

Council Minutes April 13, 2021

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in and Regular Session at 6:00 p.m. via videoconference, on the 13th day of April, 2021 with the following members present:

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

Mayor
Councilmembers

constituting a quorum.

Staff present included:

Jimmy Stathatos
Cliff Blackwell
Bryn Meredith
Michael Wells
Stephanie Ayers
Wendy Hartnett
Joey Lankford
Maria Redburn
Andrea Roy
Cheryl Taylor
Jeff Williams

City Manager
Assistant City Manager
City Attorney
City Secretary
Human Resources Director
Special Events Manager
Interim Fire Chief
Library Director
Development Director
City Engineer
Police Chief

REGULAR SESSION

The Regular Session began at 6:02 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

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Nobody signed up to speak during Open Forum.

Item #8 was moved to immediately following Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Sartor, seconded by Councilmember Culver, to approve the following item by consent: 1

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

- 1. Consider approval of the following City Council minutes:
a) March 23, 2021 regular meeting**

This item was approved by consent.

COUNCIL RECOGNITION

- 2. Proclamation recognizing the week of April 18-24, 2021, as National Crime Victims' Rights Week.**

Mayor Boyter read a proclamation recognizing the week of April 18-24, 2021, as National Crime Victims' Rights Week. Police Chief Jeff Williams and Crime Victims Coordinator Janet Delph accepted the proclamation.

PERSONS TO BE HEARD

- 3. The following individual has requested to speak to the Council tonight under Persons to be Heard:

a) Lisa Diamond, 2132 Murphy Drive, Bedford, Texas 76021 - Request to speak to Council regarding local businesses not following COVID-19 mitigation guidelines.**

Ms. Diamond was unable to attend the meeting.

NEW BUSINESS

- 4. Presentation by Jeri Harwell with Republic Services and Director of Development Andrea Roy regarding the City's solid waste program and code requirements.**

Jeri Harwell with Republic Services presented information on solid waste and recycling services offered by Republic. She stated Bedford is a take-all City; however, in the spring and fall when there are thousands of bags of leaves put out, their workers will sometimes first collect the trash and then return to collect leaves, which may go over to the second cycle day of the week. The recycling program is one of the most extensive in the area, and they will take broken down cardboard boxes outside of the recycling carts. She stated most City facilities participate in recycling. She believed that there is always more Republic can do, including educating residents about recycling and what they can put out for disposal, and partnering with City staff and the Keep Bedford Beautiful program. They also support schools and the Education Foundation monetarily and through volunteerism, but they want to do more presentations in the schools and to do more

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with Keep Bedford Beautiful and other events. She discussed educational videos and social media posts being done in conjunction with Communications staff.

Development Director Andrea Roy presented information regarding code issues related to trash and recycling, including dumpsters being in view. The City currently requires a three-sided dumpster enclosure but there is an option for fully enclosing dumpsters if Council is interested. She did not think anything could be done with existing facilities, but as things are replaced or moved and with new developments, this issue could be addressed at that time. She discussed alternate ordinances that address aesthetics for enclosures, including matching materials, gates being closed, and/or pointed away from the view of the road. She stated code officers have identified streets within their districts with known violations related to bins. She discussed updates to the notice of violation form and educating residents on the regulations related to trash and screening of bins.

There was discussion on Council's desire to update the code related to the screening of dumpsters; upcoming projects that include customized zoning, which would allow for additional regulations related to aesthetics and screening; working with Republic Services on current issues related to dumpsters and any changes to the screening requirements; grandfathering in current three-sided dumpster enclosures; and the number of garbage and recycling routes in the City. In response to questions from Council, Ms. Harwell stated there is less "abandoned" trash when dumpsters have the proper enclosures, having a completely enclosed dumpster does not really slow down garbage collection, and there would be an additional fee of approximately \$1.50 a month for having a gated enclosure. There was discussion on adding this item to the list of other ordinance changes.

5. Consider an ordinance amending Ordinance No. 2021-3301 of the City of Bedford, Texas changing the Stand-By Pay amounts assigned weekly for Police SWAT and Police CRASH.

Human Resources Director Stephanie Ayers stated Council approved the ordinance for Stand-By Pay on January 26, 2021 but it subsequently came to staff's attention that the rates approved for SWAT and CRASH were below what is currently being paid. SWAT was approved at \$130 per week, while it is currently \$260 per week and CRASH was approved at \$60 per week, while it is currently \$120 per week. This item would update those pay rates in the ordinance. She stated the City would not owe backpay as those officers are currently being paid the rates being requested, and there should not be an impact to the City's budget.

Motioned by Councilmember Cogan, seconded by Councilmember Culver, to approve an ordinance amending Ordinance No. 2021-3301 of the City of Bedford, Texas changing the Stand-By Pay Amounts assigned weekly for Police SWAT and Police CRASH.

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

6. Consider a resolution providing for the extension of the Specific Use Permit expiration date for property zoned (R15/SUP) Residential 15,000 SF Detached/Specific Use Permit, specific to Section 3.2.C.2.A, Churches, Temples and Synagogues, of the City of Bedford Zoning Ordinance, allowing for Christian Life Tabernacle Church, located at 1104 Central Drive, Bedford, Texas to operate a church; and providing for an effective date.

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Development Director Andrea Roy presented information regarding this item, which is an extension of the specific use permit (SUP) for Christian Life Tabernacle Church. She stated the project was approved the previous March to add approximately 10,000 in expansion space and related parking. The applicant was required by Code to obtain a building permit within one year of the SUP's approval; however, they were unable to meet that deadline and have requested a one-year extension to March 10, 2022.

Motioned by Councilmember Gagliardi, seconded by Councilmember Culver, to approve a resolution providing for the extension of the Specific Use Permit expiration date for property zoned (R15/SUP) Residential 15,000 SF Detached/Specific Use Permit, specific to Section 3.2.C.2.A, Churches, Temples and Synagogues, of the City of Bedford Zoning Ordinance, allowing for Christian Life Tabernacle Church, located at 1104 Central Drive, Bedford, Texas to operate a church; and providing for an effective date.

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

7. Consider a resolution authorizing the submittal of projects for consideration in the 2021 Tarrant County Transportation Bond Program.

City Engineer Cheryl Taylor presented information regarding this item, which is for the submittal of projects for potential funding by Tarrant County 2021 Transportation Bond Program, which will be considered at the November election. The last Bond Program was approved in 2006 and funded over 100 transportation projects. Staff met with Tarrant County Commissioner Gary Fickes and his staff regarding the opportunity for Bedford to submit projects for funding. The goals of the program are to increase mobility, reduce congestion, enhance safety, improve connectivity, not increase the tax rate, allow for a broad range of projects and agency participation, and will give priority to shovel-ready projects. She presented a breakdown of the categories to be included in the \$400,000,000 in funding.

Ms. Taylor presented an overview of the thoroughfare projects to be submitted for consideration, including reconstruction of Brown Trail, reconstruction, mill and overlay as well as traffic signal upgrades for Harwood Road, mill and overlay as well as water line and sanitary sewer replacement for Bedford Road, and street reclamation and utility replacement for Murphy Drive. She further presented an overview of the timeline for the program leading up to the November election. There was discussion on working with neighboring cities on projects, including Harwood Road; that staff has driven the roadways in question; and the mill and overlay on Harwood Road.

Motioned by Councilmember Sartor, seconded by Councilmember Culver, to approve a resolution authorizing the submittal of projects for consideration in the 2021 Tarrant County Transportation Bond Program.

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

8. Mayor/Council Member Reports

This item was moved to after Open Forum.

Councilmember Burnett stated his wife has been stuck in New Zealand for 14 months. She went there in February 2020 for a two-month visit and while there, suffered a serious heart-related medical issue requiring surgery. The COVID-19 pandemic hit while she was recovering, and New Zealand went into complete lockdown. Due to her heart condition, medically it is not advisable for

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her to do extended travel, so she has been unable to return, while he has been unable to see her due to the strict travel restrictions. She has been told her condition is slowly worsening and cannot be corrected by surgery. Because of these developments, he stated it is imperative he make every effort to go to New Zealand. Due to the length of time he may have to be gone, he will be unable to fulfil his obligations on the City Council. As a result, he announced he was resigning his Place 4 seat effective immediately. He wanted to allow the Council to take the necessary steps to fill the position as soon as possible to continue their work in improving the City.

Councilmember Burnett stated he provided this detailed information as there will be speculation and rumors over the reason for his resignation by those that have opposed him since he started working as an advocate in the “No More Apartments” effort in 2018. He stated he worked with a great group of citizens to prevent a development the citizens did not want, nor the City need. He further led a citizen initiative successfully change the density ordinance, which preserved the Bedford Commons land for a multi-use development that will make Bedford the centerpiece of the area. He stated he worked with Sal Caruso on the liquor sales initiative, in which a significant amount of money was raised to hire a professional firm to secure over 9,000 signatures to go on the ballot the previous November. He thanked the 16,000 voters who approved those efforts. He stated the City now has three major retailers investing over \$10,000,000 and three major properties are being redeveloped.

Councilmember Burnett stated he has worked with a great group of Councilmembers since joining Council in November 2019 who have shown their dedication in improving the City. The Council met 51 times in 2020 to address the major needs and set a new direction for the City’s future. He stated the list of accomplishments is what his detractors do not like as it highlights the difference of what came before. He stated it was a privilege to serve and has tried to be helpful and responsive to citizens who have reached out to Council in need. He thanked those who have supported and worked beside him and urged everyone in the City to support the current Council and City Manager as they are working hard for the best interests of the City.

Mayor Boyter discussed the time commitment and sacrifices needs to serve on Council. He expressed his gratitude to Councilmember Burnett.

9. City Manager/Staff Reports

a) Discussion on the Old Bedford School restroom project.

City Manager Jimmy Stathatos stated staff committed to bringing this item before Council for their consideration once a firm construction cost estimate was obtained. The estimated cost is approximately \$183,000 and asked for Council direction on whether to move forward with the project now or wait until the Performing Arts Center is more thoroughly defined. In response to a question from Council, Mr. Stathatos stated he never heard the rumor that by doing the upstairs restrooms, upgrades would be required to the lower level restrooms. He further stated Council had previously recommended moving forward on the project, but no formal vote has been taken, which would take place once staff presents Council with a contract.

There was discussion on the cost of the project; the impact of the project on making the facility usable in the future; that the project would be paid from the Tourism Fund balance, which is currently at approximately \$600,000; previous Council direction on the project; bringing this item for a formal vote; senior programming being considered for the first floor of the Old Bedford School (OBS), with ONSTAGE using the second floor; ONSTAGE utilizing the Performing Arts Center once completed and programming the second floor of the OBS for other activities; the potential

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increase in the costs of the project if done at a later time and the contingency line item built into the cost; and the cost of the project compared to a recent restroom project at the Public Works Service Center. Councilmember Sartor stated for the record that he was against approving this item.

b) Discussion on summer programming.

Mr. Stathatos presented information on plans for summer programming. Staff has been working with Midcities Montessori for the summer camp as the public schools have not yet been made available. Staff recommends not holding a public event for July 4 but to have an extra-large fireworks display. Most senior citizen programming will be at the Old Bedford School, with some at the Library. Staff is not recommending holding BluesFest during the current year but to use the time to ramp up for the following year. He recommended Council meet in person starting with the meeting scheduled for May 11, 2021.

There was discussion on drive-through events, including increased attendance; the impact of other camps being held at Midcities Montessori; the economic viability of the summer camp being held at Midcities Montessori; the timing for cancelling BluesFest this year, retheming the event, and showcasing the opening of the new Generations Park with the event; opening up programs at the Library in June; and doing the programs responsibly and making the residents feel comfortable in attending. Council was in agreement with staff's recommendations.

c) Follow-up discussion on customer access to the water meter box.

Mr. Stathatos stated it was conveyed that an item would be coming to Council to make the waiver allowing residents to open their water meter boxes permanent. In discussions with the City Attorney, it was determined that the waiver can be done administratively. Assistant City Manager Cliff Blackwell stated staff will promote a form on the City's website for residents to request their meter boxes be unlocked. Staff is currently organizing routes throughout the City to unlock the meter boxes and 518 requests have so far been received to unlock the boxes.

EXECUTIVE SESSION

a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property - possible acquisition of real property for redevelopment purposes.

b) Pursuant to Section 551.071, consultation with City Attorney regarding Group and Community Home land use matters.

Council convened into Executive Session pursuant to Texas Government Code Section 551.072, to deliberate the purchase, exchange, lease or value of real property - possible acquisition of real property for redevelopment purposes and Section 551.071, consultation with City Attorney regarding Group and Community Home land use matters, at 7:36 p.m.

Council reconvened from Executive Session at 8:10 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

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

No action was necessary as a result of the Executive Session.

ADJOURNMENT

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Mayor Boyter adjourned the meeting at 8:11 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary