

Council Minutes January 12, 2020

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. via videoconference, on the 12th day of January, 2021 with the following members present:

Michael Boyter	Mayor
Tom Burnett	Councilmembers
Dan Cogan	
Ruth Culver	
Rob Gagliardi	
Amy Sabol	
Rusty Sartor	

constituting a quorum.

Staff present included:

Jimmy Stathatos	City Manager
Cliff Blackwell	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Sean Fay	Fire Chief
Joey Lankford	Deputy Fire Chief/Fire Marshal
Kenny Overstreet	Public Works Director
Andrea Roy	Development Director
Kelly Snook	Interim Capital Projects Director

WORK SESSION

Mayor Boyter called the Work Session to order at 5:31 p.m.

- **Update from Baylor Scott & White on COVID-19 and their response.**

Chris York, President of Baylor Scott & White reported that approximately 40 percent of their beds are occupied by COVID-19 patients, which is the case across the Metroplex. The hospital was rated one of the safest prior to COVID-19 and has only gotten safer with initiatives that have been put in place. They are in the second phase of vaccinating all their health care providers and are working with the state to open a mass vaccination hubs across the Metroplex. In response to questions from Council, Mr. York stated their occupancy rate has been averaging 270 beds out of a total of 302. They have also tripled the number of Intensive Care Unit beds they can manage daily. He stated their biggest challenge is having enough people to care for patients but they are good regarding supplies and personal protective equipment. There was discussion on the morale of hospital staff; the decline in other services such as elective surgeries; the reluctance of people to call 911; diminished cases of influenza due to precautions being taken with COVID-19; the minimal transmission rate at the hospital; the encouraging outlook for the area if people take

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precautions regarding social interaction and hygiene; the process of administering the vaccine to the public; the process by which hospitals acquire supplies of the vaccine; increases in COVID-19 cases due to the holidays and the impact on hospitality capacity; the accuracy of the hospital's modeling; and the hospital's reporting of data to Tarrant County.

Mayor Boyter adjourned the Work Session at 5:55 p.m.

EXECUTIVE SESSION

- a) **Section 551.071, consultation with City Attorney regarding pending or contemplated litigation for the enforcement of city ordinances relative to the real property located at 3210 Brown Trail, also described as ALLEN, ALEXANDER SURVEY Abstract 11 Tract 1C02, in the City of Bedford.**
- b) **Section 551.071, consultation with City Attorney regarding pending or contemplated litigation for the enforcement of city ordinances relative to the real property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding pending or contemplated litigation for the enforcement of city ordinances relative to the real property located at 3210 Brown Trail, also described as ALLEN, ALEXANDER SURVEY Abstract 11 Tract 1C02, in the City of Bedford and Section 551.071, consultation with City Attorney regarding pending or contemplated litigation for the enforcement of city ordinances relative to the real property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford, at 6:00 p.m.

Council reconvened from Executive Session at 6:29 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

REGULAR SESSION

The Regular Session began at 6:41 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Councilmember Sartor gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledges of Allegiance to the flags of the United States and Texas were given.

OPEN FORUM

Nobody signed up to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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City Manager Jimmy Stathatos presented an overview of the items on the consent agenda.

Motioned by Councilmember Cogan, seconded by Councilmember Culver, to approve the following items by consent: 1 and 2.

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

- 1. Consider approval of the following City Council minutes:**
 - a) December 8, 2020 regular meeting**
 - b) December 15, 2020 special session**

This item was approved by consent.

- 2. Consider a resolution amending the Public Information Policies and Procedures for the City of Bedford.**

This item was approved by consent.

NEW BUSINESS

- 3. Public hearing and consider an ordinance to rezone Lot A, Concordia Addition, located at 3705 Harwood Road, Bedford, Texas from Residential 9,000 Single-Family Residential Detached (R9) to Residential 9,000 Single-Family Residential Detached (R9)/Specific Use Permit/Churches, Temples, & Synagogues (R9/SUP), specific to 3.2.C(2)a of the City of Bedford Zoning Ordinance, allowing for Concordia Lutheran Church to operate a church. The property is generally located on Harwood Road and east of State Highway 121. (PZ-SUP-2020-50031)**

This item was moved after Item # 8.

Interim Planning Manager Jay Narayana presented information regarding this item. She stated the item is an application for a specific use permit for a church located on Harwood Road, east of State Highway 121. The adjoining property owners include a storage use to the north, a strip shopping center to the west, another church to the east, and a shopping center and vacant lot to the south. The existing church is 8,530 square feet, and the application is proposing an addition of 3,100 square feet, with 79 proposed parking spaces. The landscape plan shows several existing trees that will be preserved. She presented the elevations of the proposed building. The Planning and Zoning Commission recommended approval of this item by a vote of 6-0-0 at their meeting on December 10, 2020.

Mayor Boyter opened the public hearing at 7:46 p.m.

Nobody signed up to speak during the public hearing.

Mayor Boyter closed the public hearing at 7:47 p.m.

There was discussion on the need to open cut Harwood Road for the installation of a new fire hydrant and the impact on traffic. Logan McWhorter with DCG Engineering, stated there would be opportunities to work on half of the road, while the other half is plated, so traffic is never completely shut down.

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Motioned by Councilmember Burnett, seconded by Councilmember Sabol, to approve an ordinance to rezone Lot A, Concordia Addition, located at 3705 Harwood Road, Bedford, Texas from Residential 9,000 Single-Family Residential Detached (R9) to Residential 9,000 Single-Family Residential Detached (R9)/Specific Use Permit/Churches, Temples, & Synagogues (R9/SUP), specific to 3.2.C(2)a of the City of Bedford Zoning Ordinance, allowing for Concordia Lutheran Church to operate a church. The property is generally located on Harwood Road and east of State Highway 121. (PZ-SUP-2020-50031)

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

4. Public hearing and consider an ordinance to amend Ordinance Number 2275 City of Bedford Zoning Ordinance, specific to Chapter 3. Permitted Uses, Section 3.3 Classification of New and Unlisted Uses as it pertains to the appropriate classification of CBD Oil stores. (PZ-ZONING AMEND-2020-50142)

This item was moved after Item # 8.

City Manager Jimmy Stathatos requested Council feedback on this item, which then would be sent back to the Planning and Zoning Commission. Ms. Narayana stated several cannabidiol (CBD) retailers have asked to locate into existing shopping centers. She presented a background of the use from the Texas Department of Health, including the legalization of industrial hemp in June 2019 and that CBD oil, containing less than 0.3 percent of tetrahydrocannabinol (THC), is derived from hemp. She stated all retail stores that have CBD products must obtain a license from the state. Staff surveyed the cities of Euless, Hurst, North Richland Hills and Keller, and most cities are trying to understand the implications of the law and whether it changes anything from a local land use regulation standpoint. Most cities see this as a retail use and many chain pharmacies and retailers already sell CBD products. There are questions on how the state enforces the percentage of the THC. Ms. Narayana discussed the process to consider new uses in the City's Zoning Ordinance and stated the Commission determined that CBD oil stores are a retail use and recommended the use be allowed by right in commercial zoning districts, specifically where drug stores and pharmacies are permitted. Other options would be to allow the use with a specific use permit (SUP) or to not allow the use.

There was discussion on the implication of not allowing the use on retailers currently selling the product. City Attorney Stan Lowry stated Council would be unable to not allow the use as it is legal in Texas, so the options for Council are to allow the use by right or with a SUP. There was discussion on the regulations and oversight with a SUP; the similarities of this item and the cosmetic tattooing use previously discussed by Council; concerns with signage at CBD stores, including the limited ability to regulate content; the reasoning for the Commission's vote; the potential economic impact of the City requiring a SUP while surrounding cities do not; and paraphernalia and accessories that may be sold at a CBD store. Council requested staff do further research on this item, including a wider survey of cities and the products sold at CBD stores, and come back to Council at a later date.

5. Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 47th Year Program for roadway improvements on Walter Street, from Bedford Court East to Cheryl Avenue.

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Public Works Director Kenny Overstreet presented information regarding this item. He stated this grant would be for the reconstruction of Walter Street from Bedford Court East to Cheryl Avenue, and would include new curbs, gutters, driveways, and six inches of concrete surface above six inches of stabilization. The notice for the public hearing was advertised in the Star-Telegram and mailed out to 38 customers within a 200-foot radius of the proposed worksite. Grant funding grant ranges from \$145,000 to \$160,000 per city and Bedford would be responsible for the remaining funding after the bidding. Mr. Overstreet provided an overview of the process if this item is approved by Council.

Mayor Boyter opened the public hearing at 6:47 p.m.

Nobody signed up to speak during the public hearing.

Mayor Boyter closed the public hearing at 6:48 p.m.

Motioned by Councilmember Sartor, seconded by Councilmember Burnett, to approve a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 47th Year Program for roadway improvements on Walter Street, from Bedford Court East to Cheryl Avenue.

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

6. Consider a resolution adopting a standard policy for street light requests, assessment, and construction.

Mr. Overstreet presented information regarding this item. He stated staff frequently receives requests for streetlights, which are then evaluated to determine if they meet the City's regulations. If the request does, staff then works with homeowners in the area; however, there are often times pushback from residents, and it takes significant staff time to negotiate for a streetlight. The purpose of the proposed policy is to establish a standard protocol for addressing public requests for additional street lighting, the main purpose of which is to provide safe visible pathways for the traveling public in vehicles. The policy references the Development Code regarding distance between lights. The current budget for addressing street light issues is \$20,000. Mr. Overstreet discussed the process set forth in the policy for evaluating and processing requests, including the requirement that the requestor gather signatures of homeowners in the area on a standardized petition form. The policy was approved by the Street Improvement Economic Development (SIEDC) Board the previous November. Council was of the consensus to include a designation between adjoining property owners and the requestor on the petition and request forms. There was discussion on the costs for installing streetlights, including decorative poles for an additional cost at the expense of the requestor; and funding for street lighting coming from the SIEDC sales tax.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve a resolution adopting a standard policy for street light requests, assessment, and construction.

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

7. Consider a resolution authorizing the City Manager to enter into a multi-city, multi-year agreement with Motorola Solutions, Inc. in the total amount of \$1,933,892.02 for

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support and maintenance of trunk radio infrastructure and for the trunk radio system manager.

Fire Chief Sean Fay presented information regarding this item. He discussed the formation of the Northeast Tarrant County Trunk Radio Consortium (NETCO) in 1996 and that the costs for the radio system infrastructure are shared equally between the six member cities. The cost savings with the new contract would be approximately ten percent. The total cost of the contract is \$1,933,892.02, with the first year for all member cities being \$329,810.65, or \$54,968.44 for each city. The costs for the contract are budgeted in the non-departmental portion of the General Fund. There was discussion on the length and the benefits of the agreement.

Motioned by Councilmember Sabol, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager to enter into a multi-city, multi-year agreement with Motorola Solutions, Inc. in the total amount of \$1,933,892.02 for support and maintenance of trunk radio infrastructure and for the trunk radio system manager.

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

8. Consider a resolution authorizing the City Manager to enter into negotiations with BRW Architects for professional services pursuant to RFQ 2020-06: Architecture, Landscape Architecture, Civil Engineering, and Other Professional Services for a Performing Arts Center at the Old Bedford School with Site Master Plan.

Interim Capital Projects Director Kelly Snook presented information regarding this item. She stated the request for qualifications (RFQ) was issued the previous November and 15 responses were received. The City Council appointed a consultant selection committee consisting of Mayor Boyter, Councilmember Sabol (later Councilmember Burnett), Special Events Coordinator Wendy Hartnett, City Engineer Cheryl Taylor, and herself to review and evaluate the submittals. The top five firms were then interviewed, with a follow-up interview with the top two firms, and from there, BRW Architects was selected as the most qualified responsive firm to the RFQ. Ms. Snook suggested the negotiated contract come back to Council the first meeting in February. She gave an overview of the evaluation process and the submittals. She discussed BRW Architect's depth of experience with performing arts centers and their capability to come up with multiple solutions. There was discussion on the evaluation process, including the role of the Councilmembers on the committee; and that some firms discussed Bedford Commons of their own accord during the interview process. Councilmember Sartor stated he would vote against the item as he felt he did not have enough time to review it and asked that in the future, such items be brought to a work session first to give other Councilmembers more time to review. There was discussion on the process of having Councilmembers serve on subcommittees and Council having the ability to reject the design of the Performing Arts Center and start the process over if they so desired.

Motioned by Councilmember Culver, seconded by Councilmember Burnett, to approve a resolution authorizing the City Manager to enter into negotiations with BRW Architects for professional services pursuant to RFQ 2020-06: Architecture, Landscape Architecture, Civil Engineering, and Other Professional Services for a Performing Arts Center at the Old Bedford School with Site Master Plan.

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

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Voting in favor of the motion: Mayor Boyter, Councilmember Cogan, Councilmember Sabol, Councilmember Burnett, Councilmember Culver and Councilmember Gagliardi

Voting in opposition to the motion: Councilmember Sartor

9. Mayor/Council Member Reports

Mayor Boyter reported he attended the Hurst-Eules-Bedford Independent School District Board meeting the previous evening and congratulated the Board on winning the 2020 School Board of Texas for the Texas Association of School Administrators.

Councilmember Cogan discussed the \$70,000,000 Boys Ranch bond passed in November 2017 which he voted against as a private citizen due to concerns about the future of the Senior Center, arts organizations, the plan, and the City's priorities. He felt it was ill advised for the funding to be used for the project instead of for roads and updates to aging infrastructure. He stated he set out two months afterwards to make a change and give a voice to the residents who felt ignored. He reached out to residents with the message that it was time for a fresh start, and he won with one of the largest votes counts for any challenger. He stated the voter's mandate was no more business as usual, to not allow more apartments and storage facilities to take up prime real estate, to invest in infrastructure, to clean up neighborhoods and shopping centers, to revitalize the City through economic development, and that the City as a bedroom community is in the past, not the future. He wants to see Bedford reach its full potential and secure its future for all families. He announced his intention to seek reelection and continue to represent the residents' interest by focusing on the City's future. He asked for their support and their vote in returning Bedford to its former glory.

Councilmember Sartor stated he discussed with his family, friends and supporters regarding a third term on Council. He decided not to seek another term. He stated serving on the Council has provided many accomplishments, a few disappointments, and lifetime relationships. He stated he always listened to the citizens and voted his conscience on what was best for the City. He will continue to serve the remainder of his term, listen to the citizens, prepare for Council meetings, and vote for what he feels is best for Bedford. He stated it was an honor and privilege to serve the citizens.

a) Mayor Boyter announcement.

Mayor Boyter stated it continues to be his great honor to serve as Mayor for the previous 14 months. He discussed being born in the Hurst-Eules-Bedford (HEB) area and his mother, including her health issues, and issues with racism after moving to the United States from Japan, and raising him alone. He stated that she found herself part of a community for the first time after moving to the HEB area, including receiving help from neighbors and teachers. He stated he was the product of countless people who invested in him and his mother, and he learned to appreciate life and others. He discussed Bedford being the place with the best restaurants, housing and city facilities and roads while growing up but stated since then, City stood still while neighboring cities grew and prospered. Bedford was advocated as business friendly when he first ran for Council, which it meant the City was open to any business, while excuses were made for not attracting better businesses and mediocrity was accepted. He stated the same mediocrity invaded the City organization and an "us-versus-them" culture pervaded certain levels at City Hall, motivated by selfishness and protectionism. He discussed serving as Mayor during the COVID-19, including its affect on perations, including the closure of City services. While serving,

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he learned that he loves people and solving problems and ran for Mayor because he felt it was time to move Bedford in a different direction and forward. He felt the current Council is more passionate about fixing problems and thanked them and stated it has been an honor to serve with them.

Mayor Botyer stated the Council met more times in 2020 than in any year before. He discussed changes at the top of the organization with City Manager Jimmy Stathatos bringing a new energy and effort to create an organization of excellence. He further discussed the Police Department under Interim Chief Gary Johnson tightening up procedures, ensuring property training, and putting more officers on the street. He stated there is a new focus on studying how and why things are done at City Hall and finding the right people. He discussed accomplishments in 2020, including the Phase Next and Bedford Commons projects moving forward; changes to the City's codes and ordinances to better reflect the residents' desires for governance; changes to the focus and operations of code enforcement, economic development being more proactive and creative, and engaging with developers and other businesses; and working with shopping centers owners to encourage investment in filling their spaces. Mayor Botyer stated Council has the right to be selective on the types of businesses that come into the City and discussed the time and sacrifice made by Council, family and friends to accomplish these goals. He thanked the members of Council, staff, his friends and family, and the residents. He discussed his previous decision not to run in 2015 partly due to frustration at questioning and challenging on how things were done, and his promises to challenge the City to raise its standards and be better stewards of the taxpayers money. He stated he decided to run again in 2017 to turn the City around, with no more mediocrity, excuses or "us-versus-them". He announced he would seek reelection as Mayor and to continue to finish what was started, including fixing the streets soon, changing the way Bedford does business, creating a vibrant, prosperous economy to alleviate the burden on taxpayers to pay for the City's inefficiencies, attract people to spend money and relocate to the City, revitalizing neighborhoods and streets, and create an organization of excellence with the singular focus of serving the residents. He dedicated his service to the residents and to his mother.

10. City Manager/Staff Reports

a) Report on COVID-19 vaccination plan.

Fire Chief Sean Fay presented an overview of the process for distributing the vaccine, including the distribution from the federal to the state and the county levels, and finally to authorized hubs and other small recipeints. He stated the Tarrant County Public Health Department is the primary entitiy of overseeing the bulk of the mass distirubiton of the vaccine in the county and that there are two large, county-led points-of-distrubtion (PODs), including at the Hurst Conference Center. He stated the sites require 108 people each day to operate, including from the Department and the municipalities. Challenges and concerns include adequate supply and volume of the vaccine, distribution and administration of the vaccine as quickly as possible, adequate number and stratically located PODs, adequate staffing, and to do the aforementioned twice as each vaccination requires two shots. Chief Fay discussed where to find helpful information, including city, county, and state websites. There was discussion on the layout at the Hurst Conference Center, and registering at multiple locations.

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

Motioned by Mayor Boyter, seconded by Councilmember Burnett, to authorize the City Attorney to commence with legal action with respect to regarding consultation with City Attorney regarding

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pending or contemplated litigation for the enforcement of city ordinances relative to the real property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford.

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

ADJOURNMENT

Mayor Boyter adjourned the meeting at 8:42 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary