

Council Minutes February 12, 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 12th day of February, 2013 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Jim Davisson	
Patricia Nolan	
Sherri Olsen	
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	Administrative Services Director
Roger Gibson	Police Chief
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Bill Syblon	Development Director
James Tindell	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, 4, 5, 7 with funding coming out of the Facility Maintenance Fund, 8 and 9.

Fire Chief James Tindell presented information on Item # 7. The drive approach for Station #3 is in need of replacing and repaving. He discovered a large crack in early September and contacted Public Works to look at it. They did a temporary fix with asphalt and obtained soil and core samples to determine what was causing the erosion. It was determined that portion of the drive approach needed to be replaced. There was discussion regarding funding this item out of the fund set aside for new sidewalks or the Facility Maintenance Fund. In answer to questions from Council, Public Works Director Tom Hoover stated that the existing drive approach is six inches of concrete on six inches of base. The recommendation is to replace it with eight inches of concrete on eight inches of base, which should last 30 years. The current drive approach is approximately 13-14 years old. The replacement would be a patch approximately 2,100 square feet and traffic would have to be rerouted temporarily. There was

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further discussion on funding and Council was of the consensus that this item be paid out of the Facility Maintenance Fund.

Mr. Hoover presented information on Item #8. Stonegate Well was the first well drilled in Bedford in 1964 and most of the electrical and pump equipment is original. Over the past 50 years, the City has performed routine maintenance. The consultant who was brought in to design the new chemical feed storage did not look at the pump or electrical facilities in the transfer pump station. During construction, modifications had to be done and it was determined that one of the pumps was not able to be repaired. It is a best practice to have two pumps operational and this item is to repair the pad, motor, pump and piping connected to the system. In answer to questions from Council, Mr. Hoover stated that the pump has not been working for approximately 10 years. There was discussion regarding why the pump has been down for that length of time. It was explained that only one pump runs at a time and they do not run 24 hours. There is also the desire to maximize what the City gets from both wells to minimize purchases from the Trinity River Authority. In answer to further questions from Council, it was stated that Central Well went down in 2003 and Brown Trail Well has been down for approximately 10 years. The new Simpson Terrace Well will have two pumps and two tanks and there is redundancy in all the systems. There was discussion on putting a program in place to test the pumps on a regular basis. Mr. Hoover stated that the Public Works Department is in the process of installing a SCADA system, which will allow staff to monitor the well equipment from their facility. The pumps would be switched over on a daily basis.

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

Deputy City Manager David Miller updated Council on discussions with TxDOT on the Highway 183 expansion. Previously, TxDOT had approached the City regarding participating on the 1420 Committee for the expansion of Highway 183 through Euless. To do so, the City would have to have a financial commitment. It has been determined that the City does not have any right-of-way or infrastructure in the way and has no legal standing to serve on the Committee. The City can attend the Committee meetings and intends to on behalf of Euless concerning issues related to the reduction of managed lanes.

- **Presentation of sign options for a masonry sign at the Old Bedford School.**

Managing Director of Community Services Mirenda McQuagge-Walden presented options for a masonry sign at the Old Bedford School. At the previous Work Session, staff was directed to bring back another option for a digital sign that had more capability. She showed examples of each sign and stated that all three would have the same stone, brick and coping. The first was a monochrome digital sign with two lines and 12 characters per sign and nine inch lettering. The second was a zip track sign similar to the one at the Boys Ranch along Forest Ridge Drive. The third was a monochrome digital sign with four lines and up to 22 characters per line and lettering between 5 and 25 inches high. The total cost for this sign would be \$31,349. In answer to questions from Council, it was explained that the current sign was installed in approximately 1999 by the Historical Foundation who operated the Old Bedford School at that time. During the budget process, the estimated costs were approximately \$38,000 for a digital sign and \$22,000 for a non-digital sign; however, when staff went through the formal quote process, the prices were closer together. This item is being funded out of the base budget of the Facility Maintenance Fund. There was discussion on where the line is drawn between an item being part of the base budget or being a supplemental request as well as being considered an improvement. It was explained that approximately \$100,000 a year is put in the Facility Maintenance Fund. There was discussion on potentially having to move the sign depending on what may happen with the Cultural District or the Central Bedford Development Zone; the difficulty of reading the sign when the sun hits it from the west; and the digital sign not going with the aesthetics of the Old Bedford School. In answer to questions from Council, it was explained that the four line digital sign would have a five year warranty. In regards to the costs of the sign at the Library, it was estimated at between \$28,000 and \$30,000. It was difficult to determine as Identity Management installed the digital portion as well as other signs in the facility but not the masonry. Quotes were received from three different vendors for the

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sign at the School. In regards to negotiating with the vendor, it was explained that they were already giving the City a discount. There was discussion on making the sign look more reflective of the historical nature of the School. In regards to difficulties seeing the sign due to the sun, Mark Brewer of Identity Management stated that it comes equipped with a photo sensor eye that increases or decreases the brightness of the sign based on conditions. Council was of the consensus to approve the four line digital sign and additionally was of the consensus to go with a monochromatic amber color for an additional \$434.

- **Discussion regarding granting relief on the interest for mowing liens assessed against the property located at Block 1, Lots 12 and 13, Oak Grove Estates Addition.**

This item was discussed at the end of the Regular Session.

City Manager Beverly Griffith stated that the owner is requesting relief of the interest for liens assessed against these properties. The properties were recently sold as part of a project for Shipley's Donuts. In answer to questions from Council regarding whether due process was served on the owner, Ms. Griffith stated that the City has copies of notifications that were sent to the owner and in cases where there was not an indication that he received them, notices were put in the newspaper. In regards to statements by the owner regarding Code Enforcement officers setting up mowing for him, it was explained that this was not the City's practice to call or recommend a contractor and that there is a very specific notification process in place. There was discussion regarding recurring issues with City employees and ensuring that something like this does not occur in the future; the validity of the owner's statements; contacting the contractor mentioned by the owner; and Council and staff exploring all options to achieve a high level of service to the community. Council was of the consensus to not waive the interest on these liens.

Mayor Griffin stated that it was in the Council's purview to find effective ways to make improvements and that they have worked on new and improved ways to enhance what Code Enforcement does. He is currently working on concepts for addressing a customer service type of approach.

- **Council briefing on a partnership with H.E.B. I.S.D. regarding improvements to Central Pool.**

Mayor Griffin stated that the School District approached the City regarding partnering with the City for the use of Central Pool by the swim teams at the two high schools. The teams would use the Pool from 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m. The District would be responsible for heating the Pool, installing a retractable covering and remodeling the bathrooms into locker rooms. He previously updated the Parks and Recreation Board at their meeting on Thursday.

Mayor Griffin adjourned the Work Session at 6:32 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 551.071, 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.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to First State Bank Plaza Block 1 Lot 1.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to the Shops at Central Park Block 1 Lot 1D.**

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d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to “Project Oatmeal”. (Amended Item)

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, Section 551.087, deliberation regarding economic development negotiations relative to First State Bank Plaza Block 1 Lot 1, Section 551.087, deliberation regarding economic development negotiations relative to the Shops at Central Park Block 1 Lot 1D and Section 551.087, deliberation regarding economic development negotiations relative to “Project Oatmeal” at approximately 7:56 p.m.

Council reconvened from Executive Session at 8:57 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 6:37 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Dr. Jerry Chism, Martin United Methodist Church)

Dr. Jerry Chism of Martin United Methodist Church gave tonight’s invocation.

PLEDGE OF ALLEGIANCE

Boy Scout Troops 350 and 387, lead by Assistant Scoutmaster Jerry Bommarito, and including Scouts Alex Farish, Scott Farish, Austin Scheets, Jared Smith, Carsen Smith, Blake Williams, Matthew McNatt and Adrian Gonzales, lead the Pledge of Allegiance.

OPEN FORUM

John DeLorme, 1129 Woodvale Drive –Mr. DeLorme requested to speak on Items #6 and #7. He stated that he supported Item #7 but questioned the use of sidewalk repair money for that project. The sidewalk on the 1100 block of Woodvale Drive on the north side of the street has some collapses, is uneven and is a hazard that needs to be repaired. He also stated that his street needs crack sealing as well so that it does not need to be repaved.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Turner, seconded by Councilmember Nolan, to approve the following items by consent: 2, 4, 5, 7, 8 and 9

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

COUNCIL RECOGNITION

1. Proclamation declaring February 2013 as Love Your Library Month.

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Mayor Griffin read a proclamation declaring February 2013 as Love Your Library Month. Library Board Chairperson Scott Probasco was present to accept the proclamation. Jeanne Green from the Library accepted a plaque on behalf of the Library for the 2012 Achievement in Excellence in Libraries Award from the Texas Municipal Library Directors Association. Mr. Probasco stated that the Library is doing a survey with the community, which is available on the Library's website or as a hard copy at the Library. People can stop by the Library on Valentine's Day for chocolate Hugs and Kisses. The Seuss Festival is scheduled for Sunday, March 3 from 1:00 p.m. to 4:00 p.m.

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:
 - a) January 8, 2013 regular meeting (Tabled at the January 22, 2013 regular meeting)
 - b) January 22, 2013 regular meeting
 - c) January 24, 2013 work session

This item was approved by consent.

PERSONS TO BE HEARD

3. The following individual has requested to speak to the Council tonight under Persons to be Heard.
 - a) Ed Henderson, 2513 Meadow View, Bedford, Texas 76021 – Requested to speak to the Council regarding an open records request.

Ed Henderson, 2513 Meadow View – Mr. Henderson discussed comments directed about him of a defamatory nature and that cited the Police Department as a source. He has spoken with Police Chief Roger Gibson and Lieutenant Biff Schuessler regarding these comments and has been assured that there is no credibility or merit to them as far as the Police Department is concerned. He spoke about a friend with Parkinson's disease that was asked to leave a grocery store. He keeps an envelope in his glove compartment that contains records regarding his disability. He stated that these comments have been made mostly by City employees and that is where the open records request comes from. He requested that Council direct the City Attorney to file an expunction order with the District Court. He recounted an incident where he was assaulted by three teenagers at the Library and that staff handled it immediately. He later reported the incident to the Police. He requested that Council through the City Manager have the Police Department issue a statement that what City employees have said has no merit. Further, he requested that the City Manager take decided action against any City employee who makes these comments. Mayor Griffin suggested that Mr. Henderson meet with him and the City Manager to go into more detail about this issue. City Attorney Stan Lowry stated that in regards to ordering an expunction, it is up to a private party to ask the court to seal specifically identified documents.

- b) Dorothy McWhorter, 1600 Martha Drive, Bedford, Texas 76022 – Requested to speak to the Council regarding Section 2.07 of the Bedford City Charter.

Dorothy McWhorter, 1600 Martha Drive – Ms. McWhorter stated that Section 2.07 of the Charter states "all powers of the City and the determination of all matters of policy shall be vested in the Council". She stated that in order to solve a problem, you have to admit you have a problem and if you refuse to admit that you have a problem, then do not have to deal with it. She spoke on an incident whereby she tried calling a department head who would not answer her when she called from her home phone but would when she called from her cell phone, which would not show her name on the caller id. She related another incident where she requested records through the City Secretary, who told her that the request has been forwarded to Administrative Services Director Cliff Blackwell. She stated that she has not heard back from Mr. Blackwell on this request and the City is in violation of the Public Information Act. Another incident involved contacting Mr. Blackwell on December 17 regarding information on the NETS program and asked to be called after the holidays. She stated that she has not heard back from Mr.

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Blackwell on this issue. Finally, she contacted the City Manager regarding an assisted living facility that was in the process of opening and has not heard back from Ms. Griffith. She stated that there is an attitude problem at City Hall and that she is not a second class citizen and resents being treated as one.

In regards to the assisted living facility, she stated that in her neighborhood, people do not park their cars on the streets. She asked the Council how many employees are going to be employed at that business, what their hours of operation are going to be, if a zoning change was required and how many medical staff were going to be on call. She polled the Council regarding if they have an assisted living business on their street, which was answered as follows: Councilmember Davisson – no idea; Councilmember Boyter – no idea; Councilmember Olsen – yes; Councilmember Nolan – no; Mayor Griffin – he believes no; Councilmember Turner – no idea; and Councilmember Brown – to his knowledge, no. In regards to the NETS issue, she asked Council if the taxpayers contribute to this program and if so, how much; if they understand how this program benefits the citizens; and that if they were aware that they did not guarantee reservations to a medical facility in the City and why then should tax dollars be put into the program. In summation, she stated that successful managers make it clear who the boss is and what is expected of the employees.

NEW BUSINESS

- 4. Consider a resolution ordering the General Election of the City of Bedford, Texas to be held on Saturday, May 11, 2013 for the purpose of electing Place 3 and Place 5 to the Bedford City Council and the Municipal Court Judge.**

This item was approved by consent.

- 5. Consider a resolution authorizing the City Manager to enter into a contract with BuyBoard Cooperative Purchasing Network for the purchase of one 2013 Ford F150 swift water boat tow vehicle paid through a Department of Homeland Security Grant awarded to the City of Bedford.**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to purchase a messaging sign for the Old Bedford School from Identity Management.**

Ms. McQuagge-Walden stated that based upon the discussion during the Work Session, Council was of the consensus to move forward on an electronic, digital sign with four lines in amber for a total of \$31,874.08. In response to a question from Council, she stated that the sign should be installed within the next 90 days.

Motioned by Councilmember Davisson, seconded by Councilmember Turner, to approve a resolution authorizing the City Manager to purchase a messaging sign for the Old Bedford School from Identity Management in the amount of \$31,874.08.

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

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

Voting in opposition to the motion: Councilmember Brown

- 7. Consider a resolution authorizing the City Manager to enter into a contract with Ziegler Construction, Incorporated in the amount of \$19,800 for the Fire Station #3 Driveway Paving Improvements.**

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This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to enter into Change Order #2 with Red River Construction Company in the amount of \$23,383.78 to increase the authorized contracted amount for the Construction of Chemical Feed and Monitoring at Simpson Terrace and Stonegate Potable Water Wells. The authorized contracted amount was earlier reduced by \$220,000 in Change Order #1.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to enter into a Select Government Merchant Payment Instrument Processing Agreement with Chase Paymentech for merchant services.**

This item was approved by consent.

- 10. Discussion regarding the Bedford Connection being delivered to apartment complexes.**

***This item requested by Councilmember Olsen

Councilmember Olsen requested this item be put on the agenda for discussion. She stated that she had been under the impression that since residents at apartment complexes did not receive individual water bills, that they did not receive the Bedford Connection. She has learned that the City does send them to apartments through bulk mailing. However, she has met with leasing agents who were unaware of the Connection. She stated that there is an opportunity to provide it to leasing offices in order to market the City and that perhaps they can be delivered by the new marketing specialist. Ms. Griffith stated that Economic Development Coordinator Kay Brown routinely takes the Connection to eight of the larger complexes. Staff will determine what other complexes may want them as well and that they may need to come back to Council with a funding question.

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

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

No report was given.

- ✓ **Beautification Commission – Councilmember Turner**

Councilmember Turner reported that the Commission is actively working and that new chairperson Faye Murphy is seeking new members.

- ✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported on the work of the Commission including encouraging residents to take advantage of Shop Bedford First, the Bedford Expo scheduled for Saturday, March 2 and the Consumer Energy Expo scheduled for Saturday, April 20.

- ✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission has completed their report and will be holding a joint meeting with the Council on February 25.

- ✓ **Library Board – Councilmember Brown**

Councilmember Brown reported that the Board meets next Wednesday, February 20.

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✓ Parks & Recreation Board - Councilmember Davisson

Councilmember Davisson reported that the Commission met the other night and they are starting fundraising and looking for sponsors for the dog park. An update was given on the Central Park Pool.

✓ Senior Citizen Advisory Board - Councilmember Turner

Councilmember Turner reported that the next Board meeting is Monday, February 18.

✓ Teen Court Advisory Board - Councilmember Olsen

Councilmember Olsen reported that the Board met last Thursday and that the subcommittees have made their decision on who is going to be awarded the scholarship. The Scholarship Banquet will be held on April 25 at the Hurst Conference Center. Their next meeting has been changed to be on a Tuesday to allow for the Board to meet with the speaker for the Banquet. The revised Teen Court Bylaws will be presented to Council at their meeting on February 26.

12. Council member reports

Councilmember Davisson congratulated Councilmember Nolan on her work as chairperson for the Mardi Gras Event.

Councilmember Nolan reported that they had a great time at the Mardi Gras Event and the date for next year's event has already been set. The Event was a sell out with over 200 tickets sold. She thanked the Council, Chief Gibson and others for serving as celebrity waiters. They do not have a total of what was raised for the Library but will report that in the future.

Mayor Griffin reported that he went to Austin along with Councilmember Boyter and the HEB and Austin Chambers of Commerce. They spent time with their State Representatives and Senators. Items that were discussed included water, education, the CARE Act, scholarships, rigor and accountability on education, and transportation.

13. City Manager/Staff Reports

Ms. Griffith congratulated City Secretary Michael Wells on achieving his State Certification through the Texas Municipal Clerks Certification Program.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:58 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary