

Council Minutes September 13, 2011

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 13th day of September, 2011 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Jim Griffin	
Roy Savage	
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	Director of Administrative Services
Roger Gibson	Police Chief
John Kubala	Public Works Director
Jill McAdams	Human Resources Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

CALL TO ORDER

Mayor Story called the Work Session to order at 5:30 p.m.

WORK SESSION

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

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

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 City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments.**
- b) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for group homes.**

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- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to 6Stones, L.L.C.
- d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1, Park Place Restaurant Addition. (Amended Item)
- e) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Sulpher Branch & SB-1.

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments; Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for group homes; Section 551.087, deliberation regarding economic development negotiations relative to 6Stones, L.L.C.; Section 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1, Park Place Restaurant Addition; and Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Sulpher Branch & SB-1 at 5:34 p.m.

Council reconvened from Executive Session at approximately 6:40 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 6:43 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Senior Pastor Marty Akins, First Baptist Church of Bedford)

Senior Pastor Marty Akins of First Baptist Church of Bedford 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 Councilman Champney, seconded by Councilman Turner, to approve the following items by consent: 5, 6, 7 and 8.

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

PERSONS TO BE HEARD

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

- Pamela Stroud, 1820 Wimbleton Drive, Bedford, TX 76021 – Requested to speak to the Council regarding a complaint about 1900 Wimbleton Drive.

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Pamela Stroud, 1820 Wimbleton Drive, spoke to Council regarding the Ohana Residential Home facility at 1900 Wimbleton Drive. She stated that per the Fire Department, the facility has been inspected to have up to 12 people. She is worried that with the services they offer, and the number of cars and traffic that can entail, there would be a gigantic mess. She has talked with Representative Todd Smith's office, who stated that the state may have passed a law allowing these facilities but it is up to the City Council to put restrictions on the law. The HOA's can also be restrictive, but the Bedford Estates HOA is not strong enough to enforce it. In speaking with the agency that oversees these facilities, the only thing they can do is license the facility if they serve more than three people. She spoke with a person in North Richland Hills, who stated that their new codes were not to address this particular facility but businesses in general. She also wanted to make a correction to the minutes of when she spoke at the July 26, 2011 meeting. The minutes stated that she said that Ohana had left North Richland Hills due to the number of cars. What she did say was that Ohana had been in North Richland Hills but were no longer there maybe having to do with the number of cars. She then spoke about a run-in with the person who runs the facility and her daughter. She also was upset about an incident where a person who had died was removed from the facility by ambulance.

Ms. Stroud requested that the City Council enact something that will restrict this type of business from easily setting up. One way to do so is by simply addressing the number of cars. She and her husband are the most severely affected due to the parking that can get out of control and traffic. In speaking with some realtors, she was told this could affect her property value.

Council stated that, at this time, they did not have enough information regarding this issue and that the City Attorney and City staff were looking into Federal, State, and local laws that have to do with this type of facility.

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:

- a) **August 23, 2011 regular meeting**
- b) **August 30, 2011 special meeting**

Motioned by Councilman Champney, seconded by Councilman Turner, to approve the minutes of the August 23, 2011 regular meeting.

Motion approved 6-0-1. Mayor Story declared the motion carried. Councilman Griffin abstained due to not being present at the meeting.

Motioned by Councilman Griffin, seconded by Councilman Fisher, to approve the minutes of the August 30, 2011.

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

NEW BUSINESS

3. Consider and act upon an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2011 through September 30, 2012; levying taxes for 2011; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.

Administrative Services Director Cliff Blackwell presented the Fiscal Year 2011/2012 budget for Council's consideration. The proposed budget is \$56,982,035, which is over \$1M less than the current year's budget. It is made up of 18 separate funds with the General Fund at \$26,822,951 or 47% of the total, which is \$412,000 less than the current year's budget. There are supplemental requests in the amount of \$466,000. There is no increase in full-time staffing or capital outlay purchases. This is a balanced budget. The proposed tax rate is \$0.504329 per \$100.00 valuation, or \$0.012 more than current tax rate. The majority of the increase is tied to the increase in debt service due to the bond issuance Council recently approved.

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Motioned by Councilman Champney, seconded by Councilman Savage, to move that property taxes be increased by the adoption of a tax rate of \$0.504329 per \$100.00 valuation; and approve an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal year October 1, 2011 through September 30, 2012 with the amendment to add \$10,000 to the General Fund for the City's share of the 6Stones CPR Program, which funds will come from the surplus left over from this year.

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

Voting in favor of the motion: Mayor Story, Councilman Fisher, Councilman Savage, Councilman Griffin, Councilman Champney, and Councilman Turner.

Voting in opposition to the motion: Councilman Brown.

4. Consider a resolution to ratify the property tax increase as reflected in the 2011/2012 City of Bedford Program of Services (Budget).

Administrative Services Director Cliff Blackwell stated this item is necessary due to legislation from the State regarding open disclosure. Property tax increases have to be ratified as a separate motion.

Motioned by Councilman Savage seconded by Councilman Champney, to approve a resolution to ratify the property tax increase as reflected in the 2011/2012 City of Bedford Program of Services (Budget).

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

Voting in favor of the motion: Mayor Story, Councilman Fisher, Councilman Savage, Councilman Griffin, Councilman Champney, and Councilman Turner.

Voting in opposition to the motion: Councilman Brown.

5. Consider an ordinance amending the City of Bedford Code of Ordinances, Chapter 82, "Offenses and Miscellaneous Provisions," Article III, "Smoking," by amending Section 82-72, "Prohibited in Certain Areas," in its entirety; providing for a penalty; providing a severability clause; and providing an effective date.

This item was approved by consent.

6. Consider a resolution accepting the City of Bedford Investment Policy.

This item was approved by consent.

7. Consider a resolution authorizing the City Manager to enter into the first year of a four-year contract with Scobee Foods, Inc., for the purchase of prisoner meals for the Detention Facility.

This item was approved by consent.

8. Consider a resolution authorizing the payment to the City of North Richland Hills, in the amount of \$26,036.40, to provide continuous maintenance for subscriber radios and auxiliary equipment to obtain maximum performance.

This item was approved by consent.

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

- ✓ **Animal Control Board- Councilman Griffin**

No report was given.

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✓ **Animal Shelter Advisory Board- Councilman Griffin**

No report was given.

✓ **Beautification Commission- Councilman Turner**

Councilman Turner reported that another Crud Cruiser event is coming up and the date for it will be announced shortly. The Crud Cruiser, which runs twice a year, allows residents to dispose of items such as paint and turpentine, which are not allowed to be put out for the regular trash pickup.

✓ **Community Affairs Commission- Councilman Fisher**

Councilman Fisher stated that the next meeting of the Commission is this Thursday, September 15, at City Hall. The Commission is currently working on residential and business roundtables as well as getting churches involved. They are also working on a green energy fair.

✓ **Cultural Commission- Councilman Champney**

Councilman Champney is pleased to announce that the first meeting of the Commission is on Tuesday, September 20 at City Hall at 6:30 p.m. He is excited about the Commission from a planning standpoint and for future development in the City.

✓ **Library Board- Councilman Brown**

Councilman Brown recognized Ralph Chaney, who has served as Chairperson of the Board since 2007. Mr. Chaney has tendered his resignation as of tomorrow, to focus on different things such as being more involved with the Citizen's Police Academy Alumni Association. Councilman Brown stated that he will be missed and thanks Mr. Chaney for his time and dedication.

✓ **Parks & Recreation Board- Councilman Griffin**

Councilman Griffin reported that the Board is continuing to work on bringing Council information on a Bedford dog park. Members of the Board handed out flyers at the Dog SPLASH Day event last Saturday, asking participants to provide input to the Board about their interest in the dog park.

✓ **Senior Citizen Advisory Board- Councilman Savage**

Councilman Savage reported that a benefits fair will be held at the Senior Center on Friday, September 16 from 10:00 a.m. to 3:00 p.m.

✓ **Teen Court Advisory Board- Councilman Griffin**

Councilman Griffin reported that the Board has scheduled a special meeting for a Saturday to work on some Teen Court issues.

10. Council member reports

No other reports were given.

11. City Manager report

City Manager Beverly Griffith stated that the City has received notice from the City of Colleyville that they are inviting citizens to a public meeting at 7:00 p.m. on Thursday, September 15 at their library. There will be discussion on their 10 year capital improvement program, which includes street improvements at the intersection of Cheek-Sparger and Jackson (Central Drive). Public Works Director John Kubala will be in attendance at that meeting.

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

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

ADJOURNMENT

Mayor Story adjourned the meeting at 7:19 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary