

Council Minutes January 22, 2013

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 January, 2013 with the following members present:

Jim Griffin
Michael Boyter
Chris Brown
Jim Davisson
Sherri Olsen
Roy W. Turner

Mayor
Council Members

constituting a quorum.

Councilmember Nolan arrived at 5:31 p.m.

Staff present included:

Beverly Griffith
David Miller
Stan Lowry
Michael Wells
Roger Gibson
Tom Hoover
Mirenda McQuagge-Walden
James Tindell

City Manager
Deputy City Manager
City Attorney
City Secretary
Police Chief
Public Works Director
Managing Director of Community Services
Fire Chief

WORK SESSION

Mayor Griffin called the Work Session to order at 5:30 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: 2, 8, 9 and 10.

Fire Chief James Tindell presented information on Item #8. It is for the purchase of a replacement ambulance for a 2001 Freightliner that has reached the end of its service life. It has 134 points on the City's decision tree, with 100 points being the maximum whereby a vehicle is no longer able to be maintained in the proper condition. At a previous work session, the cost was presented as \$188,600; however, this item is higher due to the need for a brand new stretcher, which has raised the price by \$11,000. In answer to questions from Council, Chief Tindell stated that the stretcher is fully automated. The ambulance is replacing a vehicle that is 12 years old and the normal life expectancy for this type of vehicle is 10 years. He will be coming to the Council in the next couple of years for remounting existing ambulances. The old ambulance will be put up for auction.

Council discussed Item #9 and was of the consensus to re-appoint Alicia McGlinchey as Chairperson and Tom Jacobsen as Vice Chairperson to the Cultural Commission.

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Council discussed issues related to Item #4 on the January 8, 2013 minutes, specifically in regards to comments made on the fencing. Staff was directed to view the recording of that meeting during Executive Session for clarification.

- **Council briefing on meeting with TxDOT on the Highway 183 expansion.**

Deputy City Manager David Miller briefed Council on a meeting City staff had with TxDOT on the Highway 183 expansion on January 16. TxDOT cancelled NTEMP's contract for the expansions of Segment 2E, which runs from Industrial Boulevard to Highway 161, and Segments 3B, 3C and 4. In bidding the Dallas County segment of the project, NTEMP was the only bidder and TxDOT believed they could get better bids if they combine the Dallas County segment with Segment 2E.

Mr. Miller explained that in September of 2011, Senate Bill 1420 went into effect, which requires that TxDOT appoint a committee to oversee issuance of RFPs and RFQs on CDA/toll projects. The 2W Segment was not affected because construction in Bedford started prior to SB 1420. The section of Segment 2E that affects Bedford is the northwest corner of Industrial Boulevard and the frontage road. To serve on the 1420 Committee and have a vote, the City would have to make a financial contribution such as in the form of dedicating a right-of-way. The Council would also have to pass a resolution committing to those funds. TxDOT originally requested the financial commitment by February 4; however, this has been extended to February 14 when the 1420 Committee will meet. Staff has requested information from TxDOT including the size and scope of the impact on the City proper, which is unknown at this time. TxDOT is supposed to have answers back to the City by the end of this week or the beginning of next week. Mr. Miller has been invited to the 1420 Committee meeting on February 4 regarding the Dallas County segment to see how the two projects tie together.

Mr. Miller stated that he will be back at the Council meeting on February 12 with either a resolution agreeing to small financial commitment and appointing somebody as the City's spokesperson on the Committee or he will have an update that there has been no progress on this issue. The reason for TxDOT's rush on the 1420 Committee is that the Transportation Committee is meeting on January 31 for the issuance of RFQs on the Dallas County and 2E segments. RFPs should be issued by June, with contracts awarded by the end of the year and construction starting by June of 2014.

Based on questions from Council, Mr. Miller stated that the City of Euless will be dedicating right-of-way to be eligible for the 1420 Committee. It is unknown at this time if infrastructure relocation costs apply to the financial commitment authorized by SB 1420 or how much infrastructure the City has in Segment 2E. Further, it is unknown at this time whether the City would have a right be on the 1420 Committee based on previous financial contributions for the 2W Segment. He explained the reasoning for having 1420 Committee is that for CDA/managed private toll projects, cities, regional transportation coalitions and MPOs are at the table and that there is equal representation from all entities when RFQs and RFPs are issued. Further, there would be many eyes on bids to make sure that they are solid.

- **Presentation of two design styles for a masonry sign at the Old Bedford School.**

Managing Director of Community Services Mirenda McQuagge-Walden presented design styles for a masonry sign at the Old Bedford School. She stated that in the Fiscal Year 2013 budget, funds were included for a non-digital masonry sign at the Old Bedford School. As staff went through the process of looking at signs, the cost of a digital sign is more; however, it may be something that Council would want to look into. She showed examples for a digital and a non-digital sign. Both would be similar to what is at the Library and have brick that matches both the Old Bedford School and the Library. It would be oriented towards Bedford Road and be two-sided. The full digital sign would be the same size as the Library's but would only display in red. The cost is \$27,890 for a digital sign and \$19,599 for a non-digital sign. In speaking with the vendor, it would not be feasible to convert from non-digital to digital sign and it would be more expensive to do two projects instead of doing it all at one time.

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Mark Brewer of Identity Management representing the vendor stated that the reason for going with monochromatic red is that it is cheaper. If a non-digital sign were later retrofitted with digital, the sign would stick out from the face. A digital sign can be controlled wirelessly from almost anywhere while a non-digital sign would require two people to change out the letters. His company would provide all the training and connectivity and would provide 24/7 tech support.

There was discussion regarding concerns over how much one can see on a digital sign at a time. Mr. Brewer stated that the way to address those concerns would be to change the size of the digital sign from two lines, as currently presented, to three or four lines, which would require a change in the art work. In answer to questions from Council, Ms. McQuagge-Walden stated that this sign was in the base budget. The reason for the sign is to both improve advertising and the aesthetics of the facility. There is increased interest in programs at the Old Bedford School when they use a portable sign; however, they are only allowed to use it four times a year per City Ordinance. The original sign has been there since the mid-to-late 1990s. In regards to concerns over different appearance standards with the Central Bedford Development Zone and the Cultural District, she stated that the area in question is not considered a gateway. Further, the brick for the sign matches the Old Bedford School and the Library for continuity purposes. There was further discussion on the digital sign being out of place at the Old Bedford School and whether this was the best use of funds or the biggest need for the facility. Ms. McQuagge-Walden stated that the storage issues will be addressed with the move of staff to the gray house. Old Bedford School Coordinator Amy Borquin stated that the current sign is way back and unable to be seen and with all the events at the School, using a portable sign four times a year is not enough. In answer to questions from Council, it was stated that the overall height of the sign is 6.3 feet. The contractor is not the same one that did the sign at Harwood Road. There are no issues from the Historical Commission for tearing down the old sign and putting up the new one as it is not part of the building proper. In regards to maintenance, Mr. Brewer stated there is a five-year unlimited parts warranty. Digital signs have a life span of approximately 12 years while the life span of a non-digital sign depends on weather conditions. There are some installation related costs for the digital signs. In regards to how this would be paid for, it was explained that it comes out of the Facility Maintenance Fund, which has a fund balance of approximately \$300,000.

Council was of the consensus to ask staff to get with the vendor to put together options for a three line digital sign including costs.

Mayor Griffin adjourned the Work Session at 6:37 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:

- **Section 551.071, consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re: Allied Waste Contract.**

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

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter re: Allied Waste Contract at 8:30 p.m.

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Council reconvened from Executive Session at 9:14 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 6:44 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Senior Pastor Nosa Onaiwu, Arise and Shine International Ministries)

Senior Pastor Nosa Onaiwu of Arise and Shine International Ministries 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 Councilmember Turner, seconded by Councilmember Brown, to approve the following items by consent: 8, 9 and 10.

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

COUNCIL RECOGNITION

1. Employee service recognition.

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

Michael Kratky, Police Department - 25 years of service
Anthony Wynn, Public Services - 30 years of service

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:

- a) **January 8, 2013 regular meeting**
- b) **January 12, 2013 work session**

Motioned by Councilmember Olsen, seconded by Councilmember Davisson, to table the minutes of the January 8, 2013 regular meeting to the next Council meeting and to consent the minutes of the January 12, 2013 work session.

Motion approved 7-0-0. Mayor Griffin 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.**
 - a) **Doug Deere, 2008 Memphis Drive, Bedford, Texas 76021 – Requested to speak to the Council regarding lowering the speed limit to 20 MPH or installing speed bumps on Memphis Drive.**

Doug Deere, 2008 Memphis Drive – Mr. Deere stated that there are ten to twelve children that play around his yard and he is concerned about their safety. He asked that the speed limit on Memphis Drive be changed from 30 MPH to 20 MPH and that two speed limit signs be installed. He stated that with cars parked on both side of the street, only one car can go through at a time. He related an incident from approximately 15 years ago where a child was killed in front of his house.

There was discussion between Council and staff regarding lowering the speed limit and the possible addition of speed bumps. Police Chief Roger Gibson stated that the installation of speed bumps requires that a street be at least 1,000 feet long and 30 feet wide, that a volume count would have to be conducted and that 80% of the residents on the street would have to request them. Schumac Lane is 20 MPH due to the two schools on the street. State regulations state that if there is no posted speed limit sign, then the assumption is that the speed limit is 30 MPH. He stated that he has not received any other complaints on that street. There was discussion on the effects of lowering the speed limit on residents of the street and those that use it as a cut-through. Public Works Director Tom Hoover discussed the type of streets Memphis Drive and Schumac Lane are and the results of their recent traffic study, which showed that there is not a high volume of traffic on Memphis Drive and that the 85 percentile of drivers are going 22 MPH on weekends and 26 MPH on weekends.

NEW BUSINESS

4. **Public hearing and consider an ordinance extending Article IV Chapter 82, “Offenses and Miscellaneous Law Enforcement Regulations,” of the Code of Ordinances of the City of Bedford, Texas, relating to curfews; making it cumulative; providing for penalties; providing a severability clause; and declaring an effective date.**

Police Chief Roger Gibson presented information regarding this ordinance. This is for extending the current ordinance, which covers both nighttime and daytime school curfews, for another three years. The original nighttime curfew was approved in 1994 and amended in 2008 to include the daytime school curfew at the request of the HEB School District. At that time, both the Cities of Euless and Hurst also approved the daytime school curfew. In speaking last year with Nate Hearn, who is over truancy for the District, they were number one in the State as far as truancy and Bedford was number one out of the three cities. In speaking with a representative from the District that morning, they have been near the top in the State in regards to attendance and truancy issues for the last couple of years.

Mayor Griffin opened the public hearing at 7:21 p.m.

Nobody chose to speak at tonight’s public hearing.

Mayor Griffin closed the public hearing at 7:21p.m.

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

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

5. **Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 39th Year**

Program for the water line improvements on Savannah Way from Pipeline Road northerly to Charleston Drive.

Public Works Director Tom Hoover presented information regarding this resolution. He stated that every year, the City tries to get funding through Tarrant County's Community Development Block Grant program. This year, they have applied for some water line improvements along Savannah Way. There is 1,200 linear feet of water line that is estimated to be over 40 years old and there have been several leaks each year. Most of the funding for the project will come through the County.

Mayor Griffin opened the public hearing at 7:23 p.m.

Scott Hartford, 818 Savannah Way – Mr. Hartford asked what the schedule of events was for the pipeline, whether it would be replaced or repaired, whether residents will be able to get in and out of their houses, what would happen if this project is not done and how the street will be repaired.

Mr. Hoover explained that the existing 6 inch water line would be replaced with an eight inch line. The old line will be abandoned in place so that the street would not need to be torn up as much. Water service will be transferred and they will be repairing the asphalt pavement with their typical patch. They will require access to the private properties and there may be periods of 30 minutes to an hour where access will be blocked but they will notify people in advance. They will also not be doing work during rush hours. This project will allow the City to get \$115,000 worth of services for \$7,000. They City will also do any repairs on irrigation or landscaping with in-kind as the pipe is five feet behind the curb.

In answer to questions from Council, Mr. Hoover stated that the current street is asphalt and that the newer pavement will be smooth so should not be felt. In regards to communication, they will contact residents through door hangers and possibly DeltAlert as well as putting information on the website. It should take about a month and a half to two months to do the work.

Mayor Griffin closed the public hearing at 7:28 p.m.

Motioned by Councilmember Davisson, seconded by Councilmember Nolan, to approve a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 39th Year Program for the water line improvements on Savannah Way from Pipeline Road northerly to Charleston Drive.

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

6. Consider a resolution to approve Amendment No. One to the Meadowpark Lease Agreement with the Hurst-Eules-Bedford Independent School District.

Ms. McQuagge-Walden presented information on this resolution. It is to amend the lease with the HEB School District for the Meadowpark property. In June, a presentation was made to Council regarding a dog park at that property and one of the components was to ask the District to allow it as a use. During the Budget Work Session, Council expressed interest in funding the trail extensions that cross the Meadowpark property so that use was included in the lease amendment as well. She spoke about numerous complications related to the ownership of portions of the property by the District and Oncor. Oncor has agreed to an encroachment and a license agreement and the District Board approved the lease amendment at their December 11 meeting. She stated that the Park Board is asking the Council to ratify the amendment.

There was discussion between Council and staff regarding the future of the Meadowpark site and the addition of language into the agreement specifying an eight to ten year timeframe and monetary relief provisions if the District decides to end the lease agreement early. Ms. McQuagge-Walden stated that the contract as presented adds the use of the dog park and trails but the rest of the terms, including the six month termination notice, remain unchanged. The current lease agreement was signed in 1990 and

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there is no end date. In regards to the dog park, the fencing and fountains could be transferred to another site but not the cement border or sidewalks.

Parks and Recreation Board Chairperson Jeannette Cook stated that approving the lease amendment would allow them to move forward with plans for the dog park. If the District terminated the lease with the six-month notice, they would be able to transfer everything except the cement. The fountains could be moved as there are already existing water lines at the site.

There was further discussion regarding approaching the District regarding the time frame and monetary relief provisions discussed previously. In answer to questions from Council, Ms. Griffith stated that any further dialogue with the District would need to include an elected official. There was discussion regarding extending the notice for termination of the lease agreement. In answer to questions from Council, Parks Superintendent Don Henderson stated it would take between six months to a year to move everything depending on what was done in-house and what was contracted out as well as the time of the year. In answer to questions from Council, Ms. McQuagge Walden stated that the dog park could not go to Brookhollow as it is considered a neighborhood park and there is a lack of access or room for parking. There are also flooding and drainage issues and it would be more expensive to develop. Meadowpark was the least expensive site to develop, has adequate parking and would have the lowest fiscal impact to the Board.

Council was not able to reach a consensus on the following items: seeking monetary compensation for when the City is told to vacate the property; adding a longer termination period in the lease agreement; or asking the District to change the lease to say eight to ten years.

Motioned by Councilmember Turner, seconded by Councilmember Boyter, to approve a resolution to approve Amendment No. One to the Meadowpark Lease Agreement with the Hurst-Euless-Bedford Independent School District.

Motion approved 5-1-1. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Boyter, Councilmember Davisson, Councilmember Nolan and Councilmember Turner.

Voting in opposition to the motion: Councilmember Brown

Abstaining from voting on the motion: Councilmember Olsen

7. Consider a resolution authorizing the Parks & Recreation Advisory Board to expend \$25,000 from the Park Donation Fund and proceed with fundraising efforts for a Dog Park at Meadowpark.

Ms. McQuagge-Walden presented information on this resolution. It is to authorize the Parks and Recreation Board to expend \$25,000 from the Park Donation Fund and proceed with fundraising efforts for a dog park at Meadowpark. Included in the first phase of the dog park is a fence, a cement border, two cement pads and basic signage. Yearly maintenance is estimated at \$5,000, a majority of which is for waste bags. There would be minimal costs for seeding, repair work and utility costs.

In answer to questions from Council, Mr. Henderson said that the site currently has Bermuda grass and they will be over-seeding with Bermuda. In regards to raising all the money now and doing the dog park all at one time, Ms. McQuagge-Walden stated that the Board's research showed that it was common in other cities to start with a basic concept, which then would grow over time with users and investment. Their goal was to get it started to meet the community's need and add niceties over time. In regards to what happens if the additional funds are not raised, Ms. Cooke stated that the Board's initial request several years ago was for the Council to match what the Board either raised or contributed out of the Donation Fund. They felt it important to get the park open and get people familiar with it and that would make their fundraising more robust. If they are not able to raise more money, the Board may look at utilizing more of their funds in the future.

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The \$5,000 yearly maintenance would come from the Parks Maintenance Fund. There was discussion on not including permanent fixtures as part of the dog park and using paving stones instead of cement. In answer to questions from Council, Ms. McQuagge-Walden stated that the cost of the cement pads are \$700 and the cost of the cement border under the fence is \$5,300.

Council was not able to reach a consensus on amending this item with additional language to remove the concrete foot guards and concrete pads.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve a resolution authorizing the Parks & Recreation Advisory Board to expend \$25,000 from the Park Donation Fund and proceed with fundraising efforts for a Dog Park at Meadowpark.

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

Voting in favor of the motion: Mayor Griffin, Councilmember Boyter, Councilmember Davisson, Councilmember Turner and Councilmember Brown,

Abstaining from voting on the motion: Councilmember Olsen and Councilmember Nolan.

8. Consider a resolution authorizing the City Manager to enter into a contract with BuyBoard Cooperative Purchasing Network for the purchase of one replacement ambulance, being a 2013 Ford F550 Type I Modular Ambulance, in the amount of \$199,596.

This item was approved by consent.

9. Consider a resolution appointing the chairperson and vice-chairperson of the Cultural Commission.

This item was approved by consent. Alicia McGlinchey was appointed chairperson and Tom Jacobsen as vice-chairperson of the Commission.

10. Consider a resolution appointing a member to the Beautification Commission.

This item was approved by consent.

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

✓ **Animal Shelter Advisory Board - Councilmember Olsen**

Councilmember Olsen reported that the three new citizens on the Board are excited to be there and great things will be brought to the agenda for their next meeting in March.

✓ **Beautification Commission – Councilmember Turner**

Councilmember Turner reported on the Commissions schedule for the upcoming year which includes: 12 Saturday workdays at the Boys Ranch, a Bedford Clean-Up Day, a Chunk-Your-Junk Day, two Crud Cruiser events, a senior benefits fair, a paper shred event and quarterly/monthly business award presentations. They recently elected Faye Murphy as chairperson and Connie LeClair as vice chairperson.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported that the Commission elected Steven Grubbs as chairperson. They are rapidly approaching the Outreach Meeting scheduled for January 29, which will include discussions on resident and business concerns. Roy Savage is working on the idea for a City of Bedford Expo

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scheduled for March 2. At the Expo, residents can talk to representatives from each City department. David Franklin is working on the Consumer Energy Expo. All of these events are listed on the City's website.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that Alicia McGlinchey was re-elected as chairperson and Tom Jacobsen as vice chairperson. The Commission has done a report and will present their findings to the Council regarding cultural activities.

✓ **Library Board – Councilmember Brown**

Councilmember Brown reported that the Board met last week and circulation is down due to construction and the fact that the Library is a year older. There is a new virtual tour of the Library created by the staff and can be found on the Library's website. The Mardis Gras Casino Night is February 9 and tickets can be purchased at the Library for \$30.

✓ **Parks & Recreation Board - Councilmember Davisson**

Councilmember Davisson reported that the City Council recently approved the funding for the dog park.

✓ **Senior Citizen Advisory Board - Councilmember Turner**

Councilmember Turner reported that the last Board meeting was cancelled.

✓ **Teen Court Advisory Board - Councilmember Olsen**

Councilmember Olsen reported that the subcommittees have had a meeting and the next regular Board meeting is scheduled for February 7.

12. Council member reports

No other reports were given.

13. City Manager/Staff Reports

City Manager Beverly Griffith reminded everybody that the father/daughter and mother/son Valentine's Dance is scheduled for Saturday, February 9. There will be dancing and refreshments. Tickets need to be purchased before February 8 at the Boys Ranch Activity Center.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 9:16 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary