

**Council Minutes August 11, 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 Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 11th day of August, 2020 with the following members present:**

|                                 |                |
|---------------------------------|----------------|
| Michael Boyter                  | Mayor          |
| Tom Burnett                     | Councilmembers |
| Dan Cogan (via videoconference) |                |
| Ruth Culver                     |                |
| Rob Gagliardi                   |                |
| Amy Sabol                       |                |

constituting a quorum.

Councilmember Sartor arrived at 6:07 p.m.

Staff present included:

|                                  |                                |
|----------------------------------|--------------------------------|
| Cliff Blackwell                  | Interim City Manager           |
| Stan Lowry (via videoconference) | City Attorney                  |
| Michael Wells                    | City Secretary                 |
| Stephanie Ayers                  | Human Resources Director       |
| Meg Jakubik                      | Strategic Services Manager     |
| Joey Lankford                    | Deputy Fire Chief/Fire Marshal |
| Kenny Overstreet                 | Public Works Director          |
| Maria Redburn                    | Library Director               |
| Bill Syblon                      | Development Director           |

**WORK SESSION**

Mayor Boyter called the Work Session to order at 5:32 p.m.

- **Discussion on viability plans for a meeting/entertainment venue(s) to provide a destination and to simultaneously stimulate economic development. \*Item requested by Councilmember Sabol**

Councilmember Sabol discussed the report submitted by Duncan Webb from Webb Management, that confirms the feasibility for the City to have a combination performing arts center/multi-purpose space. She stated Council needs to consider plans for a facility. She further stated bond money was intended for the arts and Council needs to accommodate the mandate given to them by the voters. She introduced Barbara Speares, Janice Vickery, Tracy Garcia, and Patrick Badjeck, who she stated are leaders in the event planning field and hotel management, to discuss whether the City's current facilities are able to meet the City's needs.

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There was discussion on the proposed location at a former church on Bedford Road, including that it gives the City the most opportunities with a kitchen and a gym; researching competition in the area; developing the City's value proposition and what sets Bedford apart; investing in a food and beverage program and technology, including internet, Wi-Fi, and audio/visual; the competitiveness of hotel prices in Bedford and selling the area hotels; the advantage of Bedford being close to the airport; and the importance of having a good website for the facilities. There was further discussion on the best way to utilize the Bedford Road location, including the gym for small exhibits, business-to-consumer shows, large banquets, award ceremonies, and events. They discussed Bedford's market being corporations and association chapters, and fitting into the niche of small-to-medium type of events. There was further discussion that the site is not big enough for a convention center but instead for a conference center; making the facility high tech with classrooms and general concession areas; issues related to selling alcohol near a church; the lack of hotels around the facility; the possibility of convincing a hotel to build adjacent to the facility; having a professional management firm run the facility; the cost of building and designing the facility; an arts component being included; the ONSTAGE theater not being a good fit for the location and them needing their own facility; the possibility of the building being convertible for conference space and the performing arts; the need in the area for meeting space for under 500 people; the necessity of being able to hold multiple events at the same time; renting out the kitchen to a professional chef; the possibility as a wedding receptionist venue; and talking to hotels about the types of businesses staying at them.

There was discussion regarding the Old Bedford School (OBS), including its limitations such as the inability to have two meetings at the same time; using the theater for small musical groups or comedians and the downstairs as classes and receptions; using the grounds, including for fairs and weddings; combining the OBS and the Bedford Road facility; and constructing a new building to accommodate multiple uses adjacent to the OBS, including it being too costly. There was discussion on utilizing Library space, including for corporate meetings and training; the need to soundproof some of the rooms, expand the loading docks, and invest in the kitchen; using the main Library for reception events; the current utilization of the Library; and the need for more flexibility on the Library hours.

There was further discussion on opportunities, especially at the Bedford Road location; the market being local companies and events and that there is a large enough market; utilizing the Event Booking Management System; calling three architectural firms to make a proposal to build a new facility or look at the Bedford Road location; and surveying corporations on their events.

- **Third Quarter Financial Report**

Strategic Services Manager Meg Jakubik gave a financial report on the third quarter of the City's fiscal year. She presented information on the General Fund, including a comparison of actual, budgeted and projected revenue and expenditures, and a comparison of revenues and expenditures from Fiscal Year 2019 and 2020. She presented information on the Water and Sewer Fund, including three-year histories of revenue and expenditures. She presented information on other funds, including Tourism, Stormwater, and the Street Improvement Economic Development Corporation (SIEDC). There was discussion on the hotel/motel occupancy tax, and the City's reserve requirement and fund balance.

Mayor Boyter adjourned the Work Session at 7:05 p.m.

### **EXECUTIVE SESSION**

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- 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 2, Lot 1, Bedford Baptist Temple Sub.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.074, personnel matters – City Manager search and Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Block 2, Lot 1, Bedford Baptist Temple Sub., at 7:05 p.m.

Council reconvened from Executive Session at approximately 7:15 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

### **REGULAR SESSION**

The Regular Session began at 7:30 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.

### **COUNCIL RECOGNITION**

- a) Recognition of the City of Bedford’s 24th Consecutive Distinguished Budget Presentation Award.**

Mayor Boyter presented Strategic Services Manager Meg Jakubik with the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

### **OPEN FORUM**

Nobody signed up to speak during Open Forum.

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

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

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

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

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1. **Consider approval of the following City Council minutes:**
  - a) **July 23, 2020 executive session**
  - b) **July 28, 2020 regular session**

This item was approved by consent.

2. **Consider a resolution ordering a special election of the City of Bedford, Texas to be held on November 3, 2020 to allow the voters to consider voting for or against the following proposition: the legal sale of all alcoholic beverages including mixed beverages.**

This item was approved by consent.

3. **Consider a resolution authorizing the Interim City Manager to enter a contract with the Hurst-Euless-Bedford Independent School District to provide three School Resource Officers for the 2020/2021 school year, in the amount of \$255,970.74, paid for by the District.**

This item was approved by consent.

4. **Receive the 2020 Ad Valorem Tax Roll from the Tarrant Appraisal District as certified by the Chief Appraiser Jeff Law.**

This item was approved by consent.

5. **Receive the certified anticipated collection rate from the Tarrant County Tax Assessor Collector for the City of Bedford, Texas.**

This item was approved by consent.

### **PERSONS TO BE HEARD**

6. **The following individual has requested to speak to the Council tonight under Persons to be Heard:**
  - a) **Mark Cleveland, St. Vincent's Anglican Church, 1300 Forest Ridge Drive, Bedford, Texas 76022 – Request to speak to Council regarding Gracewood Academy's Request for Certificate of Occupancy to Co-Occupy Facilities with St. Vincent's Anglican Church.**

Mark Cleveland, 3969 Candlewick Court, Bedford – Mr. Cleveland, representing St. Vincent's Anglican Church, stated they wanted to appeal directly to Council because they do not feel they have sufficient time to go through the normal process for Gracewood Academy getting denied a certificate of occupancy (CO) and then go through the appeals process. They disagree with staff's approach of applying zoning principals of commercial multi-tenant buildings to their situation, whereby each occupant has their own lease requiring their own CO. He stated St. Vincent's has a valid CO for use of the sanctuary and classrooms, and they own, control and predominantly occupy the premises. They, along with Gracewood, have not changed the use, nor made alterations or plans for alterations, signage nor renaming of the building. Gracewood was invited to use classrooms and are more of a licensee as opposed to a tenant, and do not have exclusive control over any of the property. He felt if Gracewood was denied a CO, a bad precedence could be set as other similar mission-related entities that

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regularly use space of other entities could be called into question. He stated installing a fire suppression system at approximately \$400,000 is cost prohibitive. He believes that all parties want to ultimately see a fire suppression system at some point in the future, which the likelihood and timing of would be greatly improved with Gracewood. He cited sections of the Zoning Ordinance which he felt gave the Council to get a variance from the requirements.

Fire Marshal Joey Lankford stated staff was made aware that Gracewood had moved in during an annual inspection approximately four years ago, and told Gracewood they needed a CO. He stated the rules change with St. Vincent's owning the property to leasing the space to Gracewood. Staff worked with Gracewood and gave them a year, and they were granted another year by the previous City Manager. Brandi Koch with Gracewood stated they pay a monthly fee during the school year, utilize the space on a part-time basis, and share the space with St. Vincent's. Mr. Cleveland stated the City considers St. Vincent's as a legal non-conforming use.

In response to questions from Council, Ms. Koch stated they have a year-by-year space usage agreement with St. Vincent's. They use the facility six hours a day, four days a week, and they do not lease nor pay during the summer months. Mr. Lankford stated if each classroom had a secondary means of egress to the outside, not the courtyard, then there would not be a need for a fire suppression system. He stated the requirements are established by the International Fire Code. There was discussion on the number of classrooms currently being utilized and reducing the number of classrooms; the history of Gracewood; efforts made by St. Vincent's to make the needed improvements to date; the possibility of St. Vincent's taking a loan to pay for improvements; a lawsuit regarding the ownership of the property in which St. Vincent's is currently involved; and the safety of children attending Gracewood.

### **NEW BUSINESS**

- 7. Public hearing and consider an ordinance to rezone Lot 1-R1 and 2, Block 1, Harwood Hills Village Addition, located at 3152 Harwood Road, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Children's Day Care Centers (H/SUP), specific to 3.2.C(3)d of the City of Bedford Zoning Ordinance, allowing for LaiLisha Hodge to operate a child care center. The property is generally located south of Harwood Road and east of Martin Drive. (PZ-SUP-2020-50025)**

Planning Consultant Jay Narayana presented information regarding this item. She stated the property is located west of Highway 121 and east of Martin Drive in an older shopping center, and the applicant would occupy the endcap. There would be an outside play area in the back consisting of a strip of grass. There is a requirement in the Zoning Ordinance that there be a minimum of a 50-foot separation between the outside play area and adjacent residentially zoned properties, and the applicant meets that requirement.

Mayor Boyter opened the public hearing at 8:24 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 8:25 p.m.

In response to questions from Council, Ms. Narayana stated the outside play area would be fenced based on state requirements. There was discussion on the outside play area being adjacent to a parking lot, and Ms. Narayana stated the applicant and property management

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company could put wheel stops at the existing curb and perhaps pull back the fence from the edge of the curb.

The applicant, LiaLisha Hodge, 3015 Scotch Elm Street, Euless, stated there would be a four-foot wooden fence around the play area, with rubber bumpers along the six parking spaces leading up to the area. She further stated the area behind the center is not a high traffic area. Ms. Narayana stated there are no requirements from the City regarding the fencing around the play area and Ms. Hodge stated the state requires the fence to be at least four feet in height. Development Director Bill Syblon stated Council can place additional requirements on the application as the item is a specific use permit. There was discussion on the differences between this case and another daycare that was previously denied. Ms. Hodge stated children would not have to cross the parking lot to get to the play area as there is a raised sidewalk. Further, she would purchase two safety gates to go between the door and the parking area, and the distance between the door and the play area is less than ten feet. She would have a maximum of 30 children, and not all the children would be outside at the same time. She stated state law requires there be an outdoor play area. There was discussion regarding the safety of the play area and children.

Motioned by Councilmember Sartor, seconded by Councilmember Culver, to deny an ordinance to rezone Lot 1-R1 and 2, Block 1, Harwood Hills Village Addition, located at 3152 Harwood Road, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Children's Day Care Centers (H/SUP), specific to 3.2.C(3)d of the City of Bedford Zoning Ordinance, allowing for LaiLisha Hodge to operate a child care center. The property is generally located south of Harwood Road and east of Martin Drive. (PZ-SUP-2020-50025)

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

**8. Public hearing and consider an ordinance to rezone Tract 3A03 and Tract 3A03B, Abstract 1080, Matson, James M Survey, and Lot 1, Block 1, Sexton Addition, located at 2513, 2517 and 2521 Pipeline Road, Bedford, Texas from "R-9,000" Single-Family Residential Detached (R9) to Planned Unit Development (PUD) with "MD-3" Medium Density Residential Single-Family Detached District standards, allowing Jim Dewey, Jr., on behalf of JDJR Engineers and Consultants and Sofia Sharieff, to construct a 22-lot subdivision. The property is generally located north of Pipeline Road and west of Hospital Parkway. (PZ-ZC-2020-50006)**

Ms. Narayana presented information regarding this item, which is for property currently zoned R-9000 to which the applicant is requesting be rezoned to Planned Unit Development (PUD), with a based district of MD-3. There would be variations to the MD-3, including the width of the lots. There would be 22 single family homes, with one tract left on Hospital Parkway. She stated the Planning and Zoning Commission wanted the fencing between this property and the property to the north to be eight feet in height. In response to questions from Council, Ms. Narayana confirmed the streets are wide enough for fire apparatus and parking would meet the City standards. Regarding the width of the street, she stated the requirement is for a 50-foot right-of-way, and that the street is 32-feet from curb-to-curb. Each home would be required to have two garage spaces and two outside spaces. She confirmed the Fire Department reviewed and approved of the application. She stated the property is a total of approximately three-and-a-half acres.

The applicant, Jim Dewey with JDJR Engineers and Consultants, stated there would be a homeowner's association (HOA), who would maintain an open space within the development

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along with the masonry screening walls. There was discussion on including parking restrictions in the covenants. Mr. Dewey stated the streets are the same width of every other residential street in Bedford; that there is 30 feet in front of each lot for at least one parking space; the HOA would require the garages be used for vehicles; and the average square footage of the homes would be approximately 2,000 with a proposed starting price of \$350,000. He stated this development was modeled after the Brittany Chase development. There was discussion on the masonry wall along Hospital Parkway be of similar colors to that of the Brittany Chase development.

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

Nobody chose to speak during the public hearing.

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

There was discussion regarding adding an eight-foot fence on the north side of lots 14, 15 and 16.

Motioned by Councilmember Culver, seconded by Councilmember Sartor, to approve an ordinance to rezone Tract 3A03 and Tract 3A03B, Abstract 1080, Matson, James M Survey, and Lot 1, Block 1, Sexton Addition, located at 2513, 2517 and 2521 Pipeline Road, Bedford, Texas from "R-9,000" Single-Family Residential Detached (R9) to Planned Unit Development (PUD) with "MD-3" Medium Density Residential Single-Family Detached District standards, allowing Jim Dewey, Jr., on behalf of JDJR Engineers and Consultants and Sofia Sharieff, to construct a 22-lot subdivision. The property is generally located north of Pipeline Road and west of Hospital Parkway, with the following stipulations: the masonry wall needs to be of comparable yet similar colors to the adjoining subdivision and a requirement for an eight-foot fence along lots 14, 15 and 16

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

**9. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance by amending Section 3.1 Schedule of Permitted Uses and Section 3.2.C(6)j, related to Specific Use Permit requirements for package liquor stores; providing a cumulative clause; providing a severability clause; providing a penalty clause; and providing an effective date.**

Ms. Narayana presented information regarding this item, which is to change the Zoning Ordinance requirements for specific use permits (SUP) for alcoholic beverage sales, pending the outcome of the November 3, 2020 election. The ordinance amends the Permitted Use Table to state that though package liquor stores are permitted in the Light Commercial (L) and Heavy Commercial (H) districts, they also must be in the Master Highway Corridor Overlay District (MHC). In Section 3.2.C.(6)j., the following conditions would be added: the use would be permitted in the L, H, and Planned Unit Development (PUD) districts as long as it is in the MHC; it meets the 300 foot separation required by the Texas Alcoholic Beverage Commission; and, if in a PUD, the original PUD ordinance would have to be amended if it does not permit liquor stores.

Mayor Boyter opened the public hearing at 9:01 p.m.

Nobody chose to speak during the public hearing.

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Mayor Boyter closed the public hearing at 9:01 p.m.

In response to questions from Council, Ms. Narayana confirmed the ordinance does not limit the number of liquor stores that could go into the City; that all liquor stores would need to be approved by Council; and that an applicant could request a variance to the 300 foot distance requirement from schools, hospitals, and churches.

Motioned by Councilmember Burnett, seconded by Councilmember Gagliardi, to approve an ordinance amending the City of Bedford Zoning Ordinance by amending Section 3.1 Schedule of Permitted Uses and Section 3.2.C(6)j, related to Specific Use Permit requirements for package liquor stores; providing a cumulative clause; providing a severability clause; providing a penalty clause; and providing an effective date.

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

### **10. Consider a resolution authorizing the Interim City Manager to enter into an agreement with AETNA for the City's employee medical benefits effective October 1, 2020.**

Andrew Weegar with HUB, the City's benefits consultant, presented an overview of the request for proposal (RFP) process for medical and life/disability insurance, including the respondents to the RFP and finalists. He stated medical claims have stabilized over the previous three years and a report on claims versus premiums shows a loss ratio of 83 percent at the end of the previous plan year. He discussed the current High Deductible High Premium (HDHP) and Exclusive Provider Organization (EPO) plans, and stated HUB recommended ending the EPO plan due to low enrollment. He discussed the two Aetna HDHP plans, THA being their high performing network and an EPO, and stated they closely mirror what is currently in place with Cigna. Cigna initially offered a 15 percent renewal increase to premiums, which was reduced to rate pass after negotiations. Aetna offered a 13 percent decrease, or 14 percent overall including retiree insurance, along with a \$25,000 wellness credit and wellness coordinator.

Mr. Weegar presented an overview of current contributions, including Health Savings Accounts (HSA), and stated the City's current contributions are low compared to the market. He explained Council selected a proposed option by which the HSA contributions for employee only would be \$500 and for employee and family members would be \$1,000. Further, the premium for employee only with the THA plan would be reduced to \$0.00.

Motioned by Councilmember Burnett, seconded by Councilmember Sartor, to approve a resolution authorizing the Interim City Manager to enter into an agreement with AETNA for the City's employee medical benefits effective October 1, 2020.

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

### **11. Consider a resolution authorizing the Interim City Manager to enter into an agreement with CIGNA for the City's employee life and long-term disability benefits effective October 1, 2020.**

Mr. Weegar stated HUB is recommending the City contract with CIGNA for life and long-term disability benefits as they came in with a 3.9 percent decrease. HUB is also recommending an increase in the maximum for long-term disability from \$5,000 to \$10,000. Further, Cigna is offering a true open enrollment for voluntary life insurance.

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Motioned by Councilmember Sabol, seconded by Councilmember Sartor, to approve a resolution authorizing the Interim City Manager to enter into an agreement with CIGNA for the City's employee life and long-term disability benefits effective October 1, 2020.

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

### **12. Consider a resolution authorizing the Interim City Manager to enter into an agreement with Texas Health Physicians Group (THPG) for employee clinic services effective October 1, 2020.**

Mr. Weegar stated there has been strong utilization of the employee clinic and HUB recommends to again contract with Texas Health Physicians Group for the clinic.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve a resolution authorizing the Interim City Manager to enter into an agreement with Texas Health Physicians Group (THPG) for employee clinic services effective October 1, 2020.

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

### **13. Consider a resolution authorizing the Interim City Manager to enter into an agreement with Motorola Solutions, Inc. for the replacement of the City radio equipment in the amount of \$1,864,557 (Option A) or \$1,721,964 (Option B).**

No discussion or action took place on this item.

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

Mayor Boyter thanked Council for their persistence and diligence during the city manager search process.

### **15. Report on most recent meeting of the following Boards and Commissions.**

No reports were given.

### **16. City Manager/Staff Reports**

#### **a) Update on Bedford Road water main break**

Public Works Director Kenny Overstreet reported on the break of the 20-inch water main on Bedford Road on July 29, 2020. Staff reached out to contractors for assistance and to local vendors and neighboring cities for pipes and fittings, to which the cities of Fort Worth and Dallas responded by loaning the necessary parts. The City also contracted with Reynolds Asphalt to make the road repairs.

Mr. Overstreet discussed previous main breaks in 2013 and 2015, and stated the current break happened between those two repairs. He gave a history of the water main, which was laid in 1999 as the feeder line to the Bedford Road water tower. The main was spec'd out as a 20-inch concrete cylinder pipe but as the bids were over budget, it was decided to go with PVC instead. Other cost cutting measures included the pipe being laid on solid sandstone instead of wrapped in sand, and no bends were installed when the pipe went down under a nearby creek. He stated the main was on the water main replacement list in 2016 but was held off due to Bedford

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Commons. Staff has now decided to start design work during the upcoming year to renew the line from Central Drive to Highway 183, which can be paid using State Water Implementation Fund for Texas (SWIFT) funds. There was discussion on the costs of the repairs. Mr. Overstreet stated there was no interruption of water service to residents as the main is a transmission line and not a distribution line.

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

This item was moved prior to New Business.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve Jimmy Stathatos as the new Bedford City Manager effective September 14, 2020, as well as authorize the execution of the employment agreement by the Mayor by and in between the City of Bedford and Jimmy Stathatos as written.

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

Mayor Boyter gave remarks welcoming Mr. Stathatos to Bedford and discussed the process for selecting the new City Manager, including the criteria for and expectations of that position. He discussed Mr. Stathatos' background and experience, as well as the recent history of Bedford and its comparison to neighboring cities. He further discussed previous City Manager searches and issues related to street repairs, empty shopping centers, aging infrastructure, dated facilities, and increasing needs for service. He discussed Council and staff creating an organization of excellence to provide the highest possible standard of service to the residents. He stated it is time to aggressively address the streets, refocus and reinvent the approach to economic development, make the most of the Phase Next project, get Bedford Commons right, revitalize the revenue base, and better communicate with the residents. He thanked staff for their efforts, Mr. Blackwell for serving as the Interim City Manager during such a tumultuous period, and to the residents for continuing to make Bedford a great place to live and work and challenging the City to be better stewards of their tax dollars.

### **ADJOURNMENT**

Mayor Boyter adjourned the meeting at 9:42 p.m.

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Michael Boyter, Mayor

ATTEST:

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Michael Wells, City Secretary