

Council Minutes September 20, 2012

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. at the Old Bedford School, 2400 School Lane, Bedford, Texas, on the 20th day of September, 2012 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Jim Davisson	
Sherri Olsen	
Patricia Nolan	
Roy W. Turner	

constituting a quorum.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Michael Wells	City Secretary
Russell Hines	Building Official
Mirenda McQuagge-Walden	Managing Director of Community Services
Tommy Peterson	Code Enforcement Manager
James Asher	Code Enforcement Officer
Paula Archibald	Code Enforcement Officer
Melissa Briggs	Code Enforcement Officer

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the Work Session to order at 6:01 p.m.

WORK SESSION 6:00 p.m.

- **Council work session to include discussion regarding the following topics:**
 - **Amendments to Boards and Commissions ordinances**

Council elected to discuss possible amendments to Code Enforcement ordinances and procedures prior to this item.

Councilmember Olsen left at 8:38 p.m.

City Secretary Michael Wells presented information regarding amendments to Boards and Commissions Ordinances. The first was to amend the attendance policy for Board and Commission members. A member would become eligible for removal after two absences within a calendar year. After two absences, they would be sent a letter from the City Secretary's Office, copied to the Board or Commission chairperson, informing them that they are eligible to be removed and to contact their chairperson. It would then be up to the discretion of the

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chairperson to recommend the member's removal. Other recommended changes to the ordinance included making a separate section defining what a quorum is and specifying that vacant positions are not to be counted for the purposes of determining a quorum. Further, only members of the Building and Standards Commission, the Ethics Commission, the Planning and Zoning Commission and the Zoning Board of Adjustment would be required to take an oath of office prior to taking their position. Mr. Wells stated that changes to the ordinances of the individual Boards and Commissions would be updated to reflect the changes in the attendance policy. Council was of the consensus to approve these changes and for staff to present a resolution at the next Council meeting for the removal of certain Board and Commission members who have not been attending meetings.

Mr. Wells presented a change to the Ethics Commission. Council discussed at the Work Session on August 16 that it has been difficult to find people for the Commission and that they have no reason to meet except to review travel expenses. Council was of the consensus to replace the Commission with the chairpersons of other Boards and Commissions. As presented at tonight's meeting, the Commission would be made up of the chairpersons of the following seven Boards and Commissions: Beautification, Community Affairs, Cultural, Library Advisory, Parks and Recreation, Planning and Zoning and the Zoning Board of Adjustment. Council was of the consensus to change the membership to the chairpersons of six of the Boards and Commission and to not include the chairperson of the Zoning Board of Adjustment. The seventh member would be a regular citizen of the City.

(The item above was discussed by Council and recorded by the City Secretary at the August 16 Work Session. However, this discussion was inadvertently left off of the minutes approved by Council for that meeting.)

Mr. Wells presented an amendment to the Cultural Commission Ordinance whereby Council could appoint two alternate positions to act in the place of absent members. Council was of the consensus to approve this amendment and to specify that the two alternate members be citizens of the City as opposed to having to be a member of a certain organization.

- **Possible amendments to Code Enforcement ordinances and procedures**

This item was discussed first.

Deputy City Manager David Miller recapped items that Council had asked staff to examine at a previous Work Session. These included timelines used for enforcement, changes to ordinances for high weeds and grass, nuisances including trash receptacles, fences and swimming pool enforcement.

In regards to timelines used for enforcement, a survey was taken of several surrounding cities and there was not much variation between them and Bedford. Other things looked at in the survey included the maximum height of weeds and grass and the number of days to abate nuisances. Bedford is in line with every other city in the survey. In regards to abating nuisances, Bedford does seven days. Per the Texas Health and Safety Code, even if you lowered the time frame to three or five days, correctable action could not be taken until after seven days. For high grass and weeds, Bedford does not allow greater than 10 inches on any piece of property. Every other city on the survey was between eight and 12 inches except for Grapevine at 6 inches; however, they do not take enforcement until after 12 inches. No other city does five inches and it was felt that it would be too difficult to maintain or enforce. Staff recommended dropping the maximum height from 10 inches to 8 inches on residential property and 10 inches on undeveloped land. City property would also be at eight inches. As far as how much of the property has to be over the maximum height, every city on the survey leaves it at

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the inspector's discretion and it ranges from 10% to 50% of the yard. Bedford tends to do it at 20%. Council directed staff to not change the maximum height of grass and weeds. Further, they directed that Code Enforcement give offenders a five-day warning and take enforcement action as necessary after the seventh day. Councilmember Turner went on record to say he was opposed to the last change. As these procedures would be handled in-house, there was no need to change this ordinance.

Mr. Miller then presented information on changes to the nuisance ordinance regarding the storage of recyclable containers. The recommended change is that outside of the hours for garbage and recycling pick-up, which is 7:00 p.m. the day before to 7:00 p.m. the day of, any garbage or recycling bin must be behind building lines and easements of residential properties and screened from public view. This change would require an amendment to the City's contract with Allied Waste Services to eliminate front door service; however, only three residents opt into this program. Council and staff discussed residents who put their trash out before 7:00 p.m. the day before pick-up, setting the boundaries to the foundation line and the definition of public view. In regards to people who leave their bins out for several days, the current practice is to warn them and after three violations in a rolling calendar year, then they are cited. Council was of the consensus that the bins not be visible to public view and to approve the recommended changes.

Council and staff discussed follow-up procedures, enforcement and repeat offenders. Mr. Miller explained that staff is in the process of changing their enforcement practices. It was felt that zero tolerance took away the officer's discretionary powers. Instead, they are tightening up the enforcement end. Offenders are given seven days to mow high grass and weeds; when staff goes out on the eighth day, outside of a provable situation, citations are issued after the first warning period. The same approach would be used on swimming pools and trash violations. For repeat offenders, there would be no warning period unless required by State law. With situations like a house on Wade Drive, where the occupant is a widow who has difficulty maintaining her house and property, referrals are made to 6Stones. Mr. Miller explained that after the eighth day if grass and weeds are not mowed, the City will come out to mow and will bill the property owner. He also stated that the City would never come out whole on fines but could on liens. Citations could be issued every 24-hour period that a violation occurs but the City prosecutor has made a decision for it to be every seven days and up to three times per violation.

There was further discussion on the ordinances being enforceable; communication; quality control; tools to allow for follow-up; the inability of Code Enforcement to reference information off-site; B-Service; identifying obvious inefficiencies; and technology.

Mr. Miller presented information on an issue from the Fire Department regarding trees that have grown over the City's rights-of-way, which prohibits fire apparatus from safely passing underneath. Staff recommended adding a new section to the Nuisance Ordinance that requires homeowners to keep trees trimmed to at least 14 feet above the right-of-way. The homeowner would be given a seven-day warning period before they are cited and the City would then trim the trees. As with any Code Enforcement issue, the homeowner would be given a copy of the ordinance. Council and staff discussed giving more leeway to residents in regards to the timeframe. Building Official Russell Hines discussed the Neighborhood Revitalization Program where Code Enforcement, Animal Control and Public Service officers go door-to-door in neighborhoods. This program has worked very well in getting residents to trim their trees; however, this ordinance would give staff teeth to enforce if they refuse. Council was of the consensus to approve this ordinance and to extend the warning period to 14 days.

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Mr. Miller presented information on recommended changes to the Sign Ordinance regarding vehicle signs. Currently, vehicles can park wherever they want to in their parking lot as long as the vehicle is moved within three days. The first change is to redefine that a vehicle is to be any mechanical device that can be transported or drawn on a public street or highway. The second change would be to make it a violation for any of these vehicles to be parked along the right-of-way; instead they would be required to park them in the rear or side of the building. If this is not feasible, they would need to park as adjacent to the front of the building as possible. Only if approved by a specific use permit could a business park vehicles along the right-of-way. Council was of the consensus to approve these changes.

Mr. Miller presented information regarding changes to the Fence Ordinance. The first change is for a definition of the term thoroughfare as any public street within the City's corporate limits. It would require any person whose fence faces a thoroughfare to have the smooth side facing the public. This would only come into effect on new fences or if 50% or more of a fence needs to be replaced. The second change is to do away with parallel fences whereby two fences are built next to each other. These would be prohibited if there is less than five feet of separation. The reason is that it is difficult to control the grass and weeds between the fences. Staff will check with the City Attorney regarding whether this provision can be made retroactive. The final change is for masonry fences. If they require a complete or partial replacement, they shall be replaced or repaired with like materials if still available and comply with the requirements for masonry fence construction. Mr. Miller explained that this provision might be an issue with homeowner's associations. He also stated that theoretically the person is not required to replace the fence.

Mr. Miller presented information regarding internal changes to Code Enforcement regarding swimming pools. The seven-day requirement to clean the pool will still be in place; however, the owner is required to start work on the pool within 24 hours. If on the eighth day the pool is not clean, they will immediately be given a citation. Repeat offenders would be given a citation every time after the first warning. Mr. Miller explained that the City cannot require that a pool be kept full of water. In regards to the City draining a pool, the City can only do so by court order, which gives the City further distance from any liability. Code Enforcement currently enforces on the clarity of the pool, more specifically on whether or not the bottom drains can be seen. Now, they will be enforcing on both the clarity and the stagnation of the pool, as growth may cause health and safety issues. Now the owner must clean and have mechanisms in place whereby the water is no longer stagnant. A notice has been designed, which will be placarded at places that have pool violations when the first warning is given. This would both motivate the offender and send the message to the neighbors that the City is working on the issue. It would be illegal to remove the notice without the City's permission. Council and staff discussed Code Enforcement not being allowed back onto properties, shortening the timelines for enforcement and follow-up. It was explained that the owners have to be given seven days to abate the problem before a lien could be issued.

Mr. Miller presented a slide regarding property counts that showed that in the City there are the following: 14,799 single family residential properties; 1,691 commercial businesses; 35 apartment complexes; 8,383 apartment units; and 2,597 swimming pools. In answer to questions from Council, it was explained that apartment complexes are held to the same standards. Code Enforcement received 4,851 complaints in the previous calendar year, 3,891 of which were pro-actively handled by the Code Enforcement officers. In regards to repeat offenders, the approach in dealing with them is an enormous level of customer service. A person is only considered a repeat offender if they have been cited.

- **Possible amendments to Council Rules of Order and Procedure**

This item was presented last. Mayor Griffin asked that Council review the Council Rules of Order and Procedure. He emphasized that to get items on the agenda, they need to be turned in to the City Secretary's Office by noon the Wednesday prior to the Council meeting. He also stated that it is the Council's responsibility to communicate their questions and issues to the City Manager, who would then funnel those to others.

- **Renewal of lease agreement with Arts Council Northeast**

City Manager Beverly Griffith presented information regarding the renewal of the lease agreement with Arts Council Northeast. The Arts Council has had an annual lease with the City for \$10.00 a year with the provisions that they are responsible for utilities and maintenance inside the building. The lease specifically states that they are not allowed to sublease the building; however, they swear that they have always done subleases and that the City has known about it. The direct expenses of the Arts Council are approximately \$13,000, most of which is for utilities. The Trinity Arts Guild, one of the organizations that sublease from the Arts Council, wants to lease directly from the City. The Arts Council wants to keep things the same and to change the lease to accept donations from those that use the building. Ms. Griffith asked Council if they were comfortable on how the Arts Council uses the building. Council discussed the need for the situation to be handled more equitably; how the City's money is being appropriated; and what the expectations are going to be for the end product. Council directed staff to have the Arts Council come to Council at a meeting in October to discuss the situation and include a layout of the moneys the City is paying them.

- **Marketing program for FY 2012/2013**

Ms. Griffith stated that there was a need to discuss the program before moving forward to filling the marketing position. Managing Director of Community Services Mirenda McQuagge-Walden presented an overview of her plan for the position. She stated that in regards to using an intern, generally they are given a project and are then guided through the process. Her vision is not necessarily to show them how to do things but for them to move the City to the next level. She envisions that position functioning independently. Currently, there is non-cohesive marketing by each City department. This position could lead a team and coordinate with every department for a more cohesive message. Marketing is the number one function of the job but not the priority. Instead, communication and the image is the most important thing and she does not feel that an intern should hold the image of the City in their hands. There are many areas in the City, including economic development, festivals, the Old Bedford School and Public Safety where the City could be pro-actively telling its story. The position would be more involved in social media and would work with Bill Syblon and Kay Brown in Economic Development. They would coordinate with every department for a more cohesive message. Council and staff discussed the position including it being a department manager level position; the ability to get the kind of person the City wants at the stated cost and the possibility of increasing funding; the possibility of the position being part-time; and the position handling press releases for every department and working events such as BluesFest. Council was of the consensus for staff to move forward with advertising for the position.

ADJOURNMENT

Mayor Griffin adjourned the meeting at approximately 9:45 p.m.

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Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary