

Council Minutes May 12, 2015

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 Chambers of City Hall, 2000 Forest Ridge Drive, on the 12th day of May, 2015 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Ray Champney	
Jim Davisson	
Steve Farco	
Roger Fisher	
Roy W. Turner	

constituting a quorum.

Staff present included:

Roger Gibson	Interim City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Administrative Services Director
Gary Clopton	Information Technology Manager
Natalie Foster	Marketing Specialist
Wendy Hartnett	Special Events Manager
Tom Hoover	Public Works Director
Meg Jakubik	Assistant to the City Manager
Maria Redburn	Library Director
Emilio Sanchez	Planning Manager
James Tindell	Fire Chief

COUNCIL CHAMBER WORK SESSION

Mayor Griffin 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 items on consent: 6, 8, 9, 10, 11, 12, 13 and 14.

Assistant to the City Manager Meg Jakubik presented information regarding Item #8. At the previous meeting, there was discussion on items for a budget amendment that were recommended by staff, as well as items requested by Council. Since that time, there have been some changes, including a reduction in the cost of the Fire vehicles, bringing the total amendment of the General Fund to \$299,400. The amendments to the Tourism Fund include the monument signs and the windows for the Old Bedford School. The amendments to the Water and Sewer Fund include adjustments related to the in-house engineering and building improvements. There is also an emergency item request to authorize \$35,000 for a server replacement from the Computer Replacement Fund. In regards to the monument signs on Item #13, there is not an identified funding source but funds are available from the allotment of money identified in the General Fund and, in conjunction with the money pledged by NTE, will cover the costs of the signs. Council was of the consensus to include these additional expenses as part of the

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budget amendment.

Fire Chief James Tindell presented information regarding Item #11, which will have an impact on the fees to Intermedix for the collection of ambulance billing. A remark was made at a previous Council meeting about going back to look at contracts to possibly renegotiate them for a better price. Deputy Chief Bobby Sewell went to Intermedix and negotiated the contract fee from 10 percent to 6.55 percent, for a potential savings of approximately \$40,000 a year.

In answer to questions from Council regarding Item #12, Special Events Manager Wendy Hartnett stated that it is not the same company that was used the previous year; that the City did receive a partial refund for product the previous year; that the City has not used the company before, but that the Vice President of the company shot the first FourthFest show 30 years ago and was with Western Enterprises until 2008, so staff has worked with him previously; and that there are contingency plans for the event based on weather issues impacting site preparation.

Public Works Director Tom Hoover presented information regarding Item #13. Two bids were received on April 21, with the low bid being submitted by Turner Signs in the amount of approximately \$128,000. The company has good references and a good reputation for providing a quality product. The price was less than anticipated and the other bid was in excess of \$200,000. The designs of the signs were approved previously by Council. Two signs will be placed at Central Drive, two at Harwood Road and one at Murphy Drive. In answer to questions from Council, Mr. Hoover stated that landscaping was not included in the bids, but there have been discussions with NTE on moving some trees; that it will take approximately two weeks to receive the bonding and insurances from the company, which would then be followed by a notice to proceed; and that the bids include the demolition of the old signs. There was discussion on including a big sign at the Glade Parks addition in the budget; and opportunities to promote the City and its brand.

Mr. Hoover presented information regarding Item #14. He discussed the Texas Water Development Board's (TWDB) State Water Implementation Fund for Texas (SWIFT) program, which authorized the establishment of a \$2B fund to be made available to cities for various projects. The City will need to rehabilitate many water lines over the next 10 to 20 years and the City worked with a consultant in looking at this program as a water conservation measure. The TWDB accepted the City's application and authorized the full \$90M asked for by the City. The funding will be through a one percent interest loan, which, at the \$90M amount, would result in savings of \$20M in interest payments. There is no financial commitment for a certain amount, but the City has to show that it is willing to issue the bonds necessary to pay back the loan. In answer to questions from Council, Mr. Hoover stated that the City was the first to apply for the program under this scenario; that the \$90M would replace every water main in the City, as well as install all new automated smart water meters; and that there is a 10 to 12 percent water loss each year through main breaks and faulty meters. In regards to replacing the lines, Mr. Hoover stated that the plan is to maintain water services while building the new water lines by placing them in the street and leaving the existing water services operational; that some of the City's mains are fragile and would break if built right next to; that construction would be faster and there would be no interference with utility lines; that they will not put in temporary patches but perform full-blown street repairs; and that they will look at the oldest water lines, those with the highest maintenance, and those in conjunction with upcoming street projects. There was discussion on the cost effectiveness of replacing the entire street where water lines are being replaced. In answer to questions from Council regarding financing, Mr. Hoover and Administrative Services Director Cliff Blackwell stated that water rates would be increased to raise funds to pay the bonds; that the bonds would be Certificates of Obligation; and that the State would issue debt on behalf of the City and the City would have to follow the same steps as if it were issuing the debt itself, including approving a resolution of a notice of intent to issue debt. In answer to further questions from Council, Mr. Hoover stated that the note is for 20 years and the City has ten years to lay out its plan; that they are breaking projects into three segments over the next ten years; that staff has to document what is funded; and that they can pay for road repairs associated with construction.

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Mayor Griffin adjourned the Work Session at 6:35 p.m.

REGULAR SESSION 6:30 P.M.

The Regular Session began at 6:43 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Sam Ross, First Baptist Church of Bedford)

Sam Ross of First Baptist Church of Bedford gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

ANNOUNCEMENTS/UPCOMING EVENTS

Marketing Specialist Natalie Foster stated that seats are available for the Residential Roundtable at the Library starting at 7:00 p.m. on Thursday where residents will be updated on the recycle program, the Bedford Commons and the Boys Ranch construction. The Police Department open house is Saturday from 10:00 a.m. to 2:00 p.m. There will be guided tours of the facility, police dog demonstrations, hot dogs and snow cones, and the Animal Shelter will showcase adoptable animals. The final Twilight Thursdays Taste and Tune event will be May 21 starting at 6:00 p.m. at the Old Bedford School. There will be food trucks, art vendors, bounce houses, hayrides, beer and wine for sale, and a centennial photo gallery. She reminded everybody that canned and boxed food donations are being accepted for the Mayor's Hunger Challenge. There are drop-off locations at City Hall, the Library and the Boys Ranch, as well as at City events.

OPEN FORUM

Nobody chose to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Champney, seconded by Councilmember Davisson, to approve the following items by consent: 6, 8, 9, 10, 11, 12, 13 and 14.

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

COUNCIL RECOGNITION

1. Proclamation declaring June, July and August as Summer Reading Club Season.

Mayor Griffin read a proclamation declaring June, July and August as Summer Reading Club Season. Teen Volunteer Katie Hodges was present to accept the proclamation on behalf of the Library.

2. Proclamation recognizing the week of May 17 - 23, 2015 as National Public Works Week.

Mayor Griffin read a proclamation recognizing the week of May 17 - 23, 2015 as National Public Works Week. Field Operations Manager Kenny Overstreet was present to accept the proclamation.

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3. Proclamation recognizing the week of May 17 - 23, 2015 as Emergency Medical Services Week.

Mayor Griffin read a proclamation recognizing the week of May 17 - 23, 2015 as Emergency Medical Services Week. Deputy Chief Bobby Sewell and Dr. Roy Yamada were present to accept the proclamation.

4. Proclamation recognizing the week of May 10 - 16, 2015 as Police Week and May 15, 2015 as Peace Officers Memorial Day.

Mayor Griffin read a proclamation recognizing the week of May 10 - 16, 2015 as Police Week and May 15, 2015 as Peace Officers Memorial Day. Interim Police Chief Les Hawkins was present to accept the proclamation.

5. Recognition of the City of Bedford's 19th Consecutive Distinguished Budget Presentation Award.

Mayor Griffin presented Ms. Jakubik and Mr. Blackwell with the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

APPROVAL OF THE MINUTES

6. Consider approval of the following City Council minutes: a) April 28, 2015 regular meeting

This item was approved by consent.

NEW BUSINESS

7. Public hearing and consider an ordinance to rezone Lot 35, Block A, Shady Brook Townhouse Addition, located at 2816 Spring Valley Drive, Bedford, Texas from Planned Unit Development (PUD) to Amended Planned Unit Development (PUD), allowing for the Learning Station Childcare facility to construct a solid fence around the playground area. The property is generally located south of Harwood Road and east of Spring Valley Drive. (Z-273)

Planning Manager Emilio Sanchez presented information regarding this item, which is an amendment to the Planned Unit Development (PUD) site plan for the property at 2816 Spring Valley Drive to allow The Learning Station to replace the chain link fence to a solid fence. The Planning and Zoning Commission approved this request at their April 23 meeting with the following stipulations: that the fence be earth tone in color, that it be six feet in height, that it be of composite material, and that it be outside of the 25-foot visibility triangle. In answer to questions from Council, Mr. Sanchez stated that the solid composite fence would be along Harwood Road; that wood fences along the east, west and south perimeters were approved as part of the previous site plan; that the necessity of a masonry fence between the the facility and the residential properties on the east side is mitigated due to the zoning district being all under the PUD, a fifty-foot buffer between the two uses in the form of a drainage way, and a masonry fence on the residential side; that there is residential property on the south side, which is zoned PUD; and that the building used to be a clubhouse for the development, but was sold off as a commercial use.

In answer to questions from Council, the applicant Raj Gill, 2816 Spring Valley Drive, Bedford, stated that the composite fence would be along Harwood Road, Spring Valley Drive and then back towards the building; that the cedar fence would be continued along the canal; and that the composite fence would be pulled back 25 feet from Harwood Road and Spring Valley Drive so as not to be in the sight triangle. There was discussion on removing the guardrail, including requirements by the State, safety issues and protecting the children on the playground, installing a pipe fence, debris getting into the playground area, painting the guardrail, and the guardrail belonging to the City. There was discussion on the fence being made of a strong plastic; Council approving standards for composite fences; approved screening

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materials; new products that are available; the guardrail being used to keep the traveling public from driving into the drainage way; and State requirements for the railing. Mr. Sanchez stated that the members of the Planning and Zoning Commission who voted against the recommendation lived in close proximity to the site and had concerns regarding aesthetics and safety.

Mayor Griffin opened the public hearing at 7:28 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:28 p.m.

There was discussion on adding language that the building itself be brought to earth tone colors using the same language as the Master Highway Corridor Overlay District (MHC). Mr. Gill discussed why purple was chosen as the color of the trim of the building and changes he has made to both the inside and outside of the building. In answer to questions from Council, Mr. Gill stated that changing the color would adversely affect his business; that the chain link fence has already affected his business; and that they have only enrolled 36 children since the previous year. Mr. Sanchez clarified that the opposition from the Commission was also due to the visibility triangle. There was discussion on branding and trademark, and City Attorney Stan Lowry stated that this particular instance is more general so the Council does have discretion. There was discussion on the Library having vivid colors. In answer to questions from Council, Mr. Sanchez stated that the use of earth tones in the MHC is to give a uniform feel through the major corridors of the City; that the MHC runs on 200 feet of either side of Highways 183 and 121, as well as the Central Business District; that there are municipalities that do not allow certain colors and have a required color palette; that there was no one to speak in opposition to this item at the Commission meeting; and that a change in ownership or use would require an amendment to the PUD. There was discussion on dictating that the side of the building facing Harwood Road be of earth tones; color palettes as a precondition versus being retroactively applied; reshaping the aesthetics of the City; not having set standards; and having an ordinance that addresses colors.

Motioned by Councilmember Turner, seconded by Councilmember Farco, to approve an ordinance to rezone Lot 35, Block A, Shady Brook Townhouse Addition, located at 2816 Spring Valley Drive, Bedford, Texas from Planned Unit Development (PUD) to Amended Planned Unit Development (PUD), allowing for the Learning Station Childcare facility to construct a solid fence around the playground area. The property is generally located south of Harwood Road and east of Spring Valley with the following conditions as recommended by the Planning and Zoning Commission: that the fence be earth tone in color, that the fence be six feet in height, that the fence be of composite material, and that the fence not be placed within the 25-foot sight triangle at the intersection of Spring Valley Drive and Harwood Road.

Motion failed 3-4-0. Mayor Griffin declared the motion failed.

Voting in favor of the motion: Councilmember Champney, Councilmember Farco and Councilmember Turner.

Voting in opposition to the motion: Mayor Griffin, Councilmember Boyter, Councilmember Davisson and Councilmember Fisher.

Motioned by Councilmember Fisher, seconded by Councilmember Davisson, to approve an ordinance to rezone Lot 35, Block A, Shady Brook Townhouse Addition, located at 2816 Spring Valley Drive, Bedford, Texas from Planned Unit Development (PUD) to Amended Planned Unit Development (PUD), allowing for the Learning Station Childcare facility to construct a solid fence around the playground area. The property is generally located south of Harwood Road and east of Spring Valley Drive (Z-273) with the following stipulations: that the fence be earth tone in color, that the fence be six feet in height, that the fence be of composite material, that the fence not be placed within the 25-foot sight triangle at the intersection of Spring Valley Drive and Harwood Road, and the building is painted in earth tone colors as set forth in the Highway Overlay District.

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Motion approved 5-2-0. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Boyter, Councilmember Davisson, Councilmember Champney and Councilmember Fisher.

Voting in opposition to the motion: Councilmember Farco and Councilmember Turner.

- 8. Consider an ordinance amending the annual budget for the City of Bedford, Texas for the fiscal year October 1, 2014 through September 30, 2015; and declaring an effective date.**

This item was approved by consent.

- 9. Consider a resolution authorizing the Interim City Manager to enter into an agreement with Tech Logic for a Full Service Program Agreement in the amount of \$18,950.**

This item was approved by consent.

- 10. Consider a resolution authorizing the Interim City Manager to enter into agreements with Tech Logic for a Self Checkout Software License Renewal and Extended Hardware Warranty Agreement in the amount of \$9,597.**

This item was approved by consent.

- 11. Consider a resolution authorizing the Interim City Manager to enter into an amended contract with Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation, for EMS billing and accounting services to reduce the costs of service fees from 10% to 6.55%. Additionally, this amended contract will provide four handheld computer devices (live scan) for field reporting.**

This item was approved by consent.

- 12. Consider a resolution authorizing the Interim City Manager to enter into a contract with Pyro Shows for the 2015 4thFest Fireworks Program in the amount of \$30,000.**

This item was approved by consent.

- 13. Consider a resolution authorizing the Interim City Manager to enter into a contract with Turner Signs Systems in the amount of \$128,995 for the Large Monument Sign Project.**

This item was approved by consent.

- 14. Consider a resolution by the City Council of the City of Bedford, Texas requesting financial assistance from the Texas Water Development Board; authorizing the filing of application for assistance; and making certain findings in connection therewith.**

This item was approved by consent.

- 15. Discussion on "Promotions for Adoptions at the Animal Shelter." ***Item requested by Councilmember Boyter**

Councilmember Boyter requested this item be placed on the agenda for discussion. He wanted to address several things he has heard as a Council Member, clear up incorrect information, and provide Council an option to help find more homes for abandoned animals and save lives. He stated that the City and the Council do not condone the killing of animals. The purpose of the Shelter is to provide for the safety and security of the residents. There are no grand conspiracies and the City is not hunting down and killing animals. In regards to stray cats, the City is only responding to calls from residents and

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those cats brought into the Shelter. Staff at the Shelter have one of the hardest jobs in the City and have to make life and death decisions, look after sick and abandoned animals, and deal with residents looking for lost pets. He thanked the Shelter staff and stated the things they do for the City are often overlooked and under-appreciated, but that they keep coming back to make the City safer. He stated that not every animal is adoptable, the City does not have the resources to house and save every animal, and staff has to make painful decisions. He stated that the City and Shelter are easy targets of false information and animals being in the Shelter are due to the irresponsibility of people outside the Shelter.

Councilmember Boyter cited several statistical reports. In 2013, the Shelter impounded 1,322 animals compared to 1,237 in 2014, a decrease of 6.5 percent. In 2013, 783 animals were adopted compared to 895 in 2014, an improvement of 14.3 percent. There were 490 euthanizations in 2013 compared to 349 in 2014, an improvement of 28.8 percent. In the first four months of 2015, the City is on pace to euthanize 96 cats, or a 51.3 percent improvement over one year and a 71 percent improvement over a two-year period. He stated that these are not the numbers of a City that does not care about animals. Every animal that comes into the Shelter is inspected, evaluated and treated as needed, not immediately euthanized. Staff works with other municipal shelters and adoption agencies to find homes for animals. They have also attended 27 events over the last two years, more than other neighboring cities, resulting in increased adoption rates. He cited other statistics, including from the American Humane Society, which estimates that there are approximately 5,000 shelters nationwide, that 5M animals enter these shelters every year, of which 3.5M are euthanized, including 60 percent of dogs and 70 percent of cats. The City's statistics are lower than those cited at 28 percent. Statistics from the Society for the Prevention of Cruelty to Animals shows that 7.6M animals enter shelters every year, of which 2.7M, or 35.5 percent, are euthanized every year. A 2014 report from the National Council on Pet Population Study and Policy shows that only 30 percent of shelter animals find homes.

Councilmember Boyter displayed pictures of the current Animal Control vehicle and discussed that a mobile pet adoption trailer is available for purchase. He displayed similar trailers nationwide that have been used to increase adoptions. Such a trailer would increase the Shelter's visibility and help find homes for animals, as well as to create another opportunity to market and promote the City. The trailer could be used as a mobile billboard and the visibility would not just be limited to the Shelter. The trailer in question is seven feet by 18 feet, with seven feet of height on the interior. It is made from aluminum and features an indoor sidewalk, dual awning doors, an insulated body, a gas generator with a 20 gallon fuel tank, a roof mounted air conditioning unit, a 20 gallon fresh water tank, a 25 gallon wastewater tank, a stainless steel sink and interior lights. The generator and air conditioning unit have a 15-year life span and the trailer is only a few years old. It has 17 animal compartments that can be expanded to 22. It is designed to display animals to the public while protecting them and providing a comfortable environment. It can be pulled by a simple trailer hitch and can be purchased for \$22,000. In regards to paying for the trailer, there is over \$27,600 in the Animal Shelter Donation Fund. In speaking with a wrap company, it would cost \$3,695 to wrap the trailer, which would leave money left over in the Fund. He stated that no taxpayer funds would be used and he asked Council to instruct staff to use the Fund to purchase the trailer.

Council was of the consensus for staff to investigate and bring forward a resolution to approve the purchase of the trailer. There was discussion on donations and including a donation box in the trailer.

16. End of Term Remarks. *Item requested by Councilmember Davisson**

Councilmember Davisson requested this item be placed on the agenda. He has been blessed to be put into office by the residents. He has had the opportunity to work with wonderful brothers on the Council and was welcomed as an equal from the beginning and has remained so throughout. They have not always agreed but when the vote was taken, they moved forward as a united group and as friends. He stated that he has been and always will be concerned for his city and its residents. He has made Bedford his home for 30 years and he believes he has left it better than when he took office, which took the hard work of the Council and staff. There is still work to be done and he believes the City is in capable hands. He congratulated the Mayor on his re-election and the two new Council Members on

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their victories. He thanked staff and employees who have helped and guided him over these years. He thanked everybody from the bottom of his heart.

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

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

Councilmember Fisher reported that the Board will meet the following day in the Council Chambers.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reported that the Commission will meet the following Monday and are still basking in the success of the Clean Up Bedford and Chunk Your Junk Day events.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter discussed the upcoming Residential Roundtable scheduled for Thursday at 7:00 p.m. at the Library. He recognized Commission members in attendance including Gary Morlock, Steve Grubbs, Roy Savage and Mark Massey.

✓ **Cultural Commission - Councilmember Champney**

Councilmember Champney reported that the Commission met the previous night. On Sunday, the Trinity Arts Guild had an open showing with 60 participants. The Twilight Thursday's Taste and Tunes event will be on May 21. The Cultural District continues to make progress and everything is moving forward in accordance with a strategic plan that is being put together, part of which is a 501(c)(3).

✓ **Investment Committee - Councilmember Turner**

Councilmember Turner reported that the City's money is safe but that not a lot of money is being made. The Committee met the previous Thursday and received a report showing that the City has \$33M invested, mostly in pools. The City is very restricted in what it can invest and the primary concerns are safety, then availability and then yield. The average yield on the City's portfolio is 0.37 percent, which has increased from 0.18 percent a few years ago.

✓ **Library Board - Councilmember Davisson**

Councilmember Davisson reported that the 50 megabyte bandwidth at the Library is now up and running. Based on the results of the Library Satisfaction Survey, he wanted to let everybody know that the Library is open on Sundays and has been since 2007.

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

Councilmember Davisson reported that the Board will hold a joint meeting with the Cultural Commission and the Beautification Commission on June 4. He discussed the earthwork for the the new practice fields at the Boys Ranch and that it is needed for parking for FourthFest.

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

Councilmember Farco invited everybody to attend a Teen Court session on Monday nights and stated that the teens are tougher on the defendants than the regular judge.

18. Council member Reports

Councilmember Fisher congratulated Rusty Sartor, who was in attendance, for his election to Council. He discussed the Miracle League of Dallas and stated that one of its members, Ella Victoria Rosson, threw out the first pitch at that night's Ranger's game.

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Mayor Griffin stated that the 6Stones Black and Blue Run For Hope will be on Saturday prior to the Open House and discussed the Mayor's Challenge for collecting food.

19. City Manager/Staff Reports

Interim City Manager Roger Gibson reminded everybody that the Police Department Open House will be the following Saturday from 10:00 a.m. to 2:00 p.m. They will be promoting the new Distracted Driving Ordinance and that 27 signs regarding the Ordinance have been placed at entry points into the City.

EXECUTIVE SESSION

To convene in the conference room, if time permits, 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 – David Mathew Thornton v. City of Bedford.
- b) Pursuant to Section 551.074, personnel matters - City Manager search

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, Consultation with City Attorney regarding pending or contemplated litigation – David Mathew Thornton v. City of Bedford and Section 551.074, personnel matters - City Manager search at 8:37 p.m.

Council reconvened from Executive Session at 9:10 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.

20. 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 9:10 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary