

Council Minutes October 26, 2021

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 26th day of October, 2021 with the following members present:

Michael Boyter	Mayor
Amy Sabol	Mayor Pro Tem
Cindy Almendarez	Councilmembers
Dan Cogan	
Ruth Culver	
Rob Gagliardi	
Rich Steves	

constituting a quorum.

Staff present included:

Jimmy Stathatos	City Manager
Bryn Meredith	City Attorney
Michael Wells	City Secretary
Debbie Carlisle	Police Support Services Manager
Don Henderson	Parks Superintendent
Wes Morrison	Neighborhood Svcs./Planning Mgr.
Andrea Roy	Development Director
Cheryl Taylor	Public Works Director
Jeff Williams	Police Chief
Bill Walker	Fire Chief

REGULAR SESSION

The Regular Session began at 6:00 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Bishop Nosa Onaiwu with Arise and Shine Ministries gave the invocation.

PLEDGE OF ALLEGIANCE

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

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COUNCIL RECOGNITION

- **Recognition of the winners of the 2021 National Night Out poster contest.**

Police Chief Jeff Williams recognized Ember Anderson and Sawyer Galson as the winners of the 2021 National Night Out poster contest.

- **Proclamation recognizing November 1-5, 2021 as Municipal Courts Week in the City of Bedford.**

Mayor Boyter read a proclamation recognizing November 1-5, 2021 as Municipal Courts Week in the City of Bedford. Municipal Court Judge Tim Murphy and Municipal Court Manager Doug Campbell accepted the proclamation.

- **Employee Service Recognition**

The following employees received recognition for dedicated service and commitment to the City of Bedford:

Eric Perez, Police Department - 5 years of service
Scott Holmes, Public Works - 5 years of service
Mark Williams, Fire Department - 30 years of service

OPEN FORUM

Roger Gallenstein, 4013 Fairmont Court, Bedford – Mr. Gallenstein signed up to speak on Item 11. He stated his homeowner's association (HOA) is revising their deed restrictions, including adding restrictions on short-term rentals. He discussed the state legislature not taking up the issue and stated he and an attorney they consulted felt the HOA would be better off mirroring Bedford's restrictions. He is concerned about the City being pro-active as opposed to reactive. He asked that a minimum timeframe such as three months be included in the new ordinance. He discussed having a third-party monitor short term rentals and handling problematic rentals.

Bob Cochrane, 2252 Bedford Circle, Bedford – Mr. Cochrane signed up to speak on Item 1. He presented a present to Mayor Boyter.

Jake Pippen, 2812 Clearmeadow Street – Mr. Pippen signed up to speak on Item 12. He spoke in support of the single-family rental registration and inspection ordinance. He stated he has seen neighbors who were taken advantage of and ultimately sued for damages by a predatory landlord. He discussed a particular home that has a leaking roof and windows, exposed electrical wiring, and no running water in the kitchen. He felt the new ordinance would force the landlord's hand and would help protect the community.

CONSIDER APPROVAL OF ITEMS BY CONSENT

City Manager Jimmy Stathatos presented an overview of the items on the consent agenda.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve the following item by consent: 1, 2, 3, 4, 5, 6 and 7.

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) October 12, 2021 regular meeting

This item was approved by consent.

2. Consider a resolution authorizing the Mayor to certify the Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedures.

This item was approved by consent.

3. Consider a resolution authorizing the Mayor to certify the Equitable Sharing Agreement and Certification as required by the United States Department of Justice.

This item was approved by consent.

4. Consider a resolution authorizing the City Manager to enter into an agreement with Curtco, Inc., utilizing the City of Grand Prairie's contract for pavement crack and joint sealing services, through the Master Interlocal Cooperative Purchasing Agreement, in an amount not to exceed \$150,000, for the 2022 Crack and Joint Sealing Program.

This item was approved by consent.

5. Consider a resolution authorizing the City Manager to enter into an agreement with Manning Concrete Sawing, utilizing the City of Grapevine's annual contract for concrete services, through the Master Interlocal Cooperative Purchasing Agreement, in an amount not to exceed \$550,000, for the 2022 Concrete Sidewalk, Accessibility Ramps, Concrete Street Panels, Driveway, and Curb and Gutter Reconstruction at Various Locations Project.

This item was approved by consent.

6. Consider a resolution authorizing the City Manager to enter into an agreement with Stripe-A-Zone, Inc., utilizing the City of Grand Prairie's Pavement Marking Services contract, through the Master Interlocal Cooperative Purchasing Agreement, an amount not to exceed \$150,000, for the 2022 Pavement Markings Services Program.

This item was approved by consent.

7. Consider a resolution authorizing the City Manager to purchase a Toro Ground Master 3200 2WD mower in the amount of \$24,573.14 and a Toro 7500D SERIES 96" mower in the amount of \$35,772.37, for a total price of \$60,345.51, through the Buy Board Cooperative Purchasing Program.

This item was approved by consent.

NEW BUSINESS

8. Consider an ordinance of the City of Bedford, Texas, amending Chapter 114 "Traffic and Vehicles" of the Code of Ordinances, to clarify requirements for parking and parking surfaces, and to clarify several points of law, with attendant additional changes; providing this ordinance shall be cumulative of all ordinances; providing a

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severability clause; providing a savings clause; providing a penalty clause; and providing an effective date.

Development Director Andrea Roy presented information regarding this item. She stated the current parking ordinance needs clarification and amendments to remove ambiguity about what is and is not permitted. These amendments would protect both the City and those in violation of the ordinance. Proposed amendments to the ordinance include reducing the timeframe for on-street parking from 72 hours to 24 hours; separating passenger vehicles from commercial vehicles and stating that commercial classified vehicles would no longer be allowed to park on the street; simplifying the definition of commercial motor vehicles to mean any vehicle that is not a passenger auto, motorcycle, or pickup truck; better defining all-weather parking, including that individual landscape pavers under tires or hitches would not be allowed, and outlining exceptions for homes that were built prior to the City requiring driveways; permits for the on-street parking of recreational vehicles, which are limited to a maximum of seven days for prepping and cleaning the vehicle and a minimum of 30 days between obtaining permits, and specific language that they not be occupied; permits for the parking of commercial vehicles at hotels/motels, which would require Council approval and a site plan showing proper striping, that it does reduce required parking, and has appropriate screening and buffering; and inclusion of a comprehensive list of all traffic signals and signs currently in existence, along with the addition of "No Parking" signs along the west side of Tennis Drive. Ms. Roy provided examples of what would and would not be permitted regarding all-weather parking and recreational vehicles in driveways.

There was discussion on prohibiting trailer hitches from being in the right-of-way; recreational vehicles being permitted in driveways and prohibitions on obstructing the visibility triangle; staff issuing warnings before ticketing for on-street parking; timeframes in other cities and the reasons for reducing the timeframe in Bedford; raising the standards in the City and chronic issues being dealt with by staff; the process for enforcement for on-street parking; issues related to parking on both sides of a street hindering the passage of fire trucks; that the ordinance would be effective immediately; communication of the ordinance changes to residents, including the apartment complex along Tennis Drive; a grace period before taking enforcement action on violations; and examples of commercial vehicle parking.

Motioned by Councilmember Gagliardi, seconded by Councilmember Almendarez, to approve an ordinance of the City of Bedford, Texas, amending Chapter 114 "Traffic and Vehicles" of the Code of Ordinances, to clarify requirements for parking and parking surfaces, and to clarify several points of law, with attendant additional changes; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; providing a penalty 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 Article IX "Abandoned and Junked Motor Vehicles" of Chapter 114 "Traffic and Vehicles" of the Code of Ordinances, to reflect changes in State Law; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; providing a penalty; and providing an effective date.

Ms. Roy presented information regarding this item, which are amendments to the ordinance to mirror state law, and include the definition of a junked motor vehicle, which helps staff with interpretation of what constitutes such a vehicle. There was discussion on examples of junked motor vehicles and that such vehicles would be allowed if they are fully screened from the public.

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Motioned by Councilmember Gagliardi, seconded by Councilmember Culver, to approve an ordinance of the City of Bedford, Texas, amending Article IX "Abandoned and Junked Motor Vehicles" of Chapter 114 "Traffic and Vehicles" of the Code of Ordinances, to reflect changes in State Law; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a savings clause; providing a penalty; and providing an effective date.

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

10. Consider an ordinance of the City of Bedford, Texas, amending Chapter 42, "Courts" of the Code of Ordinances, by amending Section 42-67 relative to the jurisdiction of the Municipality and authorizing the Municipal Court to issue search warrants for the purpose of investigating nuisances and to issue seizure warrants for the purpose of removing offending property; providing this ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; and establishing an effective date.

Ms. Roy presented information regarding this item, which is to clarify conditions under which the Municipal Court can issue search and seizure warrants, and to provide extra protection to the City in permitting staff to enter a property and perform forced abatements. There was discussion on the need for physical evidence prior to a warrant being issued.

Motioned by Councilmember Culver, seconded by Councilmember Steves, to approve an ordinance of the City of Bedford, Texas, amending Chapter 42, "Courts" of the Code of Ordinances, by amending Section 42-67 relative to the jurisdiction of the Municipality and authorizing the Municipal Court to issue search warrants for the purpose of investigating nuisances and to issue seizure warrants for the purpose of removing offending property; providing this ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; and establishing an effective date.

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

11. Consider an ordinance of the City of Bedford, Texas, amending Chapter 26, "Businesses" of the Code of Ordinances, to create a definition and define the standards and review process for short-term rentals; amending Appendix A, "Fee Schedule," providing for administrative fees associated with permitting and inspection of short-term rental properties; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty for violation; providing a savings clause; and providing an effective date.

Ms. Roy presented information regarding this item, which is the result of discussions with Council and recent state legislation and court cases related to short-term rentals. Provisions of the proposed short-term rental program include a required permit; a rental timeframe of less than 30 days; proof of compatibility of the site for such use, including a parking plan, local contacts, and liability insurance; a limit on occupants of two per bedroom, with an additional two occupants, and an overall total of 12 occupants; the payment of hotel/motel taxes; inspections by staff for life safety issues; fire inspections performed annually and with a change of ownership; penalties for noncompliance; and an effective date of January 1, 2022 with a 60-day grace period for existing short-term rentals to come into compliance. Ms. Roy stated staff examined other cities and the proposed program is in line with those that have adopted policies. The program would allow the use without restricting homeowner rights, while also protecting the rights of other homeowners. She further stated that the City cannot mirror its requirements to those of a homeowner's association (HOA), but staff could share information with them as permits are issued. Oversight of

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the regulations would be through the Development Department and the Fire Marshal's Office for permitting and inspections, while a proposed third-party company would administer the program. Ms. Roy stated a zoning change would be brought in the future to define where short-term rentals would be permitted, and recommended they be prohibited in multi-family zoning districts.

City Attorney Bryn Meredith stated any rentals over 30 days would be considered a lease and enforcing anything over that timeframe would be tantamount to a ban on short-term rentals, which he advised against. He discussed the reasons for not banning short-term rentals outright, including court rulings that the right to lease property is an inherent right with residential home ownership and that short-term rentals are not a commercial use. He further discussed why HOAs are allowed to be more restrictive, including that they are not regulatory in nature like a city.

There was discussion on the suspension and forfeiture provision in the ordinance to deal with noncompliance and repeat violators. In response to questions from Council, Ms. Roy stated violations would be tied to the homeowner and that a renewal and reissuance of a permit would be required with any change of ownership. She confirmed the third-party company would also handle the collection of the hotel occupancy tax and would receive a portion as payment for their services. There was discussion on the possibility of limiting the number of short-term rentals within a certain radius and collecting the license plate numbers of guests; potential legal challenges to the short-term rental policy; the role of the third-party company and the collection of the hotel occupancy tax; enforcement actions, including citations and civil action; and addressing hotels that have extended stays.

Motioned by Councilmember Sabol, seconded by Councilmember Cogan, to approve an ordinance of the City of Bedford, Texas, amending Chapter 26, "Businesses" of the Code of Ordinances, to create a definition and define the standards and review process for short-term rentals; amending Appendix A, "Fee Schedule," providing for administrative fees associated with permitting and inspection of short-term rental properties; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty for violation; providing a savings clause; and providing an effective date.

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

12. Consider an ordinance of the City of Bedford, Texas, amending Chapter 22, "Buildings and Building Regulations" of the Code of Ordinances, to create a definition and define the standards and review process for a single-family rental registration and inspection program; amending Appendix A, "Fee Schedule," providing administrative fees associated with permitting and inspection of single-family rental dwellings; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty for violation; providing a savings clause; and providing an effective date.

Ms. Roy presented information regarding this item, which applies to the leasing of homes for longer periods of time than short-term rentals. She stated Bedford has numerous homes that have been converted to rentals and those tend to be the ones staff struggles with from a code enforcement perspective, particularly with absentee landlords. This ordinance would allow staff to know what houses are being rented and the ability to reach the landlord and tenant. Provisions in the ordinance include a required annual permit; that the permit be obtained within 30 days of a house being sold; contact information for the owner as well as that of a local contact; annual inspections; a requirement for smoke and/or carbon monoxide detectors; inspections with changes in ownership; the ability to revoke permits if the house does not comply with the regulations or is otherwise in violation of minimum housing standards; and an effective date of

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January 1, 2022. Ms. Roy stated staff would do a media push on the ordinance and establish a 60-day grace period. She discussed the history of this ordinance, including that Bedford is an outlier when it comes to addressing rental houses. She stated the City would have to stay separate from HOAs regarding these regulations, though staff would publish a public list of rental house addresses. The program would be run out of the Development Department for inspections and the issuance of permits.

In response to questions from Council, Ms. Roy stated it is not staff's intention that lease back situations be covered by the ordinance. There was discussion on the consequences to property owners for noncompliance, including the issuance of citations and civil actions; working with Water Billing staff to ensure water is turned on at rental houses; escrow being taken from landlords to cover the cost of addressing issues; the City's substandard building regulations, which allow for the closing of a house for occupancy and include criminal enforcement and civil penalties; avenues for renter protection and marketing those to the community; the regulations acting as a certificate of occupancy for rental homes; the possibility of adding an additional staff member for this item and the short-term rental program; and that anybody, including the tenant, can be a complainant for minimum housing code violations.

Motioned by Mayor Pro Tem Sabol, seconded by Councilmember Culver, to approve an ordinance of the City of Bedford, Texas, amending Chapter 22, "Buildings and Building Regulations" of the Code of Ordinances, to create a definition and define the standards and review process for a single-family rental registration and inspection program; amending Appendix A, "Fee Schedule," providing administrative fees associated with permitting and inspection of single-family rental dwellings; providing this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty for violation; providing a savings clause; and providing an effective date.

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

13. Mayor/Council Member Reports

Mayor Boyter reported on the following events: the Community Affairs Residential Roundtable at the Movie Tavern on October 27; Halloween Bash at the Library on October 29; the Chalk It Up event at Harris Ryals Park on November 6; the Community Affairs Commission Meet and Greet at the Movie Tavern on November 10; the senior Thanksgiving luncheon at the Library on November 19; and a Sip and Sketch event at Turning Point on October 28. He reported the deadline for submissions for the traffic signal box art project is October 29. He encouraged people to buy pumpkins at the Library Pumpkin Patch in honor of National Pumpkin Day.

14. City Manager/Staff Reports

No report was given.

EXECUTIVE SESSION

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property – real property for redevelopment purposes.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations – 3600 Harwood Road.
- c) Pursuant to Section 551.071, consultation with City Attorney, regarding:
 - a. Motel 6 located at 3100 Crystal Springs Street.
 - b. Short-term rental ordinance.
 - c. National Opioid Settlement.

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- d. Pending or contemplated litigation for the enforcement of city ordinances relative to the real property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.072, to deliberate the purchase, exchange, lease or value of real property - real property for redevelopment purposes; Section 551.087, deliberation regarding economic development negotiations - 3600 Harwood Road; Section 551.071, consultation with City Attorney, regarding Motel 6 located at 3100 Crystal Springs Street, short-term rental ordinance, National Opioid Settlement, and ending or contemplated litigation for the enforcement of city ordinances relative to the real property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford, at 8:02 p.m.

Council reconvened from Executive Session at 8:36 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session

15. 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 8:37 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary