

Council Minutes March 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 5:15 p.m. in the Conference Room, 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 March, 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
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Administrative Services Director
Bill Cooper	Information Services Director
Roger Gibson	Police Chief
Russell Hines	Building Official
Tom Hoover	Public Works Director
Jill McAdams	Human Resources Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Jackie Reyff	Planning Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

CONFERENCE ROOM WORK SESSION 5:15 p.m.

Mayor Griffin called the Work Session to order at 5:15 p.m.

• Interviews for appointments to the Beautification and Cultural Commissions.

Council conducted interviews with applicants for appointment to the Beautification and Cultural Commissions.

Council adjourned from the Work Session at 5:32 p.m.

WORK SESSION

Mayor Griffin called the Work Session to order at 5:34 p.m.

• Review and discuss items on the regular agenda and consider placing items for approval by

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consent.

Council discussed placing the following items on consent: 3, 5, 6, 7, 8, 9, 11 and 12.

Managing Director of Community Services Mirenda McQuagge-Walden presented information on Item #5. This is to amend the budget to allow the City to authorize 14 water safety instructors, amounting to 0.08 full-time employees. By taking this in-house, it allows the City to retain revenue, which in the past 70% went to a third-party contractor. The number of actual hours worked would be approximately 176 hours by seasonal workers, which amounts to a cost of \$2,129.60 as well as an additional \$85.00 in benefits and approximately \$100.00 for equipment such as noodles. In answer to questions from Council, she stated this would only involve seasonal employees and the City would not have to pay insurance, only mandated expenses such as Medicare and Workers Comp. Last year, the City took in \$13,728 in revenue but had to pay out \$11,598 to the third-party contractor. Based on those numbers, the City would keep additional net revenue of \$8,160.

Ms. McQuagge-Walden presented information on Items 7, 8 and 9. These items are for a license agreement and encroachment agreement with Oncor for the existing Bedford Trails. When going forward with the dog park, staff could not find any records for the Trails and it was decided to put it on the record. The Trails would remain the same as they have since the 1980's in that the City would maintain the property in return for having the trail system. Oncor has approved the configuration as well as the replacement of the exercise stations. This item is to formally put in place what is currently on the ground. In regards to the extending the trail system west to Forest Ridge Drive, Oncor has stated that once a preliminary design has been put in place, they would put together another agreement. They did ask that once the designs have been approved, that construction be done within 9 to 12 months. In answer to questions from Council, she stated that this is a housekeeping agreement and there are no additional costs or burdens to the City and there are no changes to what the City is currently doing. In regards to the maps of the Trails, she stated that it only indicates the ownership of the Trails themselves and not Meadowpark as a whole.

Parks Superintendent Don Henderson presented information on Item #10. This item was brought to Council during the budget work session last year and this is for to approve the expenditures for the exercise equipment. In answer to questions from Council, he stated that there is only one existing structure east of Sager Street that needs to be taken down. This item is for ordering the equipment only; the concrete pads will be addressed at a later time. Council was unable to reach a consensus on this item and it was moved to the Regular Session for further discussion.

- **Discussion regarding proposed changes to Section 5.5 B. "Fences Abutting Incompatible Districts" of the City of Bedford Zoning Ordinance.**

City Manager Beverly Griffith presented a recap of this issue to Council. In December, they were approached by a representative from the Stone Court subdivision with a situation whereby they had to replace the wall of their subdivision, which is currently masonry. If Council were to grant relief, it would require amendments to the ordinance for masonry walls. The situation is unusual as the wall is on residential property. Council directed staff to seek a solution.

Planning Manager Jackie Reyff stated that this item is the first step in a multi-step solution and involves changes to Section 5.5B of the Zoning Ordinance regarding "Fences Abutting Incompatible Districts". Based on staff's technical expertise, these changes address the situation when a residential subdivision removes a masonry fence so that an adjoining commercial property does not fall out of compliance. This item is scheduled for discussion during the Planning and Zoning Commission meeting on Thursday and based on feedback from Council, it may be put for a public hearing at the Commission meeting on March 28. In response to questions from Council, Building Official Russell Hines stated that if a property had received an exception to use alternative options such as a wrought iron fence, they would be required to replace it with a like substance. This item only addresses fences abutting incompatible districts; issues related to replacing of masonry fence will be addressed in the future. A subdivision that

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is adjacent to a commercial property would have to apply for an amendment to their Planned Unit Development requiring masonry walls if they wanted to put up something else. There was discussion regarding concerns on lowering the City's standards, ordinances not being up to par and aesthetics. In answer to further questions from Council, it was stated that a majority of fences between residential and commercial properties are on the commercial side and that this situation is a rare exception. In regards to working something out with the subdivision as opposed to changing ordinances, it was stated that the City did not want to work out a situation that would violate a current ordinance or put an undue burden on adjacent property owners. If relief was granted and the subdivision used some construction material other than masonry, it would not place the adjacent property owners out of compliance. There was discussion on if staff had received quotes from the subdivision regarding costs for the fence and how much were the estimated costs.

Five Council Members agreed that this item be brought to the Planning and Zoning Commission: Mayor Griffin, Councilmember Boyter, Councilmember Davisson, Councilmember Turner, and Councilmember Brown. Two Council Members were opposed to this item being brought to the Planning and Zoning Commission: Councilmember Olsen and Councilmember Nolan.

- **Discussion regarding the Park Donation Fund and possible alternatives for funding.**

Administrative Services Director Cliff Blackwell presented information regarding the Park Donation Fund and possible alternatives for funding. He stated that back in 2010, the park donation item was completely removed from the water bill. A form was then inserted with the water bill, which allowed citizens that wanted to participate to have \$0.50 added to their bill. The process started out slowly with only 400 participants at first but is now up to 1,831 people. In regards to putting the fund back on every single bill and leaving it up to the payee, the City had received several complaints that this was illegal. The form mentioned previously is attached to the deposit form for all new customers as well. In regards to the software used for utility billing, it is 20 years old. From a billing standpoint, it has "buckets", which property identify where payments belong. All ten buckets are currently full. In regards to programming more buckets, it would require approximately 12 months to be implemented. Further, buckets cannot list the park donation fund as a voluntary payment and such payments would have to be manually adjusted. He stated that another option is to create a PayPal account, which could be advertised on the bill and the City's television channel. Such an account does not limit a donation to \$0.50 and there are no fees to open an account. There is a \$0.30 per transaction fee plus 2.9% on the volume. In answer to questions from Council, he stated that in regards to the account having multiple uses, there is a preference to have separate accounts per donation. There would have to be reconciliations on the back-end due to software limitations. In regards to the lifetime of the software, there have been supplementals submitted in the past for new software and it will be discussed during the budget discussions this summer. The auditors also had concerns regarding the software. There were discussions regarding staff adding other accounts to include the Animal Shelter and the Library; explaining the fees associated with the PayPal account and disclaimers; having forms available at the Library and the Animal Shelter; and marketing this program to the citizens.

Mayor Griffin adjourned the Work Session at 6:22 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 551.087, deliberation regarding economic development negotiations relative to "Project Oatmeal".**
- b) Pursuant to Section 551.074: personnel matters – annual performance review of the City Manager.**

Council was unable to convene into Executive Session prior to the Regular Session.

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Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to "Project Oatmeal" and Section 551.074: personnel matters – annual performance review of the City Manager at 7:24 p.m.

Council reconvened from Executive Session at 8:19 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 6:33 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order. He stated that in regards to the situation at 604 Donna Lane, he made a commitment to ask staff to do research and he would try to have information to share at the Council meeting on March 26. He stated that Federal and State law does not allow the City to prohibit group homes, assisted living homes, hospices, etc. in any residential neighborhood. He had talked to a number of residents after the previous meeting who lobbied for something like the limiting the number of cars. He stated that if the City were to pursue that line of thinking, they would have to apply it to everyone in the neighborhood.

INVOCATION (Pastor Dan Mendoza, Oasis Community Worship Center)

Pastor Dan Mendoza of Oasis Community Worship Center gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Attila Hertelendy, 2425 Bridgeton Lane – Mr. Hertelendy requested to speak on Work Session Item #2. He stated that he came to Bedford in 1995 and really enjoys the community and the beautiful things that have happened. He stated he has a problem with walls within the City, specifically fences, and he believes that things are falling apart. He is seeing this in Bedford and other communities. He stated that as the City goes through the process of ordinance and standards changes, the Council needs to look at the life expectancy of things and managing projects over a long period of time, and not look at things year-to-year from a budgetary standpoint. He stated that the standards should not be changed but alternatives should be looked at to make things better. Allowing variances puts a huge burden on Council and staff. He stated that the City needs to look at long term solutions. He stated that currently the City is having infrastructure problems. The City has brick walls that do not last two years and wood fences that fall apart from chlorine and the heat. He wants better solutions, long term perspectives and uniformity. He is not so much concerned with aesthetics as he is concerned with structural integrity.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve the following items by consent: 3, 5, 6, 7, 8, 9, 11 and 12.

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

COUNCIL RECOGNITION

- 1. Proclamation declaring March 2013 as American Red Cross Month.**

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Mayor Griffin read a proclamation declaring March 2013 as American Red Cross Month. Stephanie Briggs, a volunteer with the American Red Cross Tarrant County was on hand to accept the proclamation. Ms. Briggs thanked the Council and stated it was an honor to serve the community.

2. Present the awards for the City Expo.

Steven Grubbs, Chairperson of the Community Affairs Commission presented awards for the City Expo held on March 2. In attendance from the Commission were Gary Morlock, Roy Savage, Cynthia Williams and David Franklin. Mr. Grubbs stated the five criteria for judging were creativity, communication of the Department's function, quality of presentation, "wow" factor and overall presentation. There were three judges from the Commission and the total number of points determined the outcome. He stated that the City employees took great pride in what they do and communicated that to the public. Third place went to the Police Department, which was accepted by Police Chief Roger Gibson and Technical Services Manager Kelli Agan. Second place went to Public Works, which was accepted by Public Works Director Tom Hoover. First place went to Community Services, which was accepted by Ms. McQuagge-Walden. She thanked those that were on their Expo committee including Eric Valdez, Mike Radoyevich, Trevon Hauth, Caroline Tait, Maria Redburn, Don Henderson, Wendy Hartnett, Amy Borquin, Dominik Pierce, Jared Blake, Cathy Haskell and especially Rebecca Asher and Jean Green.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:

- a) **February 25, 2013 joint work session**
- b) **February 26, 2013 regular meeting**
- c) **March 5, 2013 special executive session**

This item was approved by consent.

PERSONS TO BE HEARD

4. The following individuals have requested to speak to the Council tonight under Persons to be Heard.

- a) **James Trigg, 1316 Wade Drive, Bedford, Texas – Requested to speak to the Council regarding zoning violations at 604 Donna.**

James Trigg, 1316 Wade Drive – Mr. Trigg presented an update since he spoke at the last Council meeting. At that meeting, he had asked that the owner of the property be required to pay the appropriate fees for the amount of money going into the project. He was pleased to know that those fees have been paid but work continues at that address. His main purpose to speak tonight was to remind the City Attorney to report, if possible, on whatever legal steps can be taken regarding this issue at the next Council meeting on March 26. He presented documents to the City Attorney related to a court case involving a youth crisis center against a city in Utah and that there are several legal concepts that may have bearing in this situation. It was a case that the city won. He presented to the Council a copy of the City's Zoning Ordinance regarding the permitted use of a single family detached dwelling. He stated his neighborhood is zoned R7500 and the purpose of that zoning is to provide for areas that are required to have a minimum lot size of 7,500 square feet in order to promote low density population and to establish or maintain a low density character within the subdivision. He asked what authority the state or federal governments have over a city's zoning if there no state or federal funding and no discrimination involved. He asked that this be added to the list of items that the City Attorney would report on and further asked that specific titles, subtitles and chapters be cited giving the state and federal governments that authority. In answer to a question from Council, City Attorney Stan Lowry stated that there would need to be a legal provision for the City to ask that work be stopped.

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- b) Steve Grubbs, 1105 Clear View Drive, Bedford, Texas – Requested to speak to the Council regarding the Community Affairs Commission Outreach Meeting held on January 29th, plus the City Expo held on March 2.**

Steve Grubbs, 1105 Clear View Drive – Mr. Grubbs spoke representing the Community Affairs Commission and updated Council on some recent Commission events. He thanked Council for their support of the Commission and their events. He gave special thanks to Council liaison Councilmember Boyter and staff liaison Deputy City Manager David Miller. The Commission held a community outreach meeting on January 29 for residents, businesses and faith-based organizations. In the past, they have held separate meetings but decided this time to see how successful a combined meeting would be. 71% of people attending responded that they preferred the combined meeting. The five topics discussed during the meeting were businesses development, the DeltAlert system, the City Manager's responsibilities and challenges, 6Stones and the volunteer corps. The Commission performed a survey to receive feedback, including how people learned about the meeting. They received 24 surveys, of which 14 were from residents. The top three topics were business development, the DeltAlert system and the City Manager's responsibilities and challenges. 7:00 p.m. was the preferred start time for such meetings. The preferred length of the meetings was 1.5 hours. In regards to how people found out, a majority were through the City's website or social media. Only five businesses responded from the invitations sent out by the City. He thanked the Commission members who were in attendance and Mr. Morlock and Sarah Sisson for planning the event. In regards to the City Expo on March 2, he thanked Mr. Savage for chairing the event and Mr. Franklin for his help. He thanked the Commission members who manned the front desk or who served as judges. His biggest thanks went to the staff and employees who made the event work. He stated that unofficially, this is an annual event. The members at the front desk were busy handing out bingo sheets, informing people of upcoming events, asking questions and counting attendees. They counted over 200 people coming through the doors. Ms. Asher reported that 87 bingo cards were returned and 90 BluesFest cups were given out. The busiest hours were from 12:00 p.m. to 1:00 p.m. and from 11:00 a.m. to 12:00 p.m. Ms. Asher received 24 surveys and there are more surveys that have been completed on-line and have not yet been analyzed. In asking what people liked best about the event, one person told him that it was the fact the City was having the event. The event went better than expected and he would like to see it carried on into the future. He believes one of the reasons for the attendance was the promotion done by Marketing. There have been issues in the past regarding attendance at outreach meetings. They have struggled in the past on promoting events most effectively and asked that Council and staff help the Commission become more successful. He believed that if the same level of marketing for the Expo was put into other events, then all would benefit. The next Commission events include the Energy Smart in Bedford event on April 20 and a community outreach meeting on school safety on May 7.

In answer to questions from Council, Mr. Grubbs stated that the event was advertised to homeowner's associations via an email list and through registrations from previous events. Mr. Morlock is working on a project to update the homeowner association contact list. There was discussion on involving other organizations including crime watch groups; communications and marketing; finding better ways to connect with the citizens and businesses; translating the efforts and synergy from the Expo toward other outreach meetings; using the Expo as a stepping stone to do bigger things with the Commission; and the value of the Marketing Specialist position.

NEW BUSINESS

- 5. Consider an ordinance amending the budget of the City of Bedford, Texas, for the fiscal period of October 1, 2012 through September 30, 2013; and declaring an effective date.**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the City of Fort Worth for the 2012 Byrne Justice Assistance Grant (JAG) Formula Program Award.**

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This item was approved by consent.

- 7. Consider a resolution approving an Encroachment on Easement Agreement with Oncor Electric Delivery Company LLC for the Bedford Trails, Harwood Road-Cummings Drive Section.**

This item was approved by consent.

- 8. Consider a resolution approving a License Agreement with Oncor Electric Delivery LLC for the Bedford Trails, Harwood Road-Cummings Drive Section.**

This item was approved by consent.

- 9. Consider a resolution approving a License Agreement with Oncor Electric Delivery LLC for the Bedford Dog Park.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to purchase a trail wellness system in the amount of \$36,057.64 through the Buy Board Cooperative Purchasing Program.**

Parks Superintendent Don Henderson presented information regarding this resolution. The original exercise stations were installed in 1980 and were constructed of wood and metal parts. The wood has broken down due to exposure to the elements. The new system consists of seven different stations with three exercises at each station for a total of 21 exercises. The new stations will be made of metal and six will be wheelchair accessible. The system will have a lifetime warranty on the steel posts and hardware, a ten-year warranty on welds, grab bars, seat post and instruction panels and a five-year warranty on all moving parts. Each station will be installed on a concrete pad.

There was discussion on whether this was the appropriate time to fund such an item with the recent approvals of a sign at the Old Bedford School and the emergency situation of purchasing a pump.

Motioned by Councilmember Brown, seconded by Councilmember Turner, to approve a resolution authorizing the City Manager to purchase a trail wellness system in the amount of \$36,057.64 through the Buy Board Cooperative Purchasing Program.

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

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

Voting in opposition to the motion: Councilmember Olsen.

- 11. Consider a resolution naming the Fort Worth Star-Telegram the official newspaper of the City of Bedford and entering into an advertising contract with the Fort Worth Star-Telegram for the term of one year.**

This item was approved by consent.

- 12. Consider a resolution appointing two members to the Beautification Commission and one member to the Cultural Commission.**

This item was approved by consent.

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

✓Animal Shelter Advisory Board - Councilmember Olsen

Councilmember Olsen reported that the Board met last Wednesday and stated they have accomplished so much since January 1. Previously, there has not been a formalized volunteer program. The Board has put together a final rough draft of a manual to train volunteers. As of Wednesday, they have three finalists to be a volunteer coordinator at the Shelter. Trained volunteers would be able to take animals out to off-site adoption opportunities as opposed to paid staff members. Volunteers could also assist in cleaning, helping with cages, and socializing and training animals. This would come at no additional expense to the citizens. The Board has also worked at better communicating for other events including the Pet Fair scheduled for April 13. 22 vendors have already confirmed for the Fair. Arson dog Rio and Police dog Bowie will be there as well as a pet photographer. There have been a lot of outside organizations coming into the Shelter including a GSA troop to work on a service project.

✓Beautification Commission – Councilmember Turner

Councilmember Turner reported that the Commission is approaching their busy time of the year. The spring kickoff for the Community Garden is Saturday, March 16. He welcomed the two new Commission members who were appointed earlier. The Commission is working hand-in-hand with Teen Court, which has been very beneficial including their help at the Boys Ranch. There are still open places on the Commission and he urged people to apply.

✓Community Affairs Commission - Councilmember Boyter

Councilmember Boyter thanked the staff and Council for their support of the City Expo. He stated that the Commission will be hosting the Consumer Energy Expo, Saturday, April 25 from 1:00 p.m. to 5:00 p.m. at the old library building.

✓Cultural Commission - Councilmember Nolan

Councilmember Nolan reported that Commission is on spring break but the Council did meet with the new alternate, who will be joining the Commission very quickly.

✓Library Board – Councilmember Brown

Councilmember Brown reported that the Board met two weeks ago. The SuessFest had over 3,000 people in attendance and it was very successful..

✓Parks & Recreation Board - Councilmember Davisson

Councilmember Davisson reported that the Board met earlier this month. They had the ground breaking for the Dog Park and the grand opening is scheduled for June 1 from 9:00 a.m. to 11:00 a.m., with the ribbon cutting at 10:00 a.m. Brown Trail Animal Hospital has donated \$1,500 to sponsor a bench.

✓Senior Citizen Advisory Board - Councilmember Turner

No report was given.

✓Teen Court Advisory Board - Councilmember Olsen

Councilmember Olsen reported that the Board met last Tuesday. Their scholarship banquet is scheduled for April 25 at the Hurst Conference Center. They have been in conversations with Papa John's restaurant on Harwood Road to have nights designated to support Teen Court.

14. Council member reports

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Mayor Griffin reminded Council that they have a bed at the Community Garden and that there are a host of vegetables they can participate in planting. He stated that the CI Host building is no longer at the corner of Central Drive and Highway 183 and that debris is being rapidly picked up. Tomorrow there will be the long awaited opening of Twisted Root.

15. City Manager/Staff Reports

Ms. Griffith reported that the spring CPR event will be held April 12 – 13. They are looking for volunteers to help with the program and also looking for applications.

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

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

ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:20 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary