. The proposal is divided into three sections, combined into one contract. Out of the \$58,000 that is in the proposal, \$47,000 is for the maintenance agreement and the remaining is for automation and monitoring. If the maintenance portion of the contract is bid out, and Siemens is not awarded the bid, then these services would have to be broken up into two separate contracts. The risks for doing this are the possibility of finger pointing between the two companies if something goes wrong; also, if Siemens is called out on an automation issue and it turns out to be a maintenance issue, the City would be billed for both the automation and mechanical call outs. Currently, with Siemens, the City is not being billed twice. Mr. Miller also stated that three new buildings, the new Library, the house on Bedford Road and the Parks Service Center, have been added to this proposal at an increase of \$986.00. If Siemens were to lose the automation and monitoring portion of this contract as well, the City would have to bid out for thermostats, temperature maintenance components and sensors in the dampers and vents.

Motioned by Councilman Turner, seconded by Councilman Brown, to approve a resolution authorizing the City Manager to enter into the first year of a five year contract with Siemens Industry, Inc. to service and maintain the City's HVAC mechanical, monitoring, and building automation systems in 17 facilities throughout the City, in the amount of \$58,000, beginning FY 11/12.

Motion approved 5-2-0. Mayor Story declared the motion carried.

Voting in favor of the motion: Mayor Story, Councilman Savage, Councilman Champney, Councilman Turner and Councilman Brown.

Voting in opposition to the motion: Councilman Fisher and Councilman Griffin.

- 14. Consider a resolution authorizing the City Manager to renew the City's current contract with Dr. Roy Yamada, M.D., Fort Worth, Texas, to provide medical control services for the City of Bedford's emergency medical operations in the amount of \$17,500.**

This item was approved by consent.

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- 15. Consider a resolution amending the Public Information Policies and Procedures for the City of Bedford.**

This item was approved by consent.

- 16. Consider a resolution of the City Council of the City Of Bedford, Texas approving an Economic Development Program Agreement pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program with 6Stones Mission Network.**

This item was approved by consent.

- 17. Consider a resolution authorizing the City Manager or their designee to execute an all cash contract of sale with William T. and Kathy Saurenmann for the purchase of fee simple property rights in land being all of Lot 7, Block 3, Shady Brook Addition with the physical address being 1105 Shady Oak Court, City of Bedford, Tarrant County Texas.**

This item was approved by consent.

- 18. Consider a resolution authorizing the City Manager or their designee to execute an all cash contract of sale with James and Rebecca Moller for the purchase of fee simple property rights in land being all of Lot 6, Block 3, Shady Brook Addition with the physical address being 1101 Shady Oak Court, City of Bedford, Tarrant County Texas.**

This item was approved by consent.

- 19. Consider a resolution authorizing the City Manager or their designee to execute an all cash contract of sale with Delvin and Rita Wiles for the purchase of fee simple property rights in land being all of Lot 5, Block 3, Shady Brook Addition with the physical address being 1100 Shady Oak Court, City of Bedford, Tarrant County Texas.**

This item was approved by consent..

- 20. Consider a resolution authorizing the City Manager or their designee to execute an all cash contract of sale with Joilue Stebbins Martial Trust for the purchase of fee simple property rights in land being all of Lot 17R, Block 8, Kelmont Addition with the physical address being 1412 Donna Lane, City of Bedford, Tarrant County Texas.**

This item was approved by consent.

- 21. 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 reported that the Commission is in process of designing a new logo and uniforms that they will be wearing at events. He wanted to let citizens know that with the household hazardous waste vouchers, they have the ability to dispose of such waste at the main facility in Fort Worth, so they do not have to wait for the twice-a-year Crud Cruiser events.

- ✓ **Community Affairs Commission- Councilman Fisher**

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Councilman Fisher reported that the Business Retention subcommittee will host a business and network meeting at the Fire Pit Grill on Tuesday, October 4 starting at 7:30 a.m. There is a good slate of speakers and topics. 17 businesses have already RSVP'd for the event.

### ✓ **Cultural Commission- Councilman Champney**

Councilman Champney reported that the Commission will be meeting tomorrow night at 6:30 p.m. The original meeting was postponed due to the passing away of Chairperson Leighton Railsback. He expressed his condolences to Mr. Railsback's family and friends.

### ✓ **Library Board- Councilman Brown**

Councilman Brown reported that the Board met last week and as he reported last week, Ralph Chaney has stepped down as chairperson. A number of Board members said that they would not reapply next year, so there will be a number of openings. If any citizens have an interest, they can download an application on the City's website and turn it into the City Secretary's Office.

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

No report was given.

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

No report was given.

### ✓ **Teen Court Advisory Board- Councilman Griffin**

No report was given.

## **22. Council member reports**

### ✓ **Councilman Griffin – Information about the public meeting in Colleyville last week regarding the improvements to the Cheek-Sparger and Jackson Road (Central Drive) intersection.**

Councilman Griffin reported on a meeting held on September 15 in Colleyville to solicit the public's input regarding the potential changes to the intersection of Cheek-Sparger and Jackson Road (Central Drive). There were a number of maps and an engineer did a presentation regarding different options for the intersection. The first was to leave it as is, the second was to put in a traffic signal and the third was to install a roundabout. Colleyville was leaning heavily towards the roundabout option. Approximately 15-20 residents attended and a number of questions were raised about the impact and timing of the project. It was explained that it would be a year and a half before the project came to fruition and a good portion of the funds have already been raised. The only potential impact to Bedford would be to the southwest and southeast corners of the intersection and there would be no cost to the City.

## **23. City Manager report**

No report was given.

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

No action was necessary as a result of the Executive Session.

## **ADJOURNMENT**

Mayor Story adjourned the meeting at 8:10 p.m. Council reconvened into the Work Session at the end of the regular meeting.

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Jim Story, Mayor

ATTEST:

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Michael Wells, City Secretary