

Council Minutes February 25, 2014

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met 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 25th day of February, 2014 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Ray Champney	
Jim Davisson	
Patricia Nolan	
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
Cliff Blackwell	Administrative Services Director
Roger Gibson	Police Chief
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director
Maria Redburn	Library Manager
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director

WORK SESSION

Mayor Griffin called the Work Session to order at 6:00 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: 3, 7, 8, 9, 10, 11, 12 and tabling Item #5 until the March 25 Council meeting.

Deputy City Manager David Miller presented information on Item #5, which is for entering into a partnership with Utility Service Partners for water and sewer line insurance. Their program is endorsed by the National League of Cities and would be offered by the company, not the City. It would provide insurance protection and coverage for sewer lines from the City's point of entry to the house and/or water lines from the tap to the house. Council had asked that staff bring this item back for consideration.

In answer to questions from Council regarding the City endorsing the program and verbiage of the letter to go out to residents, Brian Davis with Utility Service Partners stated that there are four versions of the letter the City can choose from; that using an endorsement-type of letter would yield the highest homeowner participation; that the program is first and foremost an awareness campaign; that if the City does not authorize the program, the company would not offer it in Bedford; that other companies solicit in the City but that less than one percent will enroll through direct mail marketing; and that the letter can

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be edited to satisfy the City. There was discussion on using the verbiage from the resolution and concerns about the City marketing the company. Mr. Davis stated that the company is paying for everything, and by having the City logo on the envelope, more residents would open the letters and enroll, so the company does not have to come up with exclusions. There was further discussion on concerns over endorsing the company or a product; the age of facilities in the City; citizens contacting the City about this type of program; the company being endorsed by the National League of Cities; citizens making their own decisions; the City evaluating other options; and concerns with the City advocating for a company which is in a market with other companies. In answer to questions from Council regarding the company not offering their product without the City's endorsement, Mr. Davis stated that they do not deny claims unless the homeowner has not paid for their service, and that they cover up to \$8,000 for the lines. He discussed other private-public partnerships; adding language to the letter about other companies; that it is a partnership and an endorsement; and that they would only use Bedford-based plumbers, so the money stays in the community. There was further discussion on the verbiage of the letter and it coming from the City; tabling the item to allow Council and staff to review letter templates; Council not receiving the letter or templates beforehand; and giving unfair advantage to businesses and influencing the market place. Mr. Davis stated that they get about a 25 percent enrollment in North Texas; that the company would do better with the logo; and that there is not another company doing what they are doing, which is water and sewer line repair and replacement. There was discussion on the packet of information received by Council previously; having the letter state that the City would receive money per sign up; that the company approached the City; and whether there needed to be a bidding process. Mr. Miller stated that the RFP process was already done through the North Central Texas Council of Governments and that they would bring back the process that they went through for their selection. Council was of the consensus to table this item until the March 25 Council meeting.

City Secretary Michael Wells presented information regarding Item #7, which is to order a special election for May 10, 2014 for proposed amendments to the City Charter. He stated that it would be held in conjunction with the regular election and that the amendments are as presented by Roy Savage, Chairperson of the Charter Review Committee, at the previous Council meeting. There was discussion on combining the municipal court with other cities; and concerns over eliminating the term limits for the judge.

Public Works Director Tom Hoover presented information regarding Item #11, which is a changer order for the largest valve replacement as part of the Northwest Pressure Plane Project, in the amount of \$15,500. At the previous meeting, there was an agenda item rejecting bids for the valve replacement and there are significant savings in rejecting the bids and bringing the valve replacements in-house.

Administrative Services Director Cliff Blackwell presented information regarding Item #9. He stated that the City uses an independent audit firm to audit their financials; to test to see if they are prudent, fiscally responsible, and if there are any material misstatements; and to test internal controls to see if they are susceptible to fraud. Kevin Kemp with BKD discussed the City receiving the Certificate of Achievement given by the Government Finance Officers Association (GFOA) for the 17th consecutive year and that they should receive it again this year; that BKD issued an unmodified opinion, which is a clean opinion; highlights for 2013 as compared to 2012; a ten-year trend on financials, revenues, debt capacity, demographics, economics, and operations; that the audit was done with generally and governmentally accepted auditing standards; that they did not have any concerns with the City's accounting policies and procedures; that they agree with the City's accounting estimates; that they did propose some audit adjustments; that there was discussion on an issue with internal controls; and that the City is currently tweaking some policies and procedures. In answer to questions from Council, Mr. Kemp stated that the Certificate of Achievement is based on a list of requirements of the GFOA to which the City has to adhere.

Mayor Griffin adjourned the Work Session at 6:55 p.m.

EXECUTIVE SESSION

To convene 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 City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road.

The Executive Session was not held.

REGULAR SESSION 6:30 P.M.

The Regular Session began at 6:55 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 from Arise and Shine International Ministries gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 3, 7, 8, 9, 10, 11, 12 and to table Item #5 until the March 25 Council meeting.

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:

Brett Bowen, Police Department – 10 years of service
Mike Cottrell, Public Services – 20 years of service

2. Proclamation declaring March 2014 as Multiple Myeloma Awareness Month in the City of Bedford.

Mayor Griffin read a proclamation declaring March 2014 as Multiple Myeloma Awareness Month in the City of Bedford. Albert Rockwell with the North Texas Multiple Myeloma Support Group was present to accept the proclamation.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:
 - a) February 11, 2014

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) **Norman Ashton, 3304 Norman Lane, Bedford, Texas 76021 – Requested to speak to the Council regarding home businesses.**

Mr. Ashton withdrew his request to speak.

OLD BUSINESS

5. **Consider a resolution authorizing the City Manager to enter into a Marketing License Agreement with Utility Service Partners (d/b/a Service Line Warranties of America) for the National League of Cities (NLC) Service Line Warranty Program.**

This item was tabled to the March 25, 2014 Council Meeting.

NEW BUSINESS

6. **Public hearing and consider an ordinance to rezone the property known as Lots CR, and ER, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas; amending Ordinance Number 00-2554 from Heavy Commercial/Specific Use Permit/Auto Sales, and Ordinance Number 02-2655 from Heavy Commercial/Amended Specific Use Permit/Auto Sales, Service and Repair, to Heavy Commercial/Amended Specific Use Permit/New & Used Cars & Truck Sales/Service specific to Section 3.2.c(8)d, NEW AND USED CARS AND TRUCK SALES AND SERVICE of the City of Bedford Zoning Ordinance allowing for used car sales for Mac Churchill AutoMall. The property is generally located north of State Highway 183 and east of State Highway 121. (Z-245)**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. The case is to locate Mac Churchill Automall at 3737 Airport Freeway with the principle land use being to sell used automobiles. The location previously housed a new car dealership and has remained without an operator for three years. At a previous Council meeting, Council approved amending the Zoning Ordinance to remove the restricted use section of the Master Highway Corridor Overlay District (MHC) to allow for used car and truck sales as a principle use. There would be minimal changes to the site, so if there is any legal non-conformity, they would not be required to come into conformance at this time. Any changes greater than 20 percent would have to come into conformance. The property is zoned H-Heavy Commercial and is in the MHC, and the sale of used cars would be a permitted use with a Specific Use Permit. The property totals 11.1 acres and the building area is 66,181 square feet. There is ample parking with 681 spaces. The only changes to the site would be painting and replacing landscaping. The site is legal non-conforming for front yard setback and landscaping due to the highway expansion. If changes are made based on Section 5.4.A(2) of the Zoning Ordinance, then the site would have to come into compliance with the MHC. The Comprehensive Plan indicates the location to be commercial so there is no conflict with the Plan. The Planning and Zoning Commission approved this case with the stipulations that the SUP shall be granted to the specific name of the business and not run with the land or be applicable to any subsequent user, and that any repainting would have to be earth tone in color. In answer to a question from Council, Ms. Reyff stated that parking goes with the use of the building.

Mayor Griffin opened the public hearing at 7:09 p.m.

Al Zim - 1804 Reliance Parkway, Bedford – Mr. Zim stated that he is the only property owner adjacent to the site and he endorses this activity to bring the building, which has been vacant, back to real life. He stated that Mr. Churchill has done a marvelous thing for the City and that it would help with property and

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sales tax. It is his opinion that the Council should endorse this 100 percent to start the business as soon as possible and thank Mr. Churchill. He stated that the first restriction from the Planning and Zoning Commission was too harsh and that if another company would come in, they would have plenty of money and be a reputable organization.

Mayor Griffin closed the public hearing at 7:12 p.m.

Motioned by Councilmember Davisson, seconded by Councilmember Nolan, to approve an ordinance to rezone the property known as Lots CR, and ER, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas; amending Ordinance Number 00-2554 from Heavy Commercial/Specific Use Permit/Auto Sales, and Ordinance Number 02-2655 from Heavy Commercial/Amended Specific Use Permit/Auto Sales, Service and Repair, to Heavy Commercial/Amended Specific Use Permit/New & Used Cars & Truck Sales/Service specific to Section 3.2.c(8)d, NEW AND USED CARS AND TRUCK SALES AND SERVICE of the City of Bedford Zoning Ordinance allowing for used car sales for Mac Churchill AutoMall. The property is generally located north of State Highway 183 and east of State Highway 121 to include the stipulations set out by the Planning and Zoning Commission.

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

- 7. Consider an ordinance calling an election to be held on May 10, 2014, in the City of Bedford, Texas for the purpose of submitting to the qualified voters of the City of Bedford for the adoption or rejection of proposed amendments to the existing city charter; designating the official polling places and appointing election officials; prescribing the form of the ballots; providing for notice of the election; and providing generally for the conduct of the election.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to expend funds for an annual payment in the amount of \$45,072 for the renewal of the extended maintenance, technical support agreement and server replacement plan with Innovative Interfaces, Inc.**

This item was approved by consent.

- 9. Consider a resolution accepting the report from the independent auditor and the audited financial statements for the fiscal year ended September 30, 2013 and providing an effective date.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to enter into an additional software license agreement with New World Systems for the replacement of the City's Municipal Public Administration Software application in an amount not to exceed \$617,240, which includes a one-time technology upgrade of \$572,240 in software costs and \$45,000 in travel and training costs.**

This item was approved by consent.

- 11. Consider a resolution authorizing the City Manager to approve Change Order Number One for the Northwest Pressure Plane Project in an amount not to exceed \$15,500.**

This item was approved by consent.

- 12. Consider a resolution authorizing the City Manager to enter into a professional services contract with Pacheco Koch, LLC in the amount of \$22,446 for the Simpson Terrace Elevated Storage Tank Interior Coating Project.**

This item was approved by consent.

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

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

Councilmember Boyter discussed the upcoming Pet Fair.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reminded everybody about the Clean Up Bedford and Chunk Your Junk Days on March 29.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter mentioned several members of the Commission in attendance including Cynthia Williams, Roy Savage and Gary Morlock. He reported that the Commission's last meeting was lively and efficiently produced. It was an opportunity to sit down and discuss what the members liked about the City as well as future opportunities including: being the center of everything; the quality of life; the homey feel of the community; the spirit of volunteerism; the Boys Ranch; being business friendly; getting more people involved in the community; what the City can do to draw in more and higher-end businesses; encouraging recycling in City facilities; spending less time nit-picking certain ordinances; walking trails and healthier living; improving the City's website and ability to communicate with residents and other people; and improving facilities in the southern part of the City.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission had a joint meeting with the Council the previous night regarding the Cultural District designation and that they do not have a meeting for another week.

✓ **Investment Committee - Councilmember Turner**

Councilmember Turner reported that the Commission met on February 20 and that the City's money is safe and secure as proscribed by the City's Charter. Regulations are adhered to and investments are in a very safe area. The market for such safe investments is poor and the City's overall return for 2013 was 18 basis points. The amount of money being invested is \$29,850,652 in three major areas of investment, the most rewarding of which are CDs with a return of 46 basis points. Pools of money market funds have a return of 8 basis points and there is a compensating balance of \$4M, which is maintained at no interest but has an equivalent return of 1.04 percent.

✓ **Library Board - Councilmember Davisson**

Councilmember Davisson reported that the Board passed changes to the Library's donation and gifts policies.

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

Councilmember Davisson reported that the Board discussed their goals, the most notable of which is the second phase of the Dog Park.

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

Councilmember Turner reported that the Board will next meet in April.

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

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Councilmember Champney reported that the Teen Court Banquet is April 3.

14. Council member reports

Councilmember Davisson reported that Seuss Fest will be held at the Library on March 2 from 1:00 p.m. to 4:00 p.m. The event has gone from 250 people to more than 2,500. There will be some outdoor activities and there will be extra face painters and balloonists.

Mayor Griffin reported on the joint work session with the Cultural Commission and that they want to find a way to be more proactive and supportive of promoting, marketing, and highlighting what is going on in the City as far as culture. There was discussion on opportunities that exist in the community and moving forward on a joint effort to promote the whole concept.

15. City Manager/Staff Reports

City Manager Beverly Griffith stated that the Pet Fair will be held on April 12.

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

The Executive Session was not held.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 7:25 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary