

Council Minutes October 9, 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 9th day of October, 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
Stan Lowry	City Attorney
Michael Wells	City Secretary
Roger Gibson	Police Chief
Russell Hines	Building Official
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director

WORK SESSION

Mayor Griffin called the Work Session to order at 5:31 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, 13, 14, 15, 16, 17, 18, 19, 21 and 22.

- **Discussion and receive Council direction on possible amendments to Code Enforcement ordinances.**

Councilmember Olsen discussed items she has observed since she has been on Council and the different things the City is doing to tie up Code Enforcement ordinances and being more transparent to the community. She displayed the City of Arlington's website, specifically the Code Enforcement and Dangerous and Substandard Structures webpages. Both pages display before and after pictures of what that City is doing as well as what cases they are currently working and completed. She stated that staff is reviewing B-Service to see how something like that could be implemented. Ms. Olsen discussed concerns from a citizen about an assisted living facility in their neighborhood and that other cities have ordinances in place regarding the number of non-related persons living in a home. She also discussed hoarding issues outside of a residence, which is becoming more and more of a problem and the City should look at modifying ordinances and being more proactive. Building Official Russell Hines stated that the current Nuisance Ordinance addresses that very issue. Mr. Hines and Council discussed issues

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related to houses on Murphy Drive having items in their backyards, including vehicles not being parked on all-weather surfaces, and what actions Code Enforcement has taken in regards to these properties. Ms. Olsen discussed other items found on the City of Arlington's website including opportunities for training citizen volunteers to report code enforcement issues on a weekly or monthly basis as well as recruiting city management. She also displayed pictures of her neighborhood showing trash being out before 7:00 p.m. and motor homes parked in backyards where they are visible. Mr. Hines stated that there is no ordinance regarding screening recreational vehicles from public view and that they do not have to be parked on an all weather surface in the back or side yard if they have a six-foot high fence. Council discussed whether it should be a violation if there is something in the backyard behind a fence or a gate but that is still visible.

Councilmember Davisson discussed controlling city-wide the aesthetics on buildings that are put up or redone so that they do not have a building that they find objectionable. City Attorney Stan Lowry stated that the key is clarity and to avoid creating ordinances that are subjective. He stated that instead of approaching it city-wide, that it should be approached zoning district by zoning district. Items like a color and material palettes, signage and height requirements would need to be stated specifically in the ordinance. If Council is interested, he suggested Council direct staff to look at retail corridor and office building design standards. Council discussed having staff look at this issue and come back with suggestions; starting with the commercial properties along Highway 183 and then moving into the core; directing this process at retail properties; and having a full-day work session with the staff from Planning as well as legal help. Council was of the consensus for staff to start this process by putting together broad parameters for the Highway 183 corridor and moving to a longer term work session.

In regards to the maximum number of non-related persons living in a residence, Council will adjourn into Executive Session at the end of the meeting to discuss this item.

In regards to hoarding and vehicles, Police Chief Roger Gibson stated that the Police Department has taken over all issues related to vehicles. Those ordinances may need to be revisited as they are old. Council and staff discussed the Nuisance and Vehicle ordinances; situations where staff cannot enforce the laws that are on the books; updating antiquated ordinances; and keeping Council's concerns in mind when staff updates ordinances.

Council discussed that when staff brings to Council options in regards to ordinances and the additional funding for code enforcement issues, examining the possibility of adding citizen volunteers to that process. Council was of the consensus for staff to explore cost effective methods of enhancing what is displayed on the City's website in regards to what the City is working on in terms of code enforcement.

Mayor Griffin adjourned the Work Session at 6:50 p.m.

EXECUTIVE SESSION:

Council was unable to meet in Executive Session prior to the start of the Regular 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 551.071(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 – code enforcement processes and procedures.**

Council convened into Executive Session pursuant to Texas Government Code 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 – code enforcement processes and procedures at approximately and the max allowable non-family living in a residence at approximately 7:51 p.m.

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Council reconvened from Executive Session at 8:21 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 6:57 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION

Councilmember Turner 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 Councilmember Turner, seconded by Councilmember Davisson, to approve the following items by consent: 3, 13, 14, 15, 16, 17, 18, 19, 21 and 22.

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

COUNCIL RECOGNITION

1. Proclamation recognizing October 2012 as National Community Planning Month in Bedford.

Mayor Griffin read a proclamation recognizing October 2012 as National Community Planning Month in Bedford. Planning Manager Jacquelyn Reyff was on hand to accept the proclamation. She stated it is an honor to serve the City of Bedford. She, along with the Planning and Zoning Coordinator as well as Todd Carlson and Bill Reese of the Planning and Zoning Commission recently attended a state planning conference. She took part in planning the conference and the attendance was much higher than anticipated with 810 people, which was the largest state conference in the country. She wanted to thank the Council and all citizen planners.

2. Consider a resolution authorizing the Beautification Commission to recognize Brown Trail Animal Hospital and State National Insurance Company for maintaining, improving, and/or keeping their property visually attractive to the community.

Beautification Chairperson William Ledbetter presented information regarding this resolution. At their last meeting, the Commission voted to recommend awarding these two businesses for their landscaping and the quality of life they provide to the citizens. The businesses will receive their awards on October 26, with the Brown Trail Animal Hospital at 9:00 a.m. and State National Insurance Company at 9:30 a.m. He also invited everyone to the ribbon cutting for the pavilion at the Community Garden on November 3. The ceremony will start at 5:30 with the ribbon cutting at 6:30.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve a resolution authorizing the Beautification Commission to recognize Brown Trail Animal Hospital and State National

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Insurance Company for maintaining, improving, and/or keeping their property visually attractive to the community.

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

Council approved moving Tim Philpot's presentation under Council Member Reports to after Council recognition.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:
 - a) September 20, 2012 work session
 - b) September 25, 2012 regular meeting

This item was approved by consent.

OLD BUSINESS

4. **Public hearing and consider an ordinance to rezone a portion of the property known as Lot 1R1, Block 1, Harwood Hills Village Addition, 3350 Harwood Road, Bedford, Texas, from Planned Unit Development, PUD to Amended Planned Unit Development, Site Plan Modification in the Highway Corridor Overlay District. The property is generally located south of Harwood Road and west of State Highway 121. (Z-225) (Continued from the August 14, 2012 meeting)**

Mayor Griffin stated that this public hearing was left open from a previous meeting. He invited anybody who wanted to speak regarding this item to come forward. Nobody chose to speak during tonight's public hearing. Mayor Griffin closed the public hearing at 7:15 p.m.

This item will be re-noticed and brought to Council for discussion at a future Council meeting. No other action was necessary.

NEW BUSINESS

5. **Public hearing and consider an ordinance to rezone the property known as Lots 50 and 51, J.R. Murphy Addition, located at 2709 Murphy Drive, Bedford, Texas, from Single-Family Residential Detached District (R-75) and Lot 52, J.R. Murphy Addition, located at 2713 Murphy Drive, Bedford, Texas, from Single-Family Residential Detached District (R-15) to Medium-Density-Residential-Single Family Detached District (MD-3). The properties are generally located south of Harwood Road and west of Murphy Drive. (Z-228)**

Mayor Griffin opened the public hearing at 7:16 p.m.

Nobody chose to speak during tonight's public hearing.

Mayor Griffin closed the public hearing at 7:16 p.m.

This item will be re-noticed and brought to Council for discussion at a future Council meeting. No other action was necessary.

6. **Public hearing and consider a resolution approving a site plan for a stealth cellular tower located at the property known as Lot A1, Block 1, Dallas Federal Addition, 1851 Central Drive, Bedford, Texas. This property is generally located north of State Highway 183 and west of Central Drive. (S-055)**

Mayor Griffin opened the public hearing at 7:17 p.m.

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Nobody chose to speak during tonight's public hearing.

Mayor Griffin closed the public hearing at 7:17 p.m.

This item will be re-noticed and brought to Council for discussion at a future Council meeting. No other action was necessary.

7. Consider an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 1. "Generally" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

City Secretary Michael Wells presented information regarding this ordinance. This was a culmination of Council's discussions during several work sessions regarding attendance at Board and Commission meetings. The new policy is that a Board or Commission member becomes eligible to be removed if they miss two meetings during a calendar year. After the second missed meeting, the City Secretary's Office will send a letter to the member, copied to the Board or Commission chairperson, informing them that they are eligible to be removed and for them to contact their chairperson. It would then be left up to the discretion of the chairperson to recommend to Council that the member be removed.

Other changes to the ordinance was separating "Quorum" out to its own section and specify that vacant positions do not count towards determining a quorum; that only members of a quasi-judicial Board or Commission require an oath of office before taking office; and that members are not allowed to serve on more than one Board or Commission, language which is currently in the Council Rules of Order and Procedure.

Motioned by Councilmember Boyter, seconded by Councilmember Turner, to approve an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 1. "Generally" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

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

8. Consider an ordinance updating Board and Commission ordinances to reflect changes in attendance requirements; providing a severability clause; and declaring an effective date.

Mr. Wells presented information regarding this ordinance. This is to add language regarding the attendance requirements to the governing ordinances of several Boards and Commissions. Not included were Animal Control and Animal Shelter as they are in the process of being combined; the Planning and Zoning Commission as they are governed by the City's Charter; the Zoning Board of Adjustment as that would have to be presented to the Planning and Zoning Commission first; Teen Court Advisory Board as they are governed by an interlocal agreement between the cities of Hurst, Eules and Bedford; and the Park and Recreation Board as there were further changes that needed to be made to the Board.

Motioned by Councilmember Nolan, seconded by Councilmember Davisson, to approve an ordinance updating Board and Commission ordinances to reflect changes in attendance requirements; providing a severability clause; and declaring an effective date.

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

9. Consider an ordinance amending Chapter 86. "Park and Recreation", Article II. "Park and Recreation Board" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

Mr. Wells presented information regarding this ordinance. This is to add language regarding member attendance as well as to remove outdated language regarding alternate members.

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Motioned by Councilmember Davisson, seconded by Councilmember Brown, to approve an ordinance amending Chapter 86. "Park and Recreation", Article II. "Park and Recreation Board" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

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

10. Consider an ordinance amending Chapter 2. "Administration", Article III. "Officers and Employees", Division 3. "Ethics", Section 2-114. "Ethics Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

Mr. Wells presented information regarding this ordinance. This is to change the makeup of the Commission to be the chairpersons of the Beautification Commission, the Cultural Commission, the Community Affairs Commission, the Library Board, the Park and Recreation Board and the Planning and Zoning Commission as well as one citizen. Language regarding attendance requirements was also added. The current members who will no longer be on the Commission will be invited to submit an application to serve on another Board or Commission.

Motioned by Councilmember Brown, seconded by Councilmember Davisson, to approve an ordinance amending Chapter 2. "Administration", Article III. "Officers and Employees", Division 3. "Ethics", Section 2-114. "Ethics Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

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

11. Consider an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 5. "Cultural Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

Mr. Wells presented information regarding this ordinance. This is to add two alternate positions on the Board as well as add language regarding attendance requirements.

Motioned by Councilmember Boyter, seconded by Councilmember Davisson, to approve an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 5. "Cultural Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

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

12. Consider a resolution authorizing the Community Affairs Commission to hold a City of Bedford Expo.

Community Affairs Commission Member Roy Savage presented information regarding this resolution. Mr. Savage stated that an ad-hoc committee made up of himself, Councilmember Boyter and David Franklin brainstormed ideas on how to disseminate information to the citizens on the workings of the government of the City. He presented an overview of one of the ideas that the Commission feels would be the most expedient way to inform the citizens of the benefits and functions of the City government. He mentioned the Council's goals and vision for the City and the duty of City staff in carrying out these goals and vision as well as the continuing effort to market the City through citizen participation. The Commission proposes to bring together all of the City's departments and major service providers, such as Allied Waste and Oncor, for a two to four hour expo. Each department would set up a table with information about the duties that they perform. March 2 and March 23 have been discussed as dates to hold the expo. Those dates would not interfere with spring break or the Chamber Gala and having it on a Saturday would allow more people to attend.

Motioned by Councilmember Davisson, seconded by Councilmember Turner, to approve a resolution authorizing the Community Affairs Commission to hold a City of Bedford Expo.

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

13. Consider a resolution authorizing the City Manager to enter into a professional services contract with J. Richard Perkins, P.E., for the following: (1) periodic staff review of plats and construction/site plans for private developments within the City; (2) periodic review of construction plans from other engineering consultants under contract with the City for the design of public improvements; (3) consulting, review, oversight, design and general administration of ongoing City projects and other public works projects as determined by the Public Works Director.

This item was approved by consent.

14. Consider a resolution approving Change Order #1 with RKM Utility Services, Inc. in the amount of \$57,993.41 for the Schumac Lane/Monterrey Street Storm Drainage Improvement Project.

This item was approved by consent.

15. Consider a resolution authorizing the City Manager to purchase a replacement 2013 HD Chevrolet Crew Cab Diesel truck in the amount of \$39,885 from Caldwell Country through BuyBoard Cooperative Purchasing Agreement.

This item was approved by consent.

16. Consider a resolution authorizing the City Manager to purchase a 2013 Ford Transit Connect XL truck in the amount of \$21,682.38 from Philpott Motors through the BuyBoard Cooperative Purchasing Agreement.

This item was approved by consent.

17. Consider a resolution terminating the contract with Fast Solutions in the amount of \$113,604.43 for the Asbestos Abatement and Demolition of seven properties at various locations in the City of Bedford and authorizing the City Manager to enter into a contract with the second low bidder, Clean Air Remediation in the amount of \$120,877.07.

This item was approved by consent.

18. Consider a resolution authorizing the City Manager to enter into a Purchase Agreement with Fuelman of DFW for the purchase of various types of automotive and equipment fuels.

This item was approved by consent.

19. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Haltom City, Hurst, North Richland Hills and the County of Tarrant, Texas for the 2012 Byrne Justice Assistance Grant (JAG) Formula Program Award.

This item was approved by consent.

20. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Hurst, Euless and Grapevine for the creation of the Northeast Tarrant County Area SWAT Team (NETCAST).

Police Chief Roger Gibson presented information regarding this resolution. This resolution is to authorize the City Manager to enter into an agreement with the cities of Hurst, Euless and Grapevine to

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combine their SWAT teams. He stated that such an agreement will serve Bedford and the other three communities well. All four cities see the same number of incidents requiring SWAT deployments and each team is considered a part-time SWAT team. He estimates an annual savings of \$33,000 from overtime, vests, ammunition and uniforms. This does not include the long term benefits and cost savings in regards to replacing vehicles, rifles and ballistic shields, all of which would be purchased as part of a collective effort. Grant committees also really like the cooperative effort. The consensus of the four police chiefs is that Deputy Chief Eric Griffin would serve as the overall SWAT commander for the unit. The combined team will also result in the reduction in the number of personnel assigned to individual teams, which would reduce the chance of injuries. In answer to questions from Council, Chief Gibson stated that they average approximately five actual deployments a year; however, this does not include when they are put on standby or the use of their negotiators, particularly in emergency mental detentions. He stated that by consolidating they will be able run two full teams that can handle two incidents at the same time and to have a second team being able to relieve another team in a protracted situation. Geographically, whichever city has the issue, that is where the team will go.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Hurst, Euless and Grapevine for the creation of the Northeast Tarrant County Area SWAT Team.

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

21. Consider a resolution removing inactive members from the Community Affairs Commission and the Beautification Commission.

This item was approved by consent.

22. Consider a resolution authorizing the City Manager to change a Council meeting in December and schedule the Council meetings for December 4, 2012 and December 11, 2012.

This item was approved by consent.

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

✓ Animal Control Board – Councilmember Olsen

Councilmember Olsen reported that the Board has finished up their recent dangerous dog hearing. They are meeting tonight to approve the minutes of that meeting and to move forward with the joining of the Board with the Animal Shelter Advisory Board.

✓ Animal Shelter Advisory Board - Councilmember Olsen

Councilmember Olsen reminded everybody of the Pet Fair on October 10 from 10:00 a.m. to 2:00 p.m. at the Animal Shelter.

✓ Beautification Commission – Councilmember Turner

No report was given.

✓ Community Affairs Commission - Councilmember Boyter

No report was given.

✓ Cultural Commission - Councilmember Nolan

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Councilmember Nolan reported that the Commission met last night and that they received an update on the Cultural Crawl. Everyone was pleased and they had a lot of residents who found some new things in Bedford like ONSTAGE. They are looking for some input to make next year's event twice as good.

✓ **Library Board – Councilmember Brown**

Councilmember Brown stated that the Board will meet next Wednesday.

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

Councilmember Davisson reported that the Board met on October 4. They have been working on a dog park for the City but ran into an issue at the proposed location at Meadowpark. The property is generally owned by the school district but there is a pie-shaped piece that is owned by Oncor. They are working to see how this issue can be resolved.

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

Councilmember Turner reported that the Board will meet on October 16. He stated that there was huge attendance at a senior citizen expo held at 6Stones and he wanted to make citizens more aware of this annual event. The arts and crafts sale at the Senior Center during the Cultural Crawl was well attended.

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

Councilmember Olsen reported that the Board had a recent work session and they have completed their mission statement. It will be going to each city's attorney for their review.

24. Council member reports

(This first report was presented after Council Recognition)

Tim Philpot from 6Stones spoke to Council regarding the challenge from Mayor Griffin to the mayors of Hurst and Euless and the superintendent for HEB ISD for the inaugural 6Stones clay shooting fundraising event held on the Alpine Shooting Range in Kennedale. There were 101 shooters at the event. Due to a mistake in scoring, the City of Hurst was originally told that they won; however, an audit of the cards showed that Bedford had actually won. They raised approximately \$22,000 at the event. Their goal for next year is 200 shooters and to raise \$100,000 a year for 6Stones. He presented a trophy to Chief Gibson and team members Deputy Chief Eric Griffin and Officers Scott Williamson and Darrick Bridger. The fourth member of the team, Officer Tony Shelley, was unable to attend.

Mayor Griffin reminded everybody about the CPR Fall Blitz on October 19 and 20. They will be working on nine homes in Bedford. One team already has 20 volunteers. He also stated that the Fire Department open house will be held on Saturday, October 27.

25. City Manager/Staff Reports

City Manager Beverly Griffith reminded everybody about the paper shredding event on Saturday, October 20 from 8:00 a.m. to 12:00 p.m. at the Boys Ranch Activity Center. There is a limit of three boxes and there is no charge. HalloweenFest will be held on Saturday, October 27 at the Boys Ranch.

26. 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 8:24 p.m.

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Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary