

Council Minutes February 8, 2022

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Regular Session at 6:00 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 8th day of February, 2022 with the following members present:

Michael Boyter
Amy Sabol
Cindy Almendarez
Dan Cogan
Ruth Culver
Rob Gagliardi
Rich Steves

Mayor
Mayor Pro Tem
Councilmembers

constituting a quorum.

Staff present included:

Jimmy Stathatos
Bryn Meredith
Michael Wells
Wes Morrison
Andrea Roy
Cheryl Taylor
Jeff Williams

City Manager
City Attorney
City Secretary
Neighborhood Svcs./Planning Mgr.
Development Director
Public Works Director
Police Chief

REGULAR SESSION

The Regular Session began at 6:00 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Pastor Robert White with Freedom Church DFW gave the invocation.

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

- **Report on the City of Bedford Citizen Boards and Commissions.**

Mayor Boyter stated the Council formed a subcommittee in October of the previous year, comprised of Mayor Pro Tem Sabol and Councilmembers Culver and Steves, to look at the City's

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Boards and Commissions in an effort to refine and repurpose some of them.

Councilmember Steves stated the subcommittee looked at modernizing the Boards and Commissions and bringing them up to date. He presented an overview of the subcommittee's process and steps, including interviews with the City Manager, the chairpersons, and the Council and staff liaisons, and sending out a survey to all other members. They felt the quasi-judicial entities, including the Planning and Zoning Commission (P&Z), Zoning Board of Adjustment (ZBA), and the Building and Standards Commission, take the highest priority with everything going on in the City. Their recommendations for the quasi-judicial boards include a new application form to separate out P&Z from the general application and combining Building and Standards and ZBA.

Mr. Steves stated their recommendations on the other "community" commissions" include renaming them "advisory boards" to distinguish them from the quasi-judicial boards; term limits for the chairpersons of two two-year terms; to have the staff liaisons conduct the meetings; training sessions for each board prior to taking on new members at the beginning of the fiscal year; merging the Parks and Recreation Board and the Beautification Commission; reducing the number of Cultural Commission members to five; discontinuing the Teen Court Advisory Board; having the staff liaison decide whether the minutes of meeting be taken by a staff or board member; reducing the number of meetings to six a year, with the board setting the dates of their meetings; and dissolving the Community Affairs Commission (CAC), with staff handling their programs.

There was discussion on the various boards and commissions as well as the recommendations from the subcommittee, including dissolving the CAC and the ability for the City to better communicate with the public than when the CAC was first created; the number of openings on the boards; the need for more volunteers and making it easier to get people to volunteer; staff liaisons being better at keeping meetings on track; information from board members being filtered through the chairperson; the role of the Teen Court Advisory Board to fundraise for the teen court program; finding volunteers with actual interests in serving on the boards; the combined Beautification Commission and Parks and Recreation Board serving as more of an advisory board than a work crew; filling the quasi-judicial boards prior to the community boards; ensuring that the boards and their activities follow Council's vision; holding joint work session of the Council and the P&Z; the revised application form for P&Z; the interview process for board members; having all board members reapply and interview; giving residents a reason to want to volunteer for the boards; quorum issues; having an application addendum for the Street Improvement Economic Development Corporation; the lack of budget for the Cultural Commission; removing the arts organizations places on the Cultural Commission; and CAC functions being handled by staff, including keeping the block parties and awards.

OPEN FORUM

Nobody signed up to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

Motioned by Mayor Pro Tem Sabol, seconded by Councilmember Steves, to approve the following items by consent: 1, 2, 3, 4, 5 and 6.

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

1. Consider approval of the following City Council minutes:

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a) January 25, 2022 regular meeting

This item was approved by consent.

2. **Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the Hurst-Euless-Bedford Independent School District for cooperative purchasing of goods, products, and/or services.**

This item was approved by consent.

3. **Consider a resolution authorizing the City Manager to utilize the City of Keller's Bulk Materials and Haul Off Contract with Lowery Sand & Gravel Co., Inc. in an amount not to exceed \$40,000 through a Master Interlocal Cooperative Purchasing Agreement with the City of Keller.**

This item was approved by consent.

4. **Consider a resolution authorizing the City Manager to execute Change Order No. 1 with Atkins Brothers Equipment Company, Inc. in the amount of \$157,245 for the Forest Ridge 12-Inch Water Line Project (SWIFT 20-11) for the replacement of the water line in Walter Street.**

This item was approved by consent.

5. **Consider a resolution authorizing the City Manager to enter into a three-year contract with B&B Wrecker Services, Inc. to provide towing and storage for City-initiated vehicle tows.**

This item was approved by consent.

6. **Consider a resolution authorizing the sale and consumption of alcoholic beverages at City of Bedford Special Events held at Old Bedford School and the Bark Park.**

This item was approved by consent.

NEW BUSINESS

7. **Public hearing and consider a request for a Specific Use Permit to allow the expansion of a church property, legally described as Lot 2, Block 1 of the St. Vincent's Addition, commonly known as 1717 Schumac Lane, Bedford, Texas, and consisting of 3.742 acres. The property is generally located on the north side of Schumac Lane, east of Forest Ridge Drive. (PZ-SUP-2021-0000092)**

Planning Manager Wes Morrison presented information regarding this item. The original specific use permit (SUP) was approved in 2015 for a religious facility. This item would amend the SUP to allow the construction of an 8,300 square foot sanctuary and a 7,800 square foot fellowship hall/office building in the rear of the property. Mr. Morrison presented an overview of the site plan, the elevations, and surrounding land uses. He stated staff received one favorable response from the legally required mailed notices to neighboring property owners. The Planning and Zoning Commission recommended approval of this item by a vote of 5-0-0.

In response to questions from Council, Mr. Morrison stated the location currently has 150 parking

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spaces and the applicant proposes adding 39 spaces to accommodate the new buildings. The additional parking would be between proposed buildings and the adjacent multifamily property, while maintaining the 20-foot landscape buffer. He stated the 2015 SUP had a requirement for landscaping trees along the perimeter of the site, many of which have since died, but which will be replaced with the proposed SUP. He further stated the proposed use is approved for the site but per the City's Zoning Ordinance, if building permits for the building shown on the site plan are not received within a year of the approved SUP, then the applicant would have to go back through the process.

Mayor Boyter opened the public hearing at 7:19 p.m.

Awad Eskander, 1112 John McCain Rd, Colleyville – Mr. Eskander, the architect of record for the project, stated the church was approved for a SUP in 2015 and they did not apply for the building permits. He felt their design is respectful of the neighboring properties and they would maintain low light emission on the borderline of the property. He stated they have 58 more spaces than are required by Code. He asked that the eight-foot double-sided cedar fence already in place be left alone as part of the SUP approval as opposed to requiring a masonry fence.

Mayor Boyter closed the public hearing at 7:23 p.m.

In response to a question from Council, Mr. Morrison stated a six-foot fence was approved as part of the original SUP, and the Planning and Zoning Commission did not take any action as far as the fence.

Motioned by Councilmember Culver, seconded by Mayor Pro Tem Sabol, to approve a Specific Use Permit to allow the expansion of a church property, legally described as Lot 2, Block 1 of the St. Vincent's Addition, commonly known as 1717 Schumac Lane, Bedford, Texas, and consisting of 3.742 acres, including that the wooden fence be allowed to stay. The property is generally located on the north side of Schumac Lane, east of Forest Ridge Drive. (PZ-SUP-2021-0000092)

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

8. Public hearing and consider an ordinance amending Section 1.2.B of the Zoning Ordinance, entitled "Definitions" and Section 3.2.C of the Zoning Ordinance, entitled "Permitted Uses" as they pertain to the regulation of Short-Term Rental uses. (PZ-Zoning Amend-2021-50069)

Mr. Morrison presented information regarding this item. He stated Council approved regulations for short-term rentals in October. This item would allow short-term rentals as a permitted use within the single-family zoning classification as well as add it to the definition section of the Zoning Ordinance. The Planning and Zoning Commission recommended approval of this item by a vote of 5-0-0.

Mayor Boyter opened the public hearing at 7:25 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 7:25 p.m.

Motioned by Councilmember Gagliardi, seconded by Mayor Pro Tem Sabol, to approve an ordinance amending Section 1.2.B of the Zoning Ordinance, entitled "Definitions" and Section 3.2.C of the Zoning Ordinance, entitled "Permitted Uses" as they pertain to the regulation of Short-

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Term Rental uses. (PZ-Zoning Amend-2021-50069)

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

9. Public hearing and consider an ordinance amending Section 3.1 of the Zoning Ordinance, entitled “Schedule of Permitted Uses” specifically related to Group Homes. (PZ-Zoning Amend-2021-50071)

Mr. Morrison presented information regarding this item. He stated group homes are allowed as a use in single-family districts with a specific use permit (SUP). This item is to amend the schedule of uses in the Zoning Ordinance to allow group homes as a use in all single-family residential uses, based on consultation with the City Attorney and to follow fair housing rules. He presented an overview of the definition of a group home and stated the Planning and Zoning Commission recommended approval of this item by a vote of 5-0-0.

In response to questions from Council, City Attorney Bryn Meredith stated that locations where there is no medical treatment being performed are protected under the Fair Housing Act. Such locations could not be disqualified under zoning, but City, state, and federal occupancy, construction and building codes would still apply. He further stated the annual registration requirement for groups homes is ministerial and appropriate.

There was discussion on the possibility of certain organizations buying up entire neighborhoods, that there is no requirement for residents to be alerted when a property is purchased for a group home, and the City’s regulation about prohibiting group homes from being within a certain radius of each other.

Mayor Boyter opened the public hearing at 7:37 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 7:37 p.m.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve an ordinance amending Section 3.1 of the Zoning Ordinance, entitled “Schedule of Permitted Uses” specifically related to Group Homes. (PZ-Zoning Amend-2021-50071)

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

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

Voting in opposition to the motion: Councilmember Almendarez

10. Discussion and receive Council direction on calling an election to amend the City of Bedford Charter.

The City Council reviewed the recommended amendments to the City Charter as presented by the Charter Review Commission at the previous meeting.

Council was of the consensus to approve the recommended changes: Section 2.03 - Qualifications to add language that the members of council be residents of the city for at least one continuous year prior to being elected; Section 3.07 – City attorney to add language that the City

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Attorney shall be appointed or removed from office by a minimum of four affirmative votes of the City Council; and Section 9.04 – Legal effect by removing the last sentence as it was outdated.

Council discussed the recommended changes to Section 2.04 – Compensation, which would establish a monthly stipend of \$300 per month for the Mayor and \$200 per month for the rest of Council. City Attorney Bryn Meredith stated that such compensation by the City would allow a lawsuit brought against a member of Council in their official capacity be dismissed and require it to be filed against the City itself. There was discussion on the amount of compensation, including whether it be per month or per meeting, and how to inform voters about the reasoning behind the amendment. A majority of Council was in favor of this item, with the amount changed to \$15 per month.

Council discussed a recommended new section to the Charter that a member of Council forfeits their office if they are convicted in court of a Class A or B misdemeanor or a crime of moral turpitude or failed to attend three consecutive Council meetings without first being excused by Council. There was discussion on what constituted moral turpitude and the process for getting excused by Council for absences. A majority of Council was in favor of removing the language regarding moral turpitude in the first subsection and the subsection on Council absences in its entirety.

Council discussed the recommend new section to the Charter regarding the procedures for expulsion or forfeiture of office, including whether it only applied to a member of Council interfering with the City Manager’s subordinates. Council was of the consensus for the City Attorney to revise the language and further to not call a charter election for May.

Council discussed the recommended changes to Section 8.02 – Municipal Judge. The first change is to add competent practicing lawyers who maintain or are employed by at a law office with a physical street address in Tarrant County to those eligible to serve as the municipal judge. There was discussion on how long the current municipal judge has been in office, the definition of the word “competent,” and the reasoning behind the change being to expand the pool of candidates for the position. The second change is to add language that an appointed municipal judge could be removed by the City Council after notice and an opportunity to be heard at a public hearing. Mr. Meredith stated that state law would not allow Council to remove an appointed municipal judge, outside of malfeasance, unless the Charter provides an alternate method for removal.

Council further discussed the last two sentences in Section 8.02 that established term limits for the municipal judge, including a discrepancy in the sentences regarding an elected versus an appointed judge. Council was of the consensus for more research to be done on this section, including surveying other cities’ charters regarding residency and term limits.

11. Mayor/Council Member Reports

No reports were given.

12. City Manager/Staff Reports

City Manager Jimmy Stathatos thanked everybody who attended the town hall meeting about the operations of The Center, specifically the YMCA option. Staff is currently working on a frequently asked questions section for the website. He reported that a town hall meeting on the Performing Arts Center will be held on February 17, 2022.

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Mr. Stathatos stated he was proud of staff for their efforts during the recent winter storm event. The Public Works staff made their own brining machine, which was used on the roads in advance. He praised staff who worked diligently and had to be away from their families. He stated there were minimal power outages and there was good communication with Oncor. Staff focused on heavily traveled roads and intersections and used barricades as necessary. He stated he was happy with communication and the plan developed by Public Works Director Cheryl Taylor. There was discussion on Central Junior High School being utilized as a warming center and having a plan in place with the Hurst-Euless-Bedford Independent School District moving forward, as well as The Center being used as a warming center in the future.

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

Executive Session was not held.

ADJOURNMENT

Mayor Boyter adjourned the meeting at 8:34 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary