

**Council Minutes April 28, 2020**

**STATE OF TEXAS           §**

**COUNTY OF TARRANT   §**

**CITY OF BEDFORD       §**

**The City Council of the City of Bedford, Texas, met in Executive Session at 5:30 p.m. via teleconference, and Work Session at 6:00 p.m. and Regular Session at 7:30 p.m. via videoconference, on the 28th day of April, 2020 with the following members present:**

Michael Boyter	Mayor
Tom Burnett	Councilmembers
Dan Cogan	
Ruth Culver	
Roger Fisher	
Amy Sabol	
Rusty Sartor	

constituting a quorum.

Staff present included:

Cliff Blackwell	Interim City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Sean Fay	Fire Chief
Jeff Gibson	Police Chief
Kenny Overstreet	Public Works Director
Bill Syblon	Development Director
David Yancy	Information Technology Manager

**EXECUTIVE SESSION**

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 1, Lot 1, Bedford School Addition.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Park Place Meadow Block 1 Lot 4R1A.**
- c) Pursuant to Section 551.074, personnel matters – City Manager search.**

Council convened into Executive Session via teleconference pursuant to Texas Government Code Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 1, Lot 1, Bedford School Addition; Section 551.087, deliberation regarding economic development negotiations relative to Park Place Meadow Block 1 Lot 4R1A; and Section 551.074, personnel matters – City Manager search, at 5:30 p.m.

Council came out of Executive Session at 5:52 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

**WORK SESSION**

Mayor Boyter called the Work Session to order at 6:00 p.m.

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- **Receive a report on the current state of Information Technology and the renewal process of a Microsoft Enterprise Agreement.**

Information Technology Manager David Yancy gave an overview of the City's Information Technology (IT) infrastructure and the enterprise agreement with Microsoft. He presented information on the layout of the City's network, and discussed issues related to the lack of a direct connection of Public Works Service Center to the City's main connection, the entire network running through physical location at City Hall, and lack of bandwidth, affecting performance. He stated enhancing the license with Microsoft will mitigate the impact of a single point of failure in the network by moving systems current housed in City Hall to the Microsoft Cloud. He further stated the enhanced license would improve network security and gave an overview of the security features. Mr. Yancy presented information on the Microsoft enterprise agreement, which is \$146,000 for three years, and the costs savings associated with the agreement. There was discussion regarding network security, a redesign of the network topography, technology, cost efficiency, Council's vision as it relates to technology in the future, growth in the number of Microsoft licenses, and "smart city" initiatives.

- **Update on the budgetary impact of COVID-19.**

Mayor Boyter thanked residents for the sacrifices they have made during the COVID-19 pandemic and presented an overview of actions taken by the City to protect citizens and employees. He discussed the closure of City facilities to the public while maintaining City services; the collaboration with local, county and state officials, the medical community, the Hurst-Eules-Bedford Independent School District, non-profits, and Texas Health HEB hospital; the City's communication efforts to residents; Governor Greg Abbot's plan to "re-open" Texas; the City's support of the local business community; and Council's commitment to move projects forward, including Bedford Commons. He thanked the citizens, as well as City staff, including Interim City Manager Cliff Blackwell and public safety.

Mr. Blackwell stated the City's two objectives when the pandemic first began were the safety of staff and the community and maintaining the same level of service. A third objective of maintaining financial sustainability came about as the pandemic continued. He presented information on the current fiscal year's budget, revenue collected year-to-date, and projections for the rest of the fiscal year, which includes an estimated \$1,100,000 loss in sales tax and total revenue of approximately \$34,900,000 for the entire year. He discussed the impact of shutting down summer programs, including SPLASH and the summer day camp. There was discussion regarding the hotel/motel occupancy tax and the impact on City events. Mr. Blackwell presented information on expenditures, including freezing certain positions, potential savings identified by departments, COVID-19 expenses, and furloughing part-time staff until the end of the fiscal year. There was discussion on reimbursements for COVID-19 related ambulance transports. Mr. Blackwell stated projected expenditures for the fiscal year are approximately \$35,200,000, for a deficit of approximately \$331,000.

There was discussion regarding cancelling summer programs and City events; the potential effect of the disaster declaration on the calculating the voter approved tax rate; the City's fund balance; sales tax history and trends; and deadlines for cancellation of events and potential refunds, including for FourthFest fireworks.

Police Chief Jeff Gibson updated Council on the activities of the Police Department during the pandemic. A COVID-19 response team was established on March 13, 2020, which established

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guidelines for the Department's field directives and operations plan, as well as two designated infection control officers (DICO) and a social media team. He stated the field directives were specific to first responder exposures and guidelines to the telecommunicators to screen callers so officers could wear the appropriate personal protective equipment (PPE) when responding. The directives also created a tiered scheduling system for redundancy in the event officers were exposed. Chief Gibson stated crime statistics show a dramatic increase in shoplifting and that the Department has taken innovative approaches in reducing that number. The Department has taken steps to revamp their operations in response to Governor Abbott's recent orders about reopening of businesses, including requiring officers wearing facial coverings when interacting with the public. There was discussion on the makeup and actions of the Department's social media team. In response to questions from Council, Chief Gibson stated their call volume has not increased tremendously, though the volatility of domestic disturbances has increased. Nine Police Department employees have been quarantined since the beginning of the crisis for precautionary measures, though none are currently.

Fire Chief Sean Fay stated the City began taking steps to save lives, minimize risks in the workplace, and ensure continuity of services, through both the Fire Department and the Office of Emergency Management (OEM) as the City began to be impacted by COVID-19. Both offices began producing contingency plans starting on March 13, 2020. He stated the City's priorities during the disaster are life safety, continuance of services, and fiscal sustainability. The Department issued directives to personnel on March 17, 2020, which contained COVID-19 specific information to changes in operations. Chief Fay presented an overview of the directives and training, and procedures for decontaminating and quarantining employees. He stated eight Fire Department employees have been quarantined though none tested positive for COVID-19. A continuance of operation plan was created to identify essential services and functions and the personnel needed to carry them out in case of an impact to staffing levels. The Department established relationships with sellers and distributors of PPE to bolster stock levels. A program was implemented whereby paramedics work in Dispatch to speak to callers about specific symptoms and then develop the best course of action for the patient and community. Chief Fay stated the OEM activated a virtual EOC and presented an overview of the functions of the EOC. He presented a current COVID-19 situation report, including the stock and costs for purchasing PPE; the number of calls for service, which do not show a significant impact from the pandemic; and a breakdown of confirmed or suspected COVID-19 related calls. There was discussion on the impact of staffing and overtime related to the quarantined employees, the volume of patients in emergency rooms returning to normal levels, and communication between the Department and local hospitals.

- **Presentation and consideration of the final list of names for the Phase Next project.**

Councilmember Sabol discussed meetings with Torch Creative and the branding committee, consisting of herself and Councilmembers Sartor and Fisher, regarding the naming of the park and multi-generational center. The committee preferred the following options for the name of the park: Legacy, Heritage and Generations and she presented an overview of each name. After discussion, Council was in favor of Generations. There was discussion on incorporating the name into the design of the park and adding an historical element in the park.

Councilmember Sabol presented an overview of the committee's preferences for the multi-generational center, including SPARC, CNTR, Catalyst, Max and Impact. After discussion, Council was in favor of CNTR. There was discussion on incorporating the name with the City's logo and tagline.

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Mayor Boyter adjourned the Work Session at 8:13 p.m.

### **REGULAR SESSION**

The Regular Session began at 8:24 p.m.

### **CALL TO ORDER/GENERAL COMMENTS**

Mayor Boyter called the meeting to order.

### **INVOCATION**

Councilmember Fisher gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

### **OPEN FORUM**

Nobody signed up to speak during Open Forum.

### **CONSIDER APPROVAL OF ITEMS BY CONSENT**

Interim City Manager Cliff Blackwell gave an overview of the items on the consent agenda.

In response to questions from Council on Item #5, Public Works Director Kenny Overstreet stated it would help mitigate any fines the City might receive in the future from the Texas Commission on Environmental Quality.

Motioned by Councilmember Sabol, seconded by Councilmember Burnett, 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:**
  - a) March 10, 2020 regular meeting**
  - b) March 25, 2020 special session**
  - c) April 7, 2020 special session**
  - d) April 14, 2020 special session**

This item was approved by consent.

- 2. Consider a resolution authorizing the Interim City Manager to purchase expendable medical supplies from Bound Tree Medical LLC, through an interlocal agreement with the City of Cedar Hill, in an amount not to exceed \$70,000.**

This item was approved by consent.

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3. Consider a resolution of the authorizing the purchase of a NICE (brand) Inform and Telephony Logger System for public safety phones and radios from Motorola Solutions in the amount of \$90,200.

This item was approved by consent.

4. Consider a resolution authorizing the Interim City Manager to adopt the North Central Texas Council of Governments Clean Fleet Policy supporting low emission vehicles, to include the adoption of an idle reduction standard operating procedure/policy by City personnel.

This item was approved by consent.

5. Consider a resolution authorizing the City of Bedford to execute an agreement for a 10-year Sanitary Sewer Overflow Outreach Initiative with the Texas Commission on Environmental Quality.

This item was approved by consent.

6. Consider a resolution of the City of Bedford, Texas finding that Oncor Electric Delivery Company LLC's application for Approval to Amend its Distribution Cost Recovery Factor to increase distribution rates within the City should be denied; authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

This item was approved by consent.

### **PERSONS TO BE HEARD**

7. The following individual has requested to speak to the Council tonight under Persons to be Heard:
  - a) Stacey MacDonald, 2608 Willow Bend, Bedford, Texas 76021 - Request to speak to Council regarding code enforcement, the time length to complete the process/complaint, and if staff needs additional staff and legal support.

Stacey MacDonald, 2608 Willow Bend, Bedford – Ms. MacDonald discussed code enforcement in Bedford and stated it takes a long time for her code complaints to be processed and that she has heard there is a lack of staff and legal issues. She discussed code issues she has seen and asked if code enforcement needed additional staff and legal support. Mr. Blackwell presented information on the new Neighborhood Services program, which was presented to Council in March. Ms. MacDonald asked about the length of time for code issues to be resolved and the last time the City's codes were reviewed. There was discussion on bringing an ordinance revision to Council at the first meeting in June.

### **NEW BUSINESS**

8. Public hearing and consider an ordinance to rezone Lot 1, Block 1, Harwood Oaks Plaza Addition, located at 3225 Harwood Road, Bedford, Texas, from Light

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**Commercial (L) to Light Commercial/Specific Use Permit (L/SUP), specific to Section 3.2.C(7)x, Tobacco Products Store of the City of Bedford Zoning Ordinance, allowing for Prestige Cigars & Tobacco to operate a cigar shop and lounge. The subject property is generally located east of Martin Drive and north of Harwood Road. (PZ-SUP- 2020-50015)**

Development Director Bill Syblon presented information regarding this item, which is a request for a specific use permit to allow Prestige Cigars to expand their footprint at 3225 Harwood Road. The cigar shop is in a multi-tenant shopping center and they would be expanding into a former Subway sandwich shop, increasing from 900 square feet to almost 2,000 square feet. The Planning and Zoning Commission unanimously approved this item at their meeting on March 12, 2020, with the stipulation that no vaping products would be sold or used on the premises.

Mayor Boyter opened the public hearing at 8:52 p.m.

Nobody signed up to speak during the public hearing.

The applicant Marish Ahmed stated he would keep what he sells the same.

Mayor Boyter closed the public hearing at 8:53 p.m.

Motioned by Councilmember Burnett, seconded by Councilmember Sabol, to approve an ordinance to rezone Lot 1, Block 1, Harwood Oaks Plaza Addition, located at 3225 Harwood Road, Bedford, Texas, from Light Commercial (L) to Light Commercial/Specific Use Permit (L/SUP), specific to Section 3.2.C(7)x, Tobacco Products Store of the City of Bedford Zoning Ordinance, allowing for Prestige Cigars & Tobacco to operate a cigar shop and lounge. The subject property is generally located east of Martin Drive and north of Harwood Road. (PZ-SUP-2020-50015)

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

**9. Consider a resolution authorizing the Interim City Manager to enter into a contract with David Pettit Economic Development, in the amount of \$75,000, to provide professional economic development services relating to the creation of a Tax Increment Reinvestment Zone (TIRZ) around the central Bedford City Hall area.**

Mr. Syblon presented information regarding this item, which he stated extends from the Council work session on February 20, 2020 focusing on economic development concepts, practices, and strategies. One of the takeaways from the work session was creating a Tax Increment Reinvestment Zone (TIRZ) around the Bedford Commons area to promote new development and redevelopment in the area. He stated a TIRZ is not a new tax, but takes future increases in revenues brought about by improvements in the zone and leverages those funds to spur development, including financing, infrastructure and public improvements.

David Pettit with David Pettit Economic Development (DPED) presented an overview of the company and the project team, including Natalie Moore as project manager and Brian Moore with GFF to provide master planning services. Mr. Pettit discussed the concepts of the TIRZ and tax increment financing (TIF). He stated deliverables for the project include the master land use plan, a taxable value analysis, and the project and financing plan. He discussed the City's previous planning efforts for Bedford Commons. He stated the updated master plan is an

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essential component to creating a realistic and market-based projections for the TIRZ. Mr. Moore gave an overview of GFF and his role in the project and Ms. Moore presented the timeline for the project. Mr. Pettit discussed working with other taxing entities, including Tarrant County. There was discussion on including other areas in the City in the TIRZ; including the City Manager and City Council as leads for the project team; the feasibility of the TIRZ for Bedford Commons; the necessity of updating the City's master plan; the impact of a TIRZ in attracting developers; and examples of other TIRZ in neighboring communities.

Motioned by Councilmember Fisher, seconded by Councilmember Burnett, to approve a resolution authorizing the Interim City Manager to enter into a contract with David Pettit Economic Development, in the amount of \$75,000, to provide professional economic development services relating to the creation of a Tax Increment Reinvestment Zone (TIRZ) around the central Bedford, City Hall area.

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

**10. Consider a resolution authorizing the Interim City Manager to enter into a professional services agreement with Halff and Associates, Inc., in the amount of \$184,400, for the design of the West Pipeline Road Water and Sanitary Sewer Replacements between Arwine Cemetery Road and Raider Drive Project.**

Public Works Director Kenny Overstreet presented information regarding this item. He stated the City of Euless informed Bedford the previous December that they were beginning the design of Pipeline Road, and staff was concerned for water and sewer pipes under the roadway. Funding for the project would come from the State Water Implementation Fund for Texas bond, the Street Improvement Economic Development Corporation, and the Water/Sewer Fund. Both Euless and Atmos will contract with Halff Associates for design of the roadway and the replacement of a 16-inch gas pipeline respectively. Staff requested Halff to include a sidewalk on the north side of Bedford Road from Savannah Way to Gettysburg Place. Further, the traffic signal at Forest Ridge Drive and Pipeline Road would have to be moved as part of the project. In response to a question from Council, Mr. Overstreet stated this project was not anticipated as part of the budget process.

Motioned by Councilmember Cogan, seconded by Councilmember Culver, to approve a resolution authorizing the Interim City Manager to enter into a professional services agreement with Halff and Associates, Inc., in the amount of \$184,400, for the design of the West Pipeline Road Water and Sanitary Sewer Replacements between Arwine Cemetery Road and Raider Drive Project.

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

**11. Consider a resolution amending the executive order of Mayor Michael Boyter issued on April 7, 2020 in response to the COVID-19 pandemic.**

Mayor Boyter stated the City issued a Declaration of Local Disaster on March 19, 2020 in response to COVID-19, which has been amended several times, most recently on April 7, 2020. He presented an overview of the most recent order, which was aligned closely to that of Tarrant County Judge Glenn Whitley. He stated Governor Greg Abbott issued several orders the previous day, one of which is to reopen businesses in the state and another to allow licensed health care professionals to reopen and for hospitals to allow elective procedures. He stated District Attorney Sharon Wilson explained the Governor's orders have essentially taken away

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local authority moving forward, and explicitly superseded local orders. Cities cannot create stricter rules or ease the restrictions anymore than what the Governor intended. Mayor Boyter stated a work session would be held the following week to discuss supporting local businesses and Council's wishes for reopening City facilities and summer programming. There was discussion on the following week's work session; waiting for clarification regarding the Governor's orders; what surrounding cities are doing as far as their facilities; rescinding the City's order or letting it expire; and the expiration date for the City's order.

No action was taken on this item.

### **12. Mayor/Council Member Reports**

No reports were given.

#### **a) Councilmember Fisher – Farewell remarks**

Councilmember Fisher thanked Mayor Boyter for his friendship, guidance and leadership, wished him good luck, and advised him to lead without fear of threat from anybody and stand on his principles and how he wants to guide the City. He stated Councilmember Sartor is the most honest man he knows besides his own father, and appreciates his quiet and thoughtful deliberation, and his efforts for the citizens. He thanked City Attorney Stan Lowry for his legal guidance and honesty. He discussed his campaign ten years ago for a better, brighter Bedford for the type of community in which he wanted to raise his family, with the goals of being safe, clean, affordable and desirable. He stated those goals still hold today and he is proud of the community. He discussed the accomplishments of the Council over the previous ten years, including successful budgets; replacing underground infrastructure; new park amenities and equipment; replacement of roads, sidewalks, and streetlights; paying off debt for past road projects; upgrading the City's fleet of vehicles; an upgraded website; construction of the Library; Phase I of the Boys Ranch Park; the beginning of the Phase Next project; new and upgraded vehicles and equipment for the Police and Fire Departments; a secure exchange zone for online purchases; expanding FourthFest and BluesFest; new logo and tagline; the Master Highway Corridor Overlay District; the new Sign Ordinance; regulation of clothing donation containers; and the City's partnership with 6Stones. He thanked the following individuals: Tom Bresnahan; Debbie McDaniels; Dorothy McWhorter; his coworkers; his wife Shannon and children Brooks, Kingsley, and Preston; Karen Killian and Dr. Susan Read on the Animal Shelter Advisory Board; former City Managers Roger Gibson and Brian Bosshardt; interim City Manager Cliff Blackwell; City staff; and the former Council Members with whom he served. He discussed the lessons he learned over the ten years and the impact Ray Champney, Roy Savage, Barbara Richardson, and Ralph Chaney had on him. He further discussed the responsibility of serving the citizens and their interests and felt honored and satisfied in leaving a legacy for future generations and is proud and humble to do so on the citizens behalf. He stated he will be supporting those wishing to move the City forward.

Mayor Boyter thanked Councilmember Fisher and discussed the time commitment and challenges in serving on Council and the influence and creativity Councilmember Fisher brings to conversations. Councilmember Sartor discussed Councilmember Fisher's passion, his ability to see the big picture, his vision and leadership. He discussed him being a business owner but a husband and father first and advised him to take time for himself and his family. He stated Bedford is better because of Councilmember Fisher's service and wisdom. He thanked Councilmember Fisher for his service and stated it was an honor to serve with him and will miss him being on Council.

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**13. City Manager/Staff Reports**

No report was given.

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

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

**ADJOURNMENT**

Mayor Boyter adjourned the meeting at 10:05 p.m.

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Michael Boyter, Mayor

ATTEST:

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Michael Wells, City Secretary