

Council Minutes June 9, 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 7:30 p.m. in the Meeting Room of the Bedford Public Library, 2424 Forest Ridge Drive, on the 9th day of June, 2020 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:

Cliff Blackwell	Interim City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Wendy Hartnett	Special Events Manager
Don Henderson	Parks Superintendent
Maria Joyner	Finance Director
Paula McPartlin	Assistant Finance Director
Kenny Overstreet	Public Works Director
Maria Redburn	Library Director
Kelly Snook	Interim Capital Projects Director
Bill Syblon	Development Director
Brian TenEyck	Recreation Manager

WORK SESSION

Mayor Boyter called the Work Session to order at 5:30 p.m.

• **Discussion on the Quarterly Investment Report for the Quarter ending March 31, 2020.**

Tom Ross with Valley View Consulting, the City's investment advisors, presented an overview of the Quarterly Investment Report. He stated the portfolio ended the quarter at \$150,700,000. There was approximately \$117,000,000 in City funds, with a year-to-date average yield of 1.73 percent and a yield for the quarter of 1.74 percent. Interest earnings ended the quarter at \$521,083, with the year-to-date \$1,107,013. The balance on the Texas Water Development Board funds is approximately \$32,000,000, with a year-to-date average yield of 1.04 percent. He presented an overview of the City's investment holdings, the composition of the portfolio, a comparison to the previous quarter, and the allocation of the investments across various City funds. He presented a market outlook, which showed that approximately 2,500,000 jobs were

Council Minutes June 9, 2020

added in May, and a decrease in the unemployment rate to 13.3 percent. He stated the interest rates on the City's portfolio will decrease; however, with staff's laddering of investments over time, there should not be a big decrease in the portfolio. He confirmed the City has a conservative investment policy, with a majority of funds in money market accounts and the rest in certificates of deposit.

- **Discussion on performing an efficiency study/survey of the City of Bedford organization.** *Requested by Councilmember Sabol

Councilmember Sabol requested this item be placed on the agenda for discussion. She stated an efficiency study can be a tool for the new city manager to give them a head start on what staff is doing and their efficiency. She presented an overview of the possible expectations and scope of the study. Mr. Blackwell stated in his experience with performance audits, firms that do these types of studies identify those areas of the City that have the direst issues and develop recommendations to improve deficiencies. Their intent is not to make personnel decisions but to look for specific measures in terms of output and to develop best practices. There was discussion on products catering to cities of different sizes and bringing a representative from these types of firms to speak to the Council. There was discussion on the process for such a study, including an internal survey, interviews with department heads, and picking areas most beneficial to the City to make improvements. Human Resources Director Stephanie Ayers stated it takes approximately 20 weeks to complete such a study. There was discussion on what other cities do, the potential impact to staff in conducting a survey, and possible recommendations from the survey. Council was of the consensus to move forward with inviting a firm to speak to Council.

- **Presentation and discussion of Recreation Department activity plans and staff needs for the balance of 2020.** *Requested by Councilmember Burnett

Recreation Manager Brian TenEyck presented information on recreation programs for the 2020 season. He stated staff as being proactive as possible and dealing with issues related to the Phase Next process and COVID-19. They are currently preparing for a move to the Old Bedford School (OBS), including clearing out items currently at the OBS. He hopes to move there in early July and begin recreation programming. Staff has made wellness check calls to seniors and calling Boys Ranch Activity Center (BRAC) members regarding the process for programming. He presented an overview of classes, events, the possibility of a storefront, and using school facilities for activities such as basketball and volleyball. He stated they are looking at possibly refunding BRAC memberships and discounts offered by the YMCA. He presented an overview of their staffing.

There was discussion on whether Council had directed that the OBS to be closed in its entirety or only for senior programming at the previous Council work session. There was discussion on the costs for keeping the OBS open, including utilities; cost recovery for programs; budgetary issues; the potential store front location; planning and programming for Phase Next; reevaluating the Pros Consulting pro forma plan; surveying seniors regarding their opinion on returning; moving equipment out of the BRAC and holding an auction; potential programs and special events at other parks; Recreation staffing; the current number of BRAC members; collecting data from seniors; and presenting a financial report with the latest sales tax figures as part of a COVID-19 update at the Council meeting on June 23, 2020.

Council Minutes June 9, 2020

A majority of the Council agreed to have no programming at the OBS for the remainder of the budget period or until further notice. Councilmember Sartor stated for the record that had there been a formal vote on rebuilding the upstairs restrooms at the OBS, he would have voted no.

- **Update on Generation Park/CNTR: 100% Design Documents.**

This item was moved to the end of the Regular Session.

EXECUTIVE SESSION

- a) Pursuant to Section 551.074, personnel matters – City Manager search.**
- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 13, Lot 5R, Oakridge Estates (Bedford).**
- c) Pursuant to Section 551.0087, deliberation regarding economic development negotiations relative to Plaza Center Addition Lot AR1A and Bedford Plz Addition 1989H Blk A Lot 4B1**
- d) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – ALLEN, ALEXANDER SURVEY Abstract 11 Tract 1C02**

Council convened into Executive Session pursuant to Texas Government Code Section 551.074, personnel matters – City Manager search; Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 13, Lot 5R, Oakridge Estates (Bedford); Section 551.0087, deliberation regarding economic development negotiations relative to Plaza Center Addition Lot AR1A and Bedford Plz Addition 1989H Blk A Lot 4B1; and Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – ALLEN, ALEXANDER SURVEY Abstract 11 Tract 1C02, at 7:34 p.m.

Council reconvened from Executive Session at 7:45 p.m. Council was unable to finish the Executive Session and will convene again at the end of the Regular Session.

REGULAR SESSION

The Regular Session began at 8:00 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.

ANNOUNCEMENTS/UPCOMING EVENTS

No announcements were made.

OPEN FORUM

Council Minutes June 9, 2020

City Secretary Michael Wells read the following emails:

Christina Hutchens, 3832 Misty Glen Court, Bedford – Ms. Hutchens asked what the Bedford Police Department and the City are doing to ensure racial equality among its citizens. She further asked if the City would adopt the entire “8 Can’t Wait” plan. She stated Bedford is a diverse city and she thinks it is appropriate to make sure everyone feels safe and valued in the community.

Marisa Burbidge, 3328 Meadow Wood Lane, Bedford – Ms. Burbidge stated she was horrified by the murder of George Floyd in Minneapolis and was aware that it was just the latest of many injustices in the United States, including Texas. She stated the community is diverse, which is one of its strengths, and that it was a great opportunity to be proactive and ensure the community continues to be one where people of all races, ethnic backgrounds and sexual orientations feel safe. She presented an overview of eight steps communities can take to lower the incidences of police violence by 72 percent, three of which she stated Bedford already has in place. She urged Council to study the other five proposed policies and enact them as soon as possible. She believes this will be better for the community, the government, and law enforcement.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

Motioned by Councilmember Burnett, seconded by Councilmember Sabol, to approve the following item by consent: 1

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

1. **Consider approval of the following City Council minutes:**
 - a) **May 5, 2020 work session**
 - b) **May 12, 2020 regular meeting**
 - c) **May 19, 2020 special session**
 - d) **May 26, 2020 executive session**

This item was approved by consent.

COUNCIL RECOGNITION

2. **Proclamation declaring June and July as Summer Reading Club Season.**

Mayor Boyter read a proclamation declaring June and July as Summer Reading Club Season. Teen Librarian Sarah Featherstone and Children’s Librarian Grace Garrigan accepted the proclamation.

NEW BUSINESS

3. **Public hearing and consider an ordinance to rezone Tracts 3 & 3D, Abstract 12, Allen, W R Survey, located at 1525 Bedford Road, Bedford, Texas from Residential 7,500 SF Detached (R75) to Residential 7,500 SF Detached/Specific Use Permit/Primary and Secondary Schools (R75/SUP), specific to 3.2.C(3)a of the City of Bedford Zoning**

Council Minutes June 9, 2020

Ordinance, allowing for The Clubhouse for Special Needs to operate a school. The property is generally located north of Bedford Road and east of Airport Freeway. (PZ-SUP-2020-50009)

Development Director Bill Syblon presented information regarding this item, which is a request for a specific use permit (SUP) to allow the Clubhouse for Special Needs to operate a school at a former church building. He stated the Clubhouse is a long-term Bedford business and an educational facility that offers on-site learning and afterschool care for children and adults. He stated the applicant plans to operate the facility as is with a longer-term goal of expansion, including a driveway at the front of the property. The Planning and Zoning Commission unanimously recommended approval of this item at their meeting on May 28, 2020. There was discussion on clarifying that the property the Clubhouse is moving from was put up for sale and the City did not force the Clubhouse to leave.

Mayor Boyter opened the public hearing at 8:13 p.m.

Kent Hopkins, 605 Johns Drive, Euless, representing the Clubhouse for Special Needs, discussed the operations of the Clubhouse. He stated they plan on building a facility behind the location, and that it would take approximately four to six months to move in and then to raise money to build a new building.

Mayor Boyter closed the public hearing at 8:15 p.m.

There was discussion regarding the future building.

Motioned by Councilmember Sartor, seconded by Councilmember Culver, to approve an ordinance to rezone Tracts 3 & 3D, Abstract 12, Allen, W R Survey, located at 1525 Bedford Road, Bedford, Texas from Residential 7,500 SF Detached (R75) to Residential 7,500 SF Detached/Specific Use Permit/Primary and Secondary Schools (R75/SUP), specific to 3.2.C(3)a of the City of Bedford Zoning Ordinance, allowing for The Clubhouse for Special Needs to operate a school. The property is generally located north of Bedford Road and east of Airport Freeway.

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

- 4. Consider a resolution of the City Council of the City of Bedford, Texas approving an Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with Chick-fil-A, Inc.**

No discussion or action took place on this item in the Regular Session.

- 5. Consider a resolution authorizing the Interim City Manager to enter into a professional services agreement with CP&Y, in the amount of \$402,544, for the design of water improvements on Brown Trail, Bedford Road, Oakhurst Drive, Robindale Drive and Robindale Court, and sewer improvements on Brown Trail, Chattanooga Drive, Bedford Road, Robindale Drive and Robindale Court.**

Public Works Director Kenny Overstreet presented information regarding this item. He stated CP&Y submitted a Request for Qualification and was selected to design water and sewer projects in the City in 2019. The scope of work includes water and sewer line improvements on

Council Minutes June 9, 2020

Brown Trail, Bedford Road, Robindale Drive and Robindale Court; sewer line improvements on Chattanooga Drive and water line improvements on SH 183 from Oakhurst Drive to Tennis Drive. There was discussion on performing the project in-house and adding a completion date to future contracts. Mr. Overstreet stated the estimated completion timeline will be 120 days, and that he will meet with CP&Y to keep them on track and add a completion date to the agreement.

Motioned by Councilmember Culver, seconded by Councilmember Sabol, to approve a resolution authorizing the Interim City Manager to enter into a professional services agreement with CP&Y, in the amount of \$402,544, for the design of water improvements on Brown Trail, Bedford Road, Oakhurst Drive, Robindale Drive and Robindale Court, and sewer improvements on Brown Trail, Chattanooga Drive, Bedford Road, Robindale Drive and Robindale Court.

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

6. Discussion and action regarding the appointment of Board and Commission Liaisons.

Existing liaisons remained appointed to Boards and Commissions as listed below without notation and newly appointed positions and liaisons are underlined.

Animal Shelter Advisory Board: Councilmember Culver

Beautification Commission: Mayor Boyter

Community Affairs Commission: Councilmember Sabol

Cultural Commission: Councilmember Gagliardi

Library Board: Councilmember Cogan

Parks and Recreation Board: Councilmember Sartor

Teen Court Advisory Board: Councilmember Culver

Trinity River Authority: Councilmember Culver

Audit Committee: Mayor Boyter, Councilmember Burnett, Councilmember Sabol

Industrial Development Authority: Councilmember Culver, Councilmember Cogan, Councilmember Sabol

Economic Development Foundation: Councilmember Burnett

Street Improvement Economic Development Corporation: Councilmember Gagliardi, Councilmember Culver, Councilmember Boyter, Councilmember Sartor

Investment Committee: Mayor Boyter

Health Facilities Development Corporation: Councilmember Cogan, Councilmember Sabol, Councilmember Gagliardi

Motioned by Councilmember Gagliardi, seconded by Councilmember Sartor, to approve the Council liaisons as presented.

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

7. Discussion and possible action regarding City of Bedford Police Department policies and procedures including, but not limited to, use of force, internal investigations, and De-escalation practices. *Requested by Councilmember Cogan

Police Chief Jeff Gibson discussed recent incidents of civil unrest and gave an overview of emailed questions he received regarding the use of force by the Bedford Police Department and the policies, orders, procedures and laws that govern the use of force. These include the following: that officers are trained to deescalate altercations by using peaceful conflict resolution strategies; that officers are prohibited from using chokeholds and strangleholds unless a

Council Minutes June 9, 2020

situation requires deadly force and is necessary to bring the situation under control, and are prohibited from using hogtying methods; that officers are forbidden from transporting prisoners in uncomfortable positions, including face down; that officers are required to intervene if they witness another officer using excessive force and would be reprimanded for not doing so; that officers are prohibited from shooting at moving vehicles except in extreme or exigent circumstances; that there is a clear and enforced use-of-force continuum that details what weapon and force are acceptable in a variety of police and civilian interactions; that officers are required to exhaust every option prior to using deadly force; that in all practicable circumstances, officers are required to give a verbal warning prior to drawing a weapon; that officers are required to report each time they use force or display a weapon to gain lawful compliance; that a comprehensive background check is performed for all officers, to include a medical evaluation, a polygraph, and a psychological evaluation; that officers are trained to perform and seek medical attention after force is used; that each use of force report are reviewed, evaluated and tracked; that there are not a set number of complaints before an officer is terminated as each situation is evaluated for reasonableness; that if an officer is non-compliant with a policy, there would be an investigation; that the Department is required to collect data on civilian deaths that occur in custody due to the use of force; and that the Department has an armored rescue vehicle obtained through a military program and approved by Council as part of the regional SWAT team. Chief Gibson gave examples of when the vehicle has been used, including criminal barricades and active shooters, and stated all drivers must be trained prior to operating the vehicle.

Chief Gibson discussed the “8 Can’t Wait” plan, which includes bans on chokeholds and strangleholds, requires de-escalation, requires warnings before shooting, requires the exhaustion of all alternatives before shooting, a duty to intervene, bans shooting at moving vehicles, requires a use-of-force continuum, and requires comprehensive reporting. He stated the City already does seven of the eight items in that plan and the one that is not done is giving warnings prior to the use of deadly force, which cannot reasonably be done during an ambush or active shooter situation. He discussed that there are several areas in the Department’s policies and procedures where excessive force is prohibited.

There was discussion on the policy for the use of tasers and the requirement that officers monitor persons for signs of respiratory distress; how often Department policies are reviewed and the Lexipol policy manual software program; if there is a way in policy for officers to bypass verbal warnings under certain circumstances; the Department’s general orders requiring intervention and the possibility of including it in the use of force policy as well; less lethal weapon system alternatives and training available to officers; flexibility in policies; the definition of a fleeing felon, including an active shooter; circumstances when shooting at a vehicle would be deployed, including if an officer is trapped and the vehicle is being used as a deadly weapon; the procedures for reporting on the use of force; the policy about body cameras; and the timeframe for updating the policies. There was discussion on the recent protests in the City; the Citizen’s Police Academy and Police Department open houses; the morale of the Department; support from the City Council and citizens; and mutual aid from neighboring cities during the protests.

EXECUTIVE SESSION

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- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 13, Lot 5R, Oakridge Estates (Bedford).
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Council Minutes June 9, 2020

negotiations relative to Plaza Center Addition Lot AR1A and Bedford Plz Addition 1989H Blk A Lot 4B1

d) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – ALLEN, ALEXANDER SURVEY Abstract 11 Tract 1C02

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Council reconvened from Executive Session at 10:37 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

- **Update on Generation Park/CNTR: 100% Design Documents.**

Interim Capital Projects Director Kelly Snook and Jim Tharp with Oxley Williams Tharp Architects (OWT) presented an update on the Generations Park/CNTR 100 percent design documents. They showed a flyover video of the Park and CNTR. Mr. Tharp stated that the 50 percent construction documents will be submitted to staff the following Friday for review. He discussed the design process, including input from staff. He stated the next set of drawings would go to the construction manager-at risk to refine the costs.

There was discussion on recommended changes from staff to the site plan, including the removal of a pavilion for a concrete pad for the Special Events stage and adjusting the ballfields to have foul lines of 275 feet instead of 235 feet to allow for more levels of league play. The larger ballfields would require the loss of the driveway to Harwood Road and the parking on either side of the driveway. Ms. Snook stated there would be no cost impact for the change to the ballfields. There was discussion on the impact on the parking for the site, and Ms. Snook stated there would be enough shared parking. Ms. Snook stated the monument sign will remain where it is, and there would be a pedestrian sidewalk and entrance by the sign.

There was discussion on the ballfield foul lines; holding select baseball tournaments at the ballfields; revenue from baseball tournaments versus other events at the Park; retaining walls and grading in the area of the ballfields; and the amount of shared parking throughout the Park. There was discussion regarding the storage shed, including it being added back to the design documents, its location south of the Post Office; and it being purchased through the BuyBoard as opposed to being part of the OWT contract. There was discussion regarding the costs for shutting down the entire Park; the pavilions and the request to remove one for the mobile stage; staff input into the design documents; increasing communication between the Interim Capital Projects Director and the City Council; the operating costs for the Park and CNTR; whether there would be any cost recovery for making the changes to the ballfields; the costs for maintaining the three ballfields after construction; the decline in tournament revenue in the cities of Hurst and Euless; Council's decision the previous year to spend no money on a retaining wall; the impact to parking for events and with traffic congestion with the removal of the driveway; the return on investment and cost recovery for the Park and CNTR; programming the Park for multiple events at the same time; the storage building and discussions with the previous project manager about the building; an additional programming space in the west wing of the building; storage in the CNTR; possible use of the gym as a large meeting area; seating

Council Minutes June 9, 2020

and audio/visual equipment in the gym and community room; the seating capacity for the community room and the three activity rooms; how to pay the year-after-year costs of the Park and CNTR; and installing plugs for electric vehicles in the Park.

There was further discussion regarding the storage center, including square footage; that the footprint and square footage of the CNTR has not changed; the additional programming space at the end of the west wing; programming the spaces at the CNTR; the return on investment for the Park and CNTR and when to discuss the costs to maintain them on a daily basis; membership for the Boys Ranch Activity Center versus the new CNTR; membership fees; incorporating history into the park, the return on investment for senior programming; senior programming that can be done at the CNTR, including at the pools; the decision to eliminate a separate senior facility; and what was promised during the bond election.

There was discussion on the next steps in the process. There was direction from Council to follow up on charging stations for electric vehicles in the Park and to not eliminate the pavilion. There was discussion on holding a work session on June 30, 2020 about incorporating the history of the Bedford and the Boys Ranch into the Park, having updates on the project at the regular Council meetings, and holding an open house for the Council to look over aesthetic selections for the CNTR. A majority of Council was in favor of keeping the ballfield foul lines at 235 feet.

ADJOURNMENT

Mayor Boyter adjourned the meeting at 12:31 a.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary