

Council Meeting August 28, 2012

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 28th day of August, 2012 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
John Kubala	Public Works Director
Jill McAdams	Human Resources
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, 5 and 6.

Managing Director of Community Services Mirenda McQuagge-Walden presented information regarding Item #5. It is for a lease agreement with Planet Kidz to hold their Fun Time Live program at the BRAC on Saturdays from 3:00 p.m. to 8:00 p.m. The schedule follows the school calendar. They offer a variety of activities including dances, games and contests along with concessions and a DJ. They pay \$445 each time they have an event, which encompasses the cost of having a staff person at the BRAC. Planet Kidz also pays for an off-duty police officer in addition to the \$445. It is well attended with approximately 250 children in attendance each night.

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- **Staff report on Police Department and Fire Department overtime.**

Police Chief Roger Gibson presented information on Police Department overtime. The proposed overtime budget for next year shows a reduction of \$16,000. Major factors that contribute to overtime include SWAT and weapons training; mandatory training for sworn personnel made up of 3,200 hours over a two-year cycle; vacation and holidays; callouts; surveillance details; K9 training; community events; and special events whereby the overtime is paid out of the fund but is reimbursed. In comparing to the neighboring agencies in Hurst, Euless and Grapevine, Chief Gibson presented a chart showing combined salary and benefits, along with overtime, for police and fire. This chart showed that Bedford was significantly below the other cities. In comparing directly with the Hurst Police Department, their overtime budget is slightly smaller; however, the proposed budget for the Bedford Police Department will lower the overtime to approximately \$398,000 next year. In regards to control measures to try and anticipate and monitor overtime, overtime requests have to be authorized on direct supervisory and department manager levels. An administrative analyst tracks and categorizes the overtime. For training, patrol corporals work with the training sergeant to coordinate training and all training must be approved by department managers. A comparison of the overtime budget going back to Fiscal Year 2009/10 shows that it has decreased every year and at the same time, expenditures every year have been less than the authorized budget. There is a difference of \$67,500 between FY2009/10 and the proposed budget and a total of \$154,000 overall. They are on pace to come in under budget this year as well. Since February of 2011, savings have included the reduction in the fleet of 18 vehicles, the elimination of one PSO position, combining two secretary positions into one, three authorized police officer positions remaining authorized but unfunded and the possibility of a multi-agency SWAT team.

Council and staff discussed if the reduction in overtime is an ongoing trend; minimum staffing levels; the impact on service and safety; checks and balances to prevent people from taking advantage of overtime; the multi-agency SWAT Team; overtime being paid at time and a half; the percentage of overtime to salary and benefits in comparison with other cities; and the move to twelve hour overlapping shifts.

Fire Chief James Tindell presented information on Fire Department overtime. The Department of Labor states that in a 28-day pay period, a firefighter cannot work more than 212 hours without receiving overtime. Firefighters work a 24-hour shift and then are off for 48 hours. Typically, they work nine, 24 hour shifts, which equates to 216 hours and therefore, they automatically receive four hours of overtime a month. This accounts for a large percentage of overtime. Once every three months, a firefighter is required to work 10 shifts in that 28 day period, for a total of 240 hours, which would equate to 28 hours of overtime. The City has opted instead to give them an unpaid and scheduled day off called a "Kelly Day". The minimum staffing per shift is 16; however, 19 firefighters are assigned. In contrast, Hurst has a minimum of 16 and assigns 17 while Euless has a minimum of 16 and assigns 21. A comparison of overtime budgets shows that Bedford is at \$334,000, Hurst is at \$508,000 and Euless is at \$104,000; however, Euless does not require as much overtime because they assign more firefighters per shift. An overview of previous years overtime budget shows that in FY2008/09, the amount budgeted was \$400,000, with \$345,385 actually being spent and \$5,800 being reimbursed; in FY2009/10, \$300,000 was budgeted with \$386,792 being spent and \$12,943 being reimbursed; in FY 2010/11, \$350,000 was budgeted with \$353,406 being spent and \$19,980 being reimbursed; and in 2011/12, \$334,000 was budgeted with \$349,475 being spent and \$20,859 being reimbursed. The biggest portion of overtime, at 2,964 hours, is the four overtime hours a month. Other causes are jury duty; hold over; assigned to days, an example of which happens when somebody becomes injured and are assigned to days but their slot still must be covered; training including state-mandated and NEFDA; sick leave; military; emergency leave, callouts; personal days; and vacant positions. Control measures include that the deputy chief must approve all training; overtime must receive prior authorization and have approval by the supervisor and deputy chief; tracking of overtime by a coordinator; and a strict overtime callback

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policy.

Council and staff discussed the increase in assigned-to-days due to on-the-job injuries; emergency leave; the Fire Department policy whereby no more than three people are allowed off at a time on scheduled leave; the impact of filling the vacant positions on the need for overtime; vacation time; the lack of buffer zones in some Police Department divisions; and required versus discretionary training.

Mayor Griffin adjourned the Work session at 6:25 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:

- **Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1A, Bedford Plaza Addition.**

Council did not meet in Executive Session.

REGULAR SESSION 6:30 P.M.

The Regular Session began at 6:31p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Pastor Tyler Downing, Woodland Heights Baptist Church)

Pastor Tyler Downing of Woodland Heights Baptist Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Bill Ellis, 1004 Monterrey Street – Mr. Ellis signed up to speak on Items 1(b) and 4. In regards to Persons to be Heard, he stated that the agenda is on the internet but not what Mr. Champney is going to say. He stated that leveraging means money to back it up and local governments do not usually spend money correctly. If it was profitable, the private sector would be involved. He has to assume that the City is going to be putting money out and that the amount is relevant. In regards to the budget, he stated that there are nine surrounding cities with nine police and fire chiefs and 300-400 employees in each city. He is concerned about how money is being spent and that the City should be pulling back on their spending. Council discussed with Mr. Ellis what Mr. Champney was going to speak about and that he could speak about the budget under the public hearing on Item #4.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve the following

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items by consent: 2, 5 and 6.

Motion approved 7-0-0. Mayor Griffin 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:

- a) Amy Sabol, 2209 Pine Thicket Lane, Bedford, TX – Requested to speak to the Council on a single family home rental ordinance.**

Amy Sabol, 2209 Pine Thicket Lane – Ms. Sabol stated that she still believes that residents need a single family rental ordinance. Several surrounding cities already have this ordinance. Her position is to retain property values and maintain revenue. Property taxes are 25% of the budget and the future would be dim if they are not maintained. There is a rental property next to her home and last winter, there was a tenant living there with no water or electricity and keeping warm with a gas fireplace. With the ordinance, the property would have been red-flagged when the water was shut off and the person would have been evicted for health and safety reasons. She cited a Star-Telegram article regarding the current generation being scared of commitment and stated that she doubted Council's theory that the rental population in Bedford would remain the same. When she spoke to Council in March, there were 30 residents in attendance who supported her position. In speaking previously with the Deputy City Manager, it was explained that the process for such an ordinance was long but that it had legs. However, in July, Council decided not to pursue an ordinance but to enhance current codes and code enforcement. The research from the Deputy City Manager showed that out of 13,400 single family residential homes, 1,400 were rentals. She asked Council to enhance the current code with this single family rental ordinance that mirrors those in other cities. It could be used as a vehicle to enter and inspect homes on a periodic basis to ensure that City building codes are upheld, housing quality standards are met and to maintain the habitability of rented homes. She suggested that Council also address the number of unrelated people living in a single family home such as an official rate of occupancy. She questioned why the City would not want to inspect these houses like they would an apartment. Having these houses registered would also deter illegal activity.

Ms. Sabol spoke about the Council Work Session on August 16 that she attended, where Council discussed the parameters they wanted staff to follow in regards to Code Enforcement including better enforcement, cleaning up the City and the plans to achieve these goals. She stated that this did not address the problem in that there is no viable way to enforce many of the codes because the City does not have access to the interior of these houses. After studying the codes, she stated that many of them rely on neighbor complaints and that the City is shirking their responsibility. There are no rental codes for single family residents including duplexes or triplexes and neighborhoods have no protection. In regards to why Council may be reluctant, she cited a court case with Grand Prairie where that city was taken to court based on the Fourth Amendment to the Constitution. However, they removed the mandatory inspection clause and allowed the owner to have the city or a state-licensed inspector perform the inspection. The court case was then dismissed.

Ms. Sabol stated the point was that the City cannot allow homes to be rented without periodic inspections. If a house cannot pass inspection to sell, there is a very good chance it would be rented. She stated that Texas has a "Landlord Liability and Tenant Remedies" ordinance; however, it is not enforceable because tenants will not complain due to possible repercussions. She stated it is the landlords' responsibility that their lease building meets City codes. She suggested that Council meet with Vance King from the City of Hurst regarding their ordinance. She stated that in researching the North Richland Hills' ordinance, they received several letters from realtors and leasing agents

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discouraging them from passing the ordinance because it was way too restrictive and slowed the process down; however, the city guarantees an inspection within 24 hours. In speaking with one realtor, he suggested that the reason the Bedford City Council was not interested was due to the lobbying efforts of the MetroTex Association of Realtors, who she says has endorsed five of the current Council members. She stated that Council needs to divert their attention away from MetroTex, concentrate on their constituents and to give them this ordinance.

In answer to questions from Council, Building Official Russell Hines stated that the City does address density through a minimum housing code. In order to gain access to owner occupied homes or apartments would require a search warrant. Council generally discussed with Ms. Sabol raising the standards of the City and the best way to address code issues. They also refuted Ms. Sabol's statements in regards to MetroTex.

b) Ray Champney, 2300 Marshfield Drive, Bedford, TX – Requested to speak to the Council regarding a conceptual follow-up on Leveraging the Cultural District, Central Bedford Development Zone and The Mayor's Challenge.

Ray Champney, 2300 Marshfield Drive – Mr. Champney stated that he wanted to reinforce his previous presentation and recommendation regarding leveraging the Cultural District and the CBDZ. He understood that staff was instructed to explore options regarding the Mayor's Challenge and he felt that he needed to make a more in-depth presentation. The whole idea is for the Cultural District to serve as a mechanism to move to the next level of development. He completed the application questionnaire for the Mayor's Challenge and went through each item to clearly articulate his position. His vision is revitalization through asset analysis, repurposing and management and, in the City's case, to use arts and culture along with urban planning to create community environments whereby citizens are enriched and new businesses are developed. In regards to what makes his idea bold or innovative, he stated that it utilizes existing resources by repurposing what exists to create a new dynamic that will embrace all the residents and the surrounding communities, citing the new Library as an example. Existing assets should continue to be surveyed to create community enrichment programs that will act as a stimulus to revitalize Central Bedford. It involves all community stakeholders. Regarding whether the idea is new, he stated that his idea has been implemented elsewhere but is new and improved by using arts and culture as an economic engine, with the new part being leveraging the Cultural District to move to the next level of development. He stated that commitments need to be made before each phase of the plan. In regards to the creative or unexpected use of City assets, he cited creating a centralized location for different constituents to display their talents, which will contribute to their lives and the wellbeing of the City. It will create a unique, non-competitive point of differentiation while embracing what the surrounding cities have to offer. Regarding the Mayor being able to galvanize resources and partnerships across sectors thereby extending an idea's reach, he stated that it does and cited examples of cities and regional partners that have embraced the concept and showed that a cultural district would have wide support and usage.

In summation, Mr. Champney stated that the City has gone through an entire process that can be put forth to show the City's commitment to this project. He mentioned critical partners that have been spoken with so there is interest from outside partners. In regards to monetary resources, he stated that assets have been employed to start the process. Risk factors include a failure to communicate, moving too quickly without doing due diligence, and not moving quickly enough so that it is preempted by a surrounding municipality. In regards to outcomes, he stated that vibrant communities thrive and all constituents benefit in a variety of different ways depending on their participation in the revitalized City, citing the new Library as an example. A broad sense of community will be created along with multiple educational, entertainment and artistic opportunities. Jobs will be created, existing businesses will benefit and sales tax revenue will be generated.

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APPROVAL OF THE MINUTES

- 2. Consider approval of the following City Council minutes:**
 - a) August 10, 2012 budget work session**
 - b) August 14, 2012 regular meeting**
 - c) August 16, 2012 work session**

This item was approved by consent.

OLD BUSINESS

3. Update on the 2012 Blues & BBQ Festival.

Special Events Coordinator Wendy Hartnett presented Council with an update on the 2012 Blues & BBQ Festival. She stated that they have booked 64 BBQ teams, 67 BBQ judges, 27 people in the judging class and over 50 artisans. There are currently over 700 ticket holders, 210 volunteers, 325 "Groupons" sold and 700 VIP invites. This equates to approximately 2,500 people. They have sold \$21,696 worth of tickets. The festival was featured in Texas Highways fall festivals update. They also put out the "Groupon" and the Shop Bedford First coupons. One of the BBQ teams, Smoke and Ice, will be highlighted on Good Day this Friday. Herself, staff, "Blueford" and a couple of the BBQ teams will be partying at Victory Plaza on Friday from 5:00 a.m. to 8:00 a.m. on Channel 8. BBQ Pitmasters will be joining the event having their own competition and using the festival as a backdrop. A Canadian documentary called the BBQ Crawl will be filming a team from Canada. In regards to communicating that BBQ Pitmasters is coming to town, Ms. Hartnett stated that they just received a commitment from them seven days ago. Their public relations firm sent a massive media alert three days ago. It will be advertised to Michigan and Alabama fans during the game this weekend, in 20 newspapers, TV, radio and BBQ related websites. It is also featured on the City's Facebook page and the public relations firm has sent out an additional release. Ms. Hartnett reminded Council and the audience that this event is funded through the hotel/motel tax.

NEW BUSINESS

4. Public hearing on the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2012 through September 30, 2013; levying taxes for 2012.

Administrative Services Director Cliff Blackwell presented information on the annual budget. He stated that the budget is kept within the Council's goals, mission statement and critical focus areas, including economic development; City codes/fostering the City's image; and the budget. Financial highlights include a proposed budget of \$58,649,510, a 2.9% increase in maintenance and operations over last year. The entire increase is due to supplementals and a compensation package. The proposed revenue budget is \$59,411,838, two-thirds of which is made up of the General Fund, the Water and Sewer Fund and the Debt Service Fund. In regards to expenditures, any increases are as a result of supplemental requests and the compensation package. The package is divided between a lump sum payment for full-time and permanent part time employees who have been employed at least one year and a 2% merit raise beginning on April 1 of 2013 for those same employees as long as they are off probation. General Fund revenues equal \$27,475,032, for an overall increase of \$651,962. The biggest sources of the revenues are property, sales and franchise taxes. In regards to expenditures out of the General Fund by function, the Police and Fire Departments make up 61% of the total. From a classification standpoint, 78% of expenditures are personnel related. Funded supplementals include a vehicle lift, a fire inspector position, replacing self-contained breathing apparatus, the establishment of a Library Maintenance Fund, the Fund's portion of the increased mowing contract, a replacement mower and on-line software for Recreation. Council recommended funding supplementals for Staffing Option

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#1 for the Library, a Code Enforcement initiative, a battalion chief's vehicle and exercise stations for Bedford Trails. The current tax rate is \$0.504329, the effective tax rate is \$0.499197 and the rollback rate is \$0.504329. The proposed tax rate is the same as the effective tax rate of \$0.499197. A tax bill comparison shows that the maintenance and operations portion of the rate will decrease 1.6%. A home valued at \$100,000 will see their bill decrease by \$5.13; the medium home value of \$145,754 will see their bill decrease by \$7.48; and a home valued at \$250,000 will see their bill decrease by \$12.83. A comparison of taxable value over the years shows a \$63M increase in valuations over the previous year. This year's taxable value shows a 2.2% increase over the previous year while there was a slight decrease in average net taxable value. Mr. Blackwell displayed a graph showing the tax rate history and explained that recent increases can be tied to drops in valuation. The total current tax rate is \$2.559196, of which Bedford makes up 20% of the total. He also displayed graphs comparing the current tax rate and the proposed tax rate with other area cities.

Other major funds include Water and Sewer with total revenues of \$19.354M and expenditures of \$18.5M. 62% of expenses are for water purchases and sewer treatment services. 18% is tied directly to debt service and transfers and another 20% is for operations. Supplementals from the Fund include handheld meter reading devices, increased utilities for the Simpson Terrace Well, capital items including a van and truck, a pilot program with Tarrant County, the Fund's share of the increased mowing contract and a light tower system. The Stormwater Fund has revenues of \$1.3M and expenditures of \$1.287M, half of which are transfers to the General Fund and debt services. The only supplemental is the Fund's share of the increased mowing contract. In regards to remaining funds, Mr. Blackwell stated that those funds showing a negative have current fund balances. Supplementals include an ambulance out of the Vehicle Replacement Fund, an asphalt paver out of the 4BSIEDC Fund and a marketing specialist out of the Tourism Fund.

Mayor Griffin opened the public hearing at 8:06 p.m.

Dorothy McWhorter, 1600 Martha Drive – Ms. McWhorter stated that in comparing the tax rates with Hurst and Euless, those two cities have a 20% homestead exemption that Bedford does not.

Mayor Griffin closed the public hearing at 8:07 p.m.

Council and staff generally discussed Bedford having a \$50,000 senior exemption compared to \$35,000 in Hurst; the 2% merit increase being an average; what is included in contractual/sundries; the qualifications for a permanent part-time employee; the probationary period for employees; funding for the marketing specialist; and using flex time or funding the unfunded positions in the Police Department to alleviate the amount of overtime.

5. Consider a resolution authorizing the City Manager to enter into a Lease Agreement with Planet Kidz for the purpose of holding the Fun Time Live Program at the Boys Ranch Activity Center.

This item was approved by consent.

6. Consider a resolution authorizing the City Manager to enter into the second 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.

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

- ✓ **Animal Control Board – Councilmember Olsen**

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No report was given.

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

Councilmember Olsen stated that the Board will have a meeting the next evening and they she will share some of the things that were talked about at the previous Work Session. She reported that things are hectic as always at the Shelter.

✓ **Beautification Commission – Councilmember Turner**

Councilmember Turner reported that the Commission met on August 20 and they have a lot of activities planned. The Crud Cruiser will be out on September 24 and there will be a paper shred event on October 20. He urged people to go by the Community Garden, which has been very bountiful. The Commission has plans to treat the street medians including replacing the Bradford pear trees with other trees and crepe myrtles. They are also working on business recognition nominations. The CPR Fall Blitz will be held on October 19 and 20 and volunteers will be working on eight houses in Bedford.

✓ **Community Affairs Commission - Councilmember Boyter**

No report was given.

✓ **Cultural Commission - Councilmember Nolan**

No report was given.

Library Board – Councilmember Brown

No report was given.

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

No report was given.

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

Councilmember Turner reported that the Senior Health Fair will be held on September 14.

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

No report was given.

8. Council member reports

Mayor Griffin reported that the developers at the Bedford Meadows Shopping Center held an event this weekend to thank their tenants. It featured food trucks, a car show and live music and was a wonderful event.

9. City Manager/Staff Reports

City Manager Beverly Griffith reminded everybody about BluesFest. She also stated that the City will be having a remembrance ceremony for 9/11 at the Bedford Library at 7:30 a.m. The Bedford Fire

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Department Honor Guard will be there and there will be an invocation from a local reverend. There will also be comments from the Mayor.

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

No Executive Session was held.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:36 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary