

Council Minutes April 25, 2023

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 25th day of April, 2023 with the following members present:

Michael Boyter	Mayor
Amy Sabol	Mayor Pro Tem
Dan Cogan	Councilmembers
Nichelle D. Dawkins	
Steve Farco	
Rob Gagliardi	
Rich Steves	

constituting a quorum.

Jimmy Stathatos	City Manager
Caryn Riggs	Assistant City Manager
Andrea Roy	Assistant City Manager
Bryn Meredith	City Attorney
Michael Wells	City Secretary
Wes Morrison	Community Development Manager
Krissi Oden	Cultural Arts Manager
Cheryl Taylor	Public Works Director
Jeff Williams	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. He stated that Hurst-Eules-Bedford Independent School District Board Member Andy Cargile was in his thoughts and prayers.

INVOCATION

Tom Russell with Forest Ridge Church of Christ gave the invocation.

PLEDGE OF ALLEGIANCE

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

COUNCIL RECOGNITION

- **Proclamation recognizing the week of May 15-21, 2023 as National Police Week and Monday, May 15, 2023 as Peace Officers Memorial Day.**

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Councilmember Steves read a proclamation recognizing the week of May 15-21, 2023 as National Police Week and Monday, May 15, 2023 as Peace Officers Memorial Day. Police Chief Jeff Williams accepted the proclamation.

- **Proclamation recognizing the week of May 21-27, 2023 as National Public Works Week in the City of Bedford.**

Mayor Boyter read a proclamation recognizing the week of May 21-27, 2023 as National Public Works Week in the City of Bedford. Public Works Director Cheryl Taylor, Office Manager Staci Cervini, Street and Drainage Superintendent Chris Techau, and Utility Superintendent Elijah Dorminy accepted the proclamation.

PRESENTATION

- **Presentation from Trinity River Authority of Texas on the Tarrant County Water Supply Project and Bond Issuance.**

Matthew Jalbert with the Trinity River Authority (TRA) presented an overview of a bond issuance for the Tarrant County Water Supply Project (TCWSP). He stated the TRA is a wholesale water provider for Bedford and is required to receive approval from Council for the issuance of bonds. He discussed the TCWSP and upcoming capital improvement projects, including raw water transmission improvements with an additional pipeline to be done over six phases. Projects at their treatment facility include filter rehabilitation, a fourth ozone generator, and clariflocculator improvements. He discussed the scope of work for those projects, and stated the construction contract was awarded the previous December, with the construction scheduled for 970 calendar days.

Mr. Jalbert discussed the improvements at the Murphy Drive Pump Station, with the scope of work including the replacement of existing pumps with vertical turbine pumps, rehabilitation of the tanks, and upgrades to the electrical system. The construction contract is anticipated to be awarded in June. Mr. Jalbert discussed the bond issuance, which would include the Murphy Drive Pump Station improvements, the 24-inch Euless and North Grapevine Parallel Water Line, and condition and operational assessments of the distribution system.

In response to questions from Council, Mr. Jalbert stated Bedford's water allocation is based on projections provided by the City. Regarding disruptions related to improvements at the Murphy Drive Pump Station, he stated sound barriers were installed to lessen construction noise. He discussed the improvements and explained that the pump station would not be expanded. There was discussion on the pump station improvements, including its layout, the TRA purchasing an adjacent property, and TRA meeting with nearby residents regarding the construction plans.

PUBLIC COMMENTS

Nobody signed up to speak during Public Comments.

CONSIDER APPROVAL OF ITEMS BY CONSENT

City Manager Jimmy Stathatos presented an overview of items on the consent agenda. In response to questions regarding Item 4, Mr. Stathatos confirmed there are backup redundancies for the City's information. In response to questions regarding Item 2, Police Chief Jeff Williams stated the grant would allow breaching equipment to be installed in every patrol car and for the purchase of a kinetic energy tool to breach heavy steel doors. In response to questions regarding

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Item 5, Assistant City Manager Andrea Roy confirmed that the \$73,000 cost would be the final number and stated the total cost for asbestos removal is approximately \$185,000, for a total demolition cost of approximately \$525,000.

Motioned by Councilmember Gagliardi, seconded by Councilmember Farco, to approve the following items by consent: 1, 2, 3, 4, and 5.

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

- 1. Consider approval of the following City Council minutes:
a) April 11, 2023 regular meeting**

This item was approved by consent.

- 2. Consider a resolution of the City Council of Bedford, Texas authorizing the submission and acceptance of the FY2024 grant application for breaching equipment for the Police Department to the Office of the Governor, Criminal Justice Division. Should the grant be awarded, the City Council authorizes the purchase of the breaching equipment.**

This item was approved by consent.

- 3. Consider a resolution of the City Council of Bedford, Texas authorizing the submission of an Energy Efficiency and Conservation Block Grant (EECBG) Pre-Award Information Sheet for the EECBG Program, sponsored by the US Department of Energy.**

This item was approved by consent.

- 4. Consider a resolution authorizing the City Manager or his designee to execute a renewal of the Microsoft Enterprise Agreement for an additional three years in an estimated amount of \$148,404 per year, through SHI Government Solutions, Inc., using the Texas Department of Information Resources (DIR) purchasing cooperative.**

This item was approved by consent.

- 5. Consider a resolution authorizing the City Manager or his designee to execute a change order with 1Priority Environmental in the amount of \$73,307 for additional asbestos abatement services at 205 and 209 N. Industrial Blvd.**

This item was approved by consent.

NEW BUSINESS

- 6. Public hearing and consider an ordinance to rezone the property described as Lot 2R01 Block 1 Bedford Centre Block from Heavy Commercial to Heavy Commercial/Specific Use Permit/Banquet and Meeting Facilities. The property is generally located north side of Bedford Road, approximately 450 feet west of Tennis Drive, and is commonly known as 209 Bedford Road, Unit 145 (SUP-23-8)**

Community Development Manager Wes Morrison presented information regarding this item, which is for a specific use permit (SUP) for a banquet facility. The suite is approximately 3,200 square feet, with the entire shopping center being approximately 23,000 square feet. Mr. Morrison presented an overview of the surrounding uses and stated staff did not receive any responses to

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the legally required notifications. The Planning and Zoning Commission recommended approval of this item with the stipulation that two licensed peace officers be on site during any occurrence or any event that alcohol is present no matter the time of day.

Mayor Boyter opened the public hearing at 6:31 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 6:32 p.m.

In response to questions from Council, Mr. Morrison stated that the shopping center currently has one or two businesses, and the occupancy load of the banquet hall would be from 100 to 150 people. There was discussion regarding the conditions for approval being consistent with a previous banquet facility, including the presence of a police officer and a licensed bartender when alcohol was present. There was discussion regarding code issues at the shopping center and Mr. Morrison explained that if the SUP was approved, the next step would be for the applicant to apply for certificate of occupancy, which would entail inspection from staff to ensure life safety codes have been met. Police Chief Jeff Williams stated he would be comfortable starting off with one officer present at events. He discussed the process for scheduling off-duty officers for events; the benefits of having a Bedford officer at events, including radio communications; and patrols of the area. There was further discussion regarding the enforcement of the conditions of the SUP. In response to questions from Council, the applicant, Kenneth LaMothe, 7605 White Fawn Road, Arlington, explained he would host financial education seminars at the facility during the daytime. There was further discussion regarding the conditions for approval.

Motioned by Councilmember Dawkins to approve an ordinance to rezone the property described as Lot 2R01 Block 1 Bedford Centre Block from Heavy Commercial to Heavy Commercial/Specific Use Permit/Banquet and Meeting Facilities, with the following conditions: that there will be one licensed police officer on site during the occurrence if there is alcohol present and consumed no matter the time of day and if alcohol is served, that it is by a licensed bartender.

Councilmember Dawkins amended her motion to read: that there will be one licensed City of Bedford peace officer on site during the occurrence of an event if there is alcohol present or consumed, no matter the time of the day and alcohol is served by a licensed bartender.

The amended motion was seconded by Councilmember Gagliardi.

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

7. Public hearing and an ordinance to rezone the property described as Lot 2 Block 27 Stonegate Addition-Bedford, from Light Commercial to Light Commercial/Specific Use Permit/Church. The property is generally located at approximately 350 feet east of Brown Trail, northside of Bedford Road, and is more commonly known as 505 Bedford Road Drive, Suite D. (SUP-23-10)

Mr. Morrison presented information regarding this item. The location is 505 Bedford Road, which is predominantly a shopping center with commercial and office uses. The applicant requests to take a majority of the shopping center and utilize it as a religious facility, which requires a SUP. The entire shopping center is 6,100 square feet consisting of five suites and 24 parking spots, and 1,750 square feet would be dedicated toward the religious facility. Mr. Morrison presented an overview of the surrounding uses and stated that no responses were received to the legally

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required notifications. The Planning and Zoning Commission unanimously recommended approval of this item.

Mayor Boyter opened the public hearing at 6:46 p.m.

Nobody chose to speak during the public hearing.

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

In response to questions from Council, Mr. Morrison stated the use meets the parking standards. He explained the applicant would be enlarging their already existing space by taking down walls between the suites.

Motioned by Councilmember Dawkins, seconded by Mayor Pro Tem Sabol, to approve an ordinance to rezone the property described as Lot 2 Block 27 Stonegate Addition-Bedford, from Light Commercial to Light Commercial/Specific Use Permit/Church.

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

- 8. Consider an ordinance amending Section 86-9 “Alcoholic Beverages” of Chapter 86 “Parks and Recreation” of the City of Bedford Code of Ordinances by revising the regulations for the sale or consumption of alcohol within City parks; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; providing a savings clause; and providing an effective date.**

Cultural Arts Manager Krissi Oden presented information regarding this item. She stated the current ordinance reads the City Manager or their designee can approve alcohol sales at The Center at Generations Park or inside the Old Bedford School. The amendment would encompass all the parks in the City, but only for City-sponsored events. Private parties wanting alcohol sales would still require Council approval. There was discussion regarding what constitutes a City-sponsored event.

Motioned by Councilmember Gagliardi, seconded by Councilmember Cogan, to approve an ordinance amending Section 86-9 “Alcoholic Beverages” of Chapter 86 “Parks and Recreation” of the City of Bedford Code of Ordinances by revising the regulations for the sale or consumption of alcohol within City parks; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; providing a savings clause; and providing an effective date.

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

- 9. Consider an ordinance of the City of Bedford, Texas amending Chapter 22, “Building and Building Regulations,” of the City of Bedford Code of Ordinances by amending the reserved Article VI to create a new article “Regulation of Sex Offender Residency;” providing for residency restrictions for certain sex offenders; providing affirmative defenses and exemptions; providing an appeal process; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty for violations; providing a savings clause; and establishing an effective date.**

Police Chief Jeff Williams presented information regarding this item, which would limit where certain sex offenders, specifically those that were adults at the time of their offense and their offense was against a child, could live within the City. He presented a breakdown of current sex

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offenders within the City, their risk level, and the offenses for which they were convicted, and stated the City currently averages 56 offenders. There was discussion regarding registration requirements for sex offenders. Chief Williams explained the proposed ordinance would require offenders to live 2,000 feet or greater from safety zones, including schools, parks, and other places where children gather. They further would be barred from loitering within 500 feet of a safety zone. Chief Williams stated that offenders currently living in the City would be grandfathered. He presented a breakdown of neighboring cities who have similar ordinances. He displayed a map showing the 2,000-foot boundaries and the number of offenders that would have been denied residency over the last three years if the ordinance had been in place, including six in 2023.

In response to questions from Council, Chief Williams explained there is no state minimum for the boundary, and it is up to individual cities to regulate. He discussed the registration process for sex offenders. Regarding expanding the boundary, Chief Williams and City Attorney Bryn Meredith explained the City is required to provide an area where offenders can locate and that the issue has been thoroughly litigated. There was discussion regarding the history of the ordinance and Chief Williams' efforts to modernize the Police Department.

Motioned by Councilmember Cogan, seconded by Councilmember Steves, to approve an ordinance of the City of Bedford, Texas amending Chapter 22, "Building and Building Regulations," of the City of Bedford Code of Ordinances by amending the reserved Article VI to create a new article "Regulation of Sex Offender Residency;" providing for residency restrictions for certain sex offenders; providing affirmative defenses and exemptions; providing an appeal process; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty for violations; providing a savings clause; and establishing an effective date.

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

10. Consider a resolution of the City Council of Bedford, Texas authorizing the submission and acceptance of the grant application to create a detective position designated to investigate intimate partner violence (IPV) related crimes, an IPV Detective, for the Police Department to the Office of the Governor, Criminal Justice Division. Should the grant be awarded, the City Council authorizes the hiring of this position.

Chief Williams presented information regarding this item. He stated the Department would use the grant to hire a detective position to specifically work with women who are victims of violence. The grant is \$95,000 a year, with a 30 percent match from the City. Chief Williams explained that a majority of violent crime in Bedford is related to family violence. He stated the Department would hire the position starting October 1 if the grant is awarded. There was discussion on similar positions in neighboring cities and detectives becoming specialized in certain fields. In response to questions from Council, Chief Williams stated if the City's portion is not approved as part of the budget process, then the grant did not need to be accepted. There was further discussion regarding the grant process.

Motioned by Councilmember Gagliardi, seconded by Councilmember Farco, to approve a resolution of the City Council of Bedford, Texas authorizing the submission and acceptance of the grant application to create a detective position designated to investigate intimate partner violence (IPV) related crimes, an IPV Detective, for the Police Department to the Office of the Governor, Criminal Justice Division. Should the grant be awarded, the City Council authorizes the hiring of this position.

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

11. Mayor/Council Member Reports

Councilmember Dawkins reported that nominations for the Beautification Award Program would be accepted until May 31, 2023.

12. City Manager/Staff Reports a) Department Update

Assistant City Manager Caryn Riggs presented a status update on the City's budget process. She discussed the implementation of the budget suite for the ClearGov software and stated there has been great feedback from staff. She stated staff has turned in their year-end projections and supplemental requests. The first appraisal role was 15 percent higher than the previous year, but Ms. Riggs explained the number is expected to decline with protests. She stated sales tax is 6.9 percent over this time the previous year.

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

Executive Session was not held.

ADJOURNMENT

Mayor Boyter adjourned the meeting at 7:16 p.m.

ATTEST:

Michael Boyter, Mayor

Michael Wells, City Secretary