

## Council Minutes April 10, 2012

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Special Session at 5:30 p.m. in the Conference Room and in Work Session at 6:00 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 10th day of April, 2012 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
Cathy Cunningham	City Attorney
Michael Wells	City Secretary
Roger Gibson	Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

### **CALL TO ORDER**

Mayor Story called the Special Session to order at 5:30 p.m.

### **SPECIAL SESSION**

- **Interviews for appointment to Boards and Commissions.**

Council members conducted interviews with applicants for appointment to Boards and Commissions.

- **Council discussion, if necessary, regarding appointments to Boards and Commissions.**

Council generally discussed the appointment of members to Boards and Commissions. Appointments will be made at a future Council meeting.

Mayor Story recessed the Special Session at 5:57 p.m.

Council reconvened into Special Session again at 5:58 p.m. in order to interview an applicant who had been delayed in traffic.

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Mayor Story recessed the Special Session at 6:07 p.m.

### **ADJOURNMENT**

Mayor Story adjourned the Special Session at 7:47 p.m.

### **WORK SESSION**

Mayor Story called the Work Session to order at 6:09 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: 5, 8 and 9.

- **Discussion regarding the current Motorola 800 trunk radio system now in use for public safety and City Public Works/Parks radio communications.**

Fire Chief James Tindell reported that the infrastructure of the current trunk radio system is reaching the end of its life. In 2009, a consultant was hired in order to find funding for upgrading the system; however, they were unsuccessful. There is not a lot of focus in Washington regarding public safety. He wanted to discuss with Council the need to upgrade the infrastructure and replace some equipment of the trunk radio system. Chief Tindell emphasized that this issue is separate from the purchase of new portable radios, which Council had approved previously.

The current system will reach the end of its life in December of 2016. The new system will have to be compliant with Project 25, which focuses on interoperability. Funding for this system would be shared equally by the six cities in the Northeast Trunk Radio Consortium (NETCO). The City's share for the cost of the infrastructure will be \$644,000. The City also has to replace some equipment to include dispatch consoles and consolettes, USBs, computers and a variety of other components in the amount of \$490,453. The total cost for the project is \$1.1M. The other cities in NETCO will be voting on this same issue. The contract with Motorola needs to be signed by June 29 in order to receive a 34% discount on the equipment and a 9.1% discount on the infrastructure. If the City does not upgrade the system, it could result in the loss of federal grant funding. Payment to Motorola is not due until the following budget year.

In response to questions from Council, Chief Tindell stated that the installation costs are fixed and that it will take approximately 18 months to get the system up and running. In regards to the other cities in NETCO, this is an all-or-nothing scenario because all the cities will have to go in together on the contract with Motorola. There would be a much larger expense if the City tried to get its own system. The Department has tried to track down any potential funding through COG, the State, the Federal Government and Tarrant County 911. The first payment to Motorola will be due on October 29, 2013. Jake Price of Motorola stated that with newer technology, they are implementing a life cycle management program whereby certain equipment would be replaced through the service agreement so there would be less capital purchases in the future. It would be a custom system specific to each agency and they are looking at a three site simulcast system with nine channels for NETCO. Additional cities would be able to participate in the system and it is connected to the Tarrant County 911 system. The new system would bring more interoperability to the region and it would have a lot of redundancy, which is the reason for the high cost. Chief Tindell stated that the City first received this offer from Motorola on March 8. The City's annual share of the maintenance contract is currently \$46,160. Mr. Price explained that the first year's maintenance fee is included in the 1.1M for the new system. While the new system is being implemented, the City will still be responsible for the maintenance contract to support the old system. There will be a period of time, probably from six to twelve months depending on the implementation, where no maintenance should be paid since it will be part of the contract and will be under a one-year warranty. Once the warranty has expired, the City will again pay a yearly maintenance

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fee; the fee may be higher than the current cost of \$46,160 but with economies of scale, there is the possibility that there would not be a cost increase. The maintenance contracts are handled through an interlocal agreement with North Richland Hills. This system is specific to radios and would not enhance the ability for 911 to locate calls from cell phones. This item should be brought back to Council for a vote at the May 8 meeting. When this item is brought back, it will include financing options; however, Council will not be making any commitments for financing for another year.

Mayor Story recessed the Work Session at 6:36 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:**

- Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 2A, Bedford-Arlington Road Ltd. Sub.
- Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property -Sotogrande Community Building and Tennis Center located at 3601 W. Pipeline Road, Euless, Texas.
- Pursuant to Section 551.074: personnel matters – annual performance review of the City Manager.

Council was unable to meet in Executive Session prior to the Regular Session.

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 2A, Bedford-Arlington Road Ltd. Sub., Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Sotogrande Community Building and Tennis Center located at 3601 W. Pipeline Road, Euless, Texas and Section 551.074: personnel matters – annual performance review of the City Manager at approximately 7:48 p.m.

Council reconvened from Executive Session at approximately 8:21 p.m.

Council did not finish the Executive Session and will convene again at the end of the meeting.

Council convened into Executive Session again at approximately 8:28 p.m.

Council reconvened from Executive Session at approximately 9:56 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.

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

The Regular Session began at 6:36 p.m.

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

Mayor Story called the meeting to order.

### **INVOCATION (Dr. Timothy Pierce, Woodland Heights Baptist Church)**

Dr. Timothy Pierce of Woodland Heights Baptist Church gave tonight's invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

### **OPEN FORUM**

Bill Ellis, 1004 Monterrey Street – Mr. Ellis spoke to Council regarding Item #7. Mr. Ellis stated he was concerned about doing this project with the economy being so questionable and suggested waiting until after the November elections to move forward. In speaking with Public Works Director John Kubala, he was told this issue has been talked about since 2002. If this project is started and then there is a depression and the City does not have money, he questioned where the City would stand. He also stated that sewage is another part of the issue that should be addressed.

Mr. Kubala stated that there are some sewer issues; however, there are no plans to replace sewer lines in that particular area.

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

Motioned by Councilman Champney, seconded by Councilman Turner, to approve the following items by consent: 5, 8 and 9.

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

### **COUNCIL RECOGNITION**

#### **1. Recognition of Firefighter II Marcos Espinoza for a Bedford Employee Commitment Award (BECA).**

Firefighter II Marcos Espinoza was recognized with the Bedford Employee Commitment Award for initiating and completing a yearlong project involving researching and locating Knox Boxes on all the businesses located within the City.

#### **2. Proclamation recognizing the week of April 8–14, 2012 as National Public Safety Telecommunicators Week.**

Mayor Story read a proclamation recognizing the week of April 8–14, 2012 as National Public Safety Telecommunicators Week. Police Chief Roger Gibson and Amy James, Communications Supervisor over the Dispatch Division were on hand to accept the proclamation. Chief Gibson commended Ms. James and the dispatchers for doing a great job.

#### **3. Proclamation declaring April 2012 as National Safe Digging Month.**

Mayor Story read a proclamation declaring April 2012 as National Safe Digging Month. Patrice Kleypas of the Public Works Division was on hand to accept the proclamation. Ms. Kleypas stated that the Department processed 3,675 utility locates this past year and one of their main tasks is to protect the City's infrastructure.

### **PERSONS TO BE HEARD**

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

- **Gerhard W. Degemann, 2335 L. Don Dodson #295, Bedford, TX 76021 – Requested to speak to Council regarding the Freedom of Information Act.**

Gerhard W. Degemann, 2335 L. Don Dodson #295 – Mr. Degemann stated that at the January 10, 2012 Council meeting, he requested information under the Freedom of Information Act and Mayor Story advised him of the proper procedures of directing that request to the City Secretary. He received the

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information and he thanked Mayor Story and City Secretary Michael Wells for being so prompt.

Mr. Degemann stated that the City has spent \$250,000 of taxpayers' property and money in defending itself against the Oaks of Landera Apartments. To be more precise, he stated that as of February 29, the City has spent \$290,791.08. He said it was not in the best interest of the new law firm to settle because they will make more money. He also stated that at the previous Council meeting, the Arts Council asked for an additional \$900 and staff informed Council that there were no extra funds in the budget to fund that request.

### **APPROVAL OF THE MINUTES**

5. Consider approval of the following City Council minutes:
  - a) March 27, 2012 regular meeting

This item was approved by consent.

### **NEW BUSINESS**

6. **Public hearing and consider an ordinance to rezone a property from Heavy Commercial to Heavy Commercial/Specific Use Permit/Church. The property is known as Lot 3, Block 1, Parkwood Village Addition, and is located at 209 Harwood Road, Bedford Texas. The property is generally located north of Harwood Road and west of Brown Trail. (Z-219).**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. The property is located at 209 Harwood Road and is generally located north of Harwood Road and west of Brown Trail. This specific use permit is for a church to utilize a 19,240 square foot space in an existing building. The church will utilize parking as provided by the existing development under the original site plan. There are 230 parking spaces and the church is required to have 33. Further, their parking demands will be during times when a majority of other users are not in operation. There are no exterior changes being made to the building. This item was approved at the March 22, 2012 Planning and Zoning Meeting by a vote of 5-0-0.

In response to questions from Council, Ms. Reyff stated that people within 200 feet of the site were notified of the proposed zoning change. In regards to signage, the applicant would come in for a separate signage permit.

Mayor Story opened the public hearing at 7:10 p.m.

Nobody chose to speak during tonight's public hearing.

Mayor Story closed the public hearing at 7:10 p.m.

Motioned by Councilman Turner, seconded by Councilman Brown, to approve an ordinance to rezone a property from Heavy Commercial to Heavy Commercial/Specific Use Permit/Church. The property is known as Lot 3, Block 1, Parkwood Village Addition, and is located at 209 Harwood Road, Bedford Texas. The property is generally located north of Harwood Road and west of Brown Trail.

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

7. **Consider a resolution authorizing the City Manager to enter into a contract with RKM Utility Services, Inc. in the amount of \$1,081,600 for the Schumac Lane/Monterrey Street Storm Drainage Improvements.**

Public Works Director John Kubala presented information regarding this resolution. In regards to the extent of the flooding, he stated that it depends on the intensity of the flood. A 25 year flood could cause

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the area to get from a couple of inches to waist deep. A couple of houses get flooded on the south side of the street where the inlets are located. In response to questions from Council, this solution is the best and most economical way to fix the problem. The two properties that flood could be purchased; however that does not solve the problem with flooding.

City Manager Beverly Griffith stated that funding for this project comes from the 2011 Storm Water Certificates. It was funded last summer with construction to begin this year. These certificates are paid through the storm water fee on water bills so they are not a tax-supported obligation. She further explained that since the early 1990's, it has been the City's philosophy to remove as many homes from flooding as possible. There is a similar project coming up on Glenda Drive.

Motioned by Councilman Brown, seconded by Councilman Turner, to approve a resolution authorizing the City Manager to enter into a contract with RKM Utility Services, Inc. in the amount of \$1,081,600 for the Schumac Lane/Monterrey Street Storm Drainage Improvements.

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

**8. Consider a resolution authorizing the City Manager to execute a Memorandum of Understanding with Joilue Stebbins Marital Trust for the lease 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.

**9. Consider a resolution authorizing the City Manager to enter into a contract with McSweeney Commercial for the painting of the slide steel structures, hand rails and wrought iron perimeter fence at the Splash Aquatic Center for a total amount of \$19,005.**

This item was approved by consent.

**10. Consider a resolution rejecting the bids for the purchase of property being the Sotogrande Community Building and Tennis Center located at 3601 W. Pipeline Road, Euless, Texas.**

Council recessed into Executive Session prior to discussion on this item. No action was taken on this item.

**11. Discussion and receive Council direction regarding water restrictions. \*\*\*Item requested by Councilman Brown**

This item was discussed prior to Item #10.

Councilman Brown requested this item be placed on the agenda for discussion. Deputy City Manager David Miller stated that a citizen had presented information at a previous Council meeting requesting that the current water restrictions be made permanent. He stated that the City has always supported a water conservation program and he feels that this needs to be a regional approach from those entities that buy water from the Tarrant Regional Water District. The cities of Fort Worth, Dallas and Arlington are currently looking into this type of program. The goal of this discussion tonight is to receive feedback and direction from Council.

Mr. Miller presented benefits and risks of the program. Benefits include prolonging the water supply; the possibility of deferring Trinity River Authority plant system improvements and expansion for an unknown period of time; it provides the City a positive image and promotes the City as being concerned for conserving natural resources; and, if the program is done regionally, it will promote regional cooperation. Risks include: a decrease in water sales which will affect the revenue stream though they may be offset by the decrease in water purchases by the City; potential impacts to the commercial sewer rate which are calculated off of a usage basis; enforcement would have to be unilateral and straightforward; if

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surrounding cities adopt this program and Bedford does not, it may increase the cost of purchasing water; the fixed costs for such things as debt service and personnel by both TRA and the City for operations and would not be affected by this program – however, the charge for the operations may increase due to the decrease in water sales; and, some citizens are asking why the City has not lifted the current restrictions.

Mr. Miller stated that if the Council decides to go with this program, it is in the best interests of the City to wait until Fort Worth and Arlington make a decision. The new program would require a change in the current policy in that Stage 1 Water Restrictions would become the norm and Stage 2 would have to become Stage 1. An enforcement program would need to be developed that is fair and equitable but that can constantly be enforced. The costs and benefits would need to be monitored on an annual basis. Finally, a positive advertising campaign would need to be designed and implemented well in advance of the program going into effect.

Council discussed the need for more information and further discussion on this issue before a decision can be made; holding additional work sessions and a town hall meeting; that this type of program would need to be done on a regional basis; and the possibility of needing additional personnel for enforcement of this program. Mr. Miller stated that staff is in the process of setting up meetings with the Water District. Staff will present to Council additional data as well as information on enforcement and a public information plan.

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

#### **✓ Animal Control Board- Councilman Griffin**

Councilman Griffin reported that the Pet Fair will be held on Saturday, April 21 from 10:00 a.m. to 2:00 p.m. at the Animal Control Facility. He encouraged everyone to come out and adopt a pet. A mobile blood bank will be there as well.

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

No report was given.

#### **✓ Beautification Commission- Councilman Turner**

No report was given.

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

Councilman Fisher reminded everyone about the Energy Smart in Bedford event on Saturday, April 14 from 1:00 p.m. to 4:00 p.m. at the Library.

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

Councilman Champney reported that a contingent of himself and other Commission members, including Lee Koch, Paul Davis and Tom Jacobsen, visited the Levitt Pavilion in Arlington and the Creative Arts Center in Dallas. The purpose of the visit was to educate them about what is going on in other areas and to examine possibilities for Bedford's Cultural District.

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

Councilman Brown reported that the Board will meet next Wednesday at 7:00 p.m. in the Library.

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

Councilman Griffin reported that the Board is continuing to work on the proposal for a dog park. They have decided to wait and bring this item to Council in June.

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### ✓ Senior Citizen Advisory Board- Councilman Savage

Councilman Savage reported that the Board will meet on Monday, April 16 at the Senior Center.

### ✓ Teen Court Advisory Board- Councilman Griffin

Councilman Griffin reported that the Teen Court banquet will be held on Thursday, April 26 at the Hurst Conference Center. The silent auction will begin at 6:00 p.m. with the Banquet starting at 7:00 p.m. Those interested in attending can see Mindy Eichorst for tickets.

### 13. Council member reports

Councilman Champney reported that he attended the Easter Egg Hunt and that there were over 400 people in attendance. He also attended the Fraud Prevention seminar and there were over 50 people in attendance. There were good presentations including one by Randy Gardner in the Police Department. Finally, he was the MC for the most recent Twilight Thursday Concert. The band at the event was Vocal Trash and there were 189 attendees.

### 14. City Manager report

City Manager Beverly Griffith reported that the Crud Cruiser will be at Meadowpark on Saturday, April 21 from 9:00 a.m. to 11:00 a.m. Citizens wanting to dispose of household hazardous waste can present a water bill or some form of identification showing residency. Also, Twilight Thursday concerts are back at the Old Bedford School. They will be held every Thursday at 7:00 p.m. until May 31.

### 15. 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 9:57 p.m.

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Jim Story, Mayor

ATTEST:

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Michael Wells, City Secretary