

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 Chamber of City Hall, 2000 Forest Ridge Drive on the 12th day of October 2010 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Jim Griffin	
Roy W. Turner	

Constituting a quorum.

Roy Savage was absent at tonight's meeting.

Staff present included:

David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Director of Administrative Services
David Flory	Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Bill Syblon	Development Director
James Tindell	Fire Chief

WORK SESSION

Mayor Story 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 item(s) on consent: 3, 4, 6, 8, 9, 10, 11, 12, 13 and 14.

REGULAR SESSION 6:30 P.M.

Regular session began at 6:38 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Dr. Larry Lucas, Mid Cities Bible Church)

Dr. Larry Lucas of Mid Cities Bible Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

James Geer, 2448 Spring Valley Drive – Mr. Geer wanted to address the Council concerning the parking and storing of utility trailers on the streets of Bedford. He stated that it represents a hazard to people walking and driving the streets and does not have a place in Bedford. He stated that Council should consider amending the 72-hour parking ordinance because the police are hampered when trying to enforce it. He recommended enforcing it as a 24-hour ordinance or to not allow overnight parking.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Champney, seconded by Councilman Brown to approve the following items by consent: 3, 4, 6, 8, 9, 10, 11, 12, 13 and 14.

Motion approved 6-0-0. Mayor Story declared the motion carried.

COUNCIL RECOGNITION

1. Proclamation recognizing October 12, 2010 as Disability Day in the City of Bedford.

Mayor Story read a proclamation recognizing October 12, 2010 as Disability Day in the City of Bedford.

2. Proclamation recognizing October 14, 2010 as Jack Norman Day in the City of Bedford.

Mayor Story read a proclamation recognizing October 14, 2010 as Jack Norman Day in the City of Bedford.

APPROVAL OF THE MINUTES

**3. Consider approval of the following City Council minutes:
a) September 28, 2010 regular meeting**

This item was approved by consent.

OLD BUSINESS

4. Consider a resolution authorizing the City Manager to enter into an agreement with Paradigm Traffic Systems, Inc. in the amount of \$771,595 for the Advanced Traffic Management System Equipment. (Tabled at September 28, 2010 Council meeting)

This item was approved by consent.

NEW BUSINESS

5. Consider an ordinance amending the City of Bedford Code of Ordinances Chapter 50 – Emergency Services, Article III – Ambulances.

Fire Chief James Tindell presented information regarding this ordinance. As was discussed during the budget process, ambulance revenue has been steadily decreasing due to a lack of Medicare payments and private insurance companies not paying what they should. Staff looked at alternatives to try and increase the revenue so they can offer the same care they do now. Currently, if a Bedford resident

requests an ambulance, their insurance company is billed and the City will write-off the remaining balance of what insurance does not pay. On a yearly basis, the City writes off approximately \$438,000 in ambulance bills. One alternative staff looked at was a subscription program such as is currently being used in other cities. For \$60.00 a year, a Bedford resident can subscribe to this service and if they utilize an ambulance, the City would only bill the resident what their insurance will pay. Residents who do not subscribe would receive a statement for the remaining balance. He states that the subscription program will bring in approximately \$40,000 a year. If the remaining balance is billed to those who do not subscribe, he stated they may collect in the neighborhood of \$80,000 for net revenue of \$120,000.

Director of Administrative Service Cliff Blackwell addressed Council questions regarding the liability on the City's part for the write-offs of ambulance fees. He stated that there is no liability on the City's side but what is still owed to the City is recorded. Coming into this year, the receivable balance is approximately \$150,000. This balance is made up of the number of billed accounts that are collectable. Current revenues for ambulance services for this year are currently over \$1 million.

In answer to questions regarding why the City has been writing off the remaining balances to residents, Chief Tindell stated that when the City started contracting with Intermedix for billing services five years ago, ambulance bills went up significantly from about \$400-\$500 to \$1300-\$1400. Due to that increase, Council at that time decided to forgive the balance of what is to be owed by residents. Deputy City Manager David Miller stated that ambulance services have never been a profitable part of any municipality. The subscription program solves a portion of the revenue stream issue but he does not believe there is a way for ambulance services to break even.

Many on Council felt that though this was a good first step in addressing falling revenue, further options on addressing the amounts being written off should be discussed and explored.

Motioned by Councilman Turner, seconded by Councilman Griffin, to approve an ordinance amending the City of Bedford Code of Ordinances Chapter 50 – Emergency Services, Article III – Ambulances; providing that this ordinance shall be cumulative of all ordinances; providing for a penalty; providing a severability clause; and declaring an effective date.

Motion approved 5-1-0. Mayor Story declared the motion carried.

Voting for the motion were: Mayor Story, Councilman Fisher, Councilman Griffin, Councilman Champney, Councilman Turner.

Voting in opposition to the motion: Councilman Brown

6. Consider an ordinance amending the City of Bedford Code of Ordinances Chapter 58 – Fire Prevention and Protection, Article IV – Fire Prevention.

This item was approved by consent.

7. Consider an ordinance amending the City of Bedford Code of Ordinances Chapter 82, “Offenses and Miscellaneous Provisions” by creating a new “Article V. Illegal Smoking Products and Ingestion Devices” to prohibit the use, purchase, possession and sale of illegal smoking products containing certain plant, plant products and their derivatives or other substances, and ingestion devices used in connection with the illegal smoking products; dispensing with a culpable mental state; and providing a penalty; providing an affirmative defense for authorized medical use or use in landscaping; and providing a repealer clause, a severability clause, a savings clause, and an effective date.

Police Chief David Flory presented information regarding this ordinance. As was discussed in previous Council meetings, the Police have increasingly encountered K2 and its derivatives including salvia. By Council direction, staff sought legal advice in creating an ordinance making it illegal to use, purchase, possess or sell K2 and its derivatives. He is recommending that Council pass this ordinance to

immediately enforce the ban.

Motioned by Councilman Champney, seconded by Councilman Turner, to approve an ordinance amending the City of Bedford Code of Ordinances Chapter 82, "Offenses and Miscellaneous Provisions" by creating a new "Article V. Illegal Smoking Products and Ingestion Devices" to prohibit the use, purchase, possession and sale of illegal smoking products containing certain plant, plant products and their derivatives or other substances, and ingestion devices used in connection with the illegal smoking products; dispensing with a culpable mental state; and providing a penalty; providing an affirmative defense for authorized medical use or use in landscaping; and providing a repealer clause, a severability clause, a savings clause, and an effective date.

Motion approved 6-0-0. Mayor Story declared the motion carried.

- 8. Consider a resolution authorizing the City Manager to enter into a professional services contract with Schrickel, Rollins & Associates, Inc. for the design of the Schumac Lane/ Monterrey Street Drainage Improvements in the amount of \$106,000.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to enter into a professional services contract with Deltatek Engineering, Inc. for the design of a potable water well at the Simpson Terrace elevated storage tank site and associated piping, water treatment and control systems in the amount of \$120,000.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding with the City of Fort Worth, Texas for the 2010 Byrne Justice Assistance Grant (JAG) Formula Program Award.**

This item was approved by consent.

- 11. Consider a resolution authorizing the purchase of two 2010 replacement traffic vehicles and related equipment in the amount of \$59,990 from Dallas Dodge through the Houston-Galveston Area Council State Contract.**

This item was approved by consent.

- 12. Consider a resolution authorizing the purchase of eight 2011 replacement patrol vehicles and related equipment in the amount of \$235,688 from Holiday Chevrolet through the Department of Public Safety state contract.**

This item was approved by consent.

- 13. Consider a resolution authorizing the purchase of emergency equipment to outfit eight Chevrolet Tahoes in the amount of \$40,830 from John Wright and Associates through the Tarrant County Joint Venture Cooperative Purchasing Program.**

This item was approved by consent.

- 14. Consider a resolution authorizing the installation of emergency equipment and graphics for eight Chevrolet Tahoes in the amount of \$20,800 through John Wright and Associates.**

This item was approved by consent.

15. Discussion and possible staff direction regarding parking of trailers. *Item requested by Councilman Brown**

Councilman Brown asked that this item be placed on the agenda for discussion and possible staff direction. He asked if it is possible to ban trailers and do it in such a way that it will not affect such things as horse trailers or mowing trailers. Per City Attorney Stan Lowery, any ordinance that is passed will have to be applied across the board. Distinctions cannot be made for certain classifications of people or uses or there would be a risk of unconstitutional discrimination. On the enforcement aspect, it is the City's burden of proof to prove a violation has occurred. In order for the City to prosecute a citation, there would need to be actual eye-witness testimony that the vehicle has not moved for that entire period of time. Police Chief David Flory stated that from an enforcement standing, it is difficult to enforce the current ordinance. Currently, a PSO is sent out and chalks the tires; they then go back and check the vehicle after 72 hours. It is easy to circumvent the ordinance by moving the trailer one or two feet, drive around back or move across the street. The only way to prove a violation is to put surveillance on the vehicle for 72 hours. There is difficulty finding a reasonable solution for this issue.

Mr. James Geer was asked by Council if he had any further comments. He stated that once the tires of the vehicle are marked, the owner has 72 hours to move. If the vehicle is not moved, then the owner receives a warning and is given 72 hours to respond to it. He believes that if there is a 24-hour limit, and owners are given citations they will move the vehicles.

Council was of the consensus not to direct staff to take any action on this issue.

16. Council member reports

a) Mayor Story- report on the October 4 Tarrant County Mayor's meeting.

Mayor Story gave a report on the October 4 Tarrant County Mayor's meeting. The meeting was held at the Tarrant County Jail with Sheriff Dee Anderson. He was impressed by what he saw and it was a lot different from what he expected. Approximately \$100 million in taxpayers' dollars goes to the sheriff's department. The inmates do most of the work including cleaning, cooking, running the elevators, and waxing the floors.

b) Councilman Fisher- report on the HOA roundtable meeting.

Councilman Fisher gave a report on the HOA roundtable meeting held on Tuesday September 21. He was pleased by the attendance of 45 people and 15 of the 36 HOAs in the City. Items of discussion included the Prescription Drug Take-Back Day, National Night Out, Shop Bedford First and solar initiatives. Library Manager Maria Redburn gave an update on the new Library and the capital campaign. There was discussion on the 50 cent donation to the Park Board and changing it to a dollar. A representative from 6Stones spoke about the revitalization program. The HOAs discussed ways to protect homes that are in foreclosure such as neighbors watering and mowing the lawns of foreclosed homes. There were questions raised regarding the gas lease offers that many homeowners have received. Finally there was discussion about security and what to look out for. Overall, it was a very good meeting and he encouraged the Community Affairs Commission to hold them quarterly or semi-annually.

17. City Manager report

Deputy City Manager David Miller gave no report at tonight's meeting.

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

No action was necessary as a result of Executive Session.

ADJOURNMENT

Mayor Story adjourned the meeting at 7:53 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary