

Council Minutes January 22, 2019

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 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 22nd day of January, 2019 with the following members present:

Jim Griffin	Mayor
Dan Cogan	Councilmembers
Roger Fisher	
Amy Sabol	
Rusty Sartor	
Roy Turner	

constituting a quorum.

Councilmember Boyter arrived at 5:55 p.m.

Staff present included:

Brian Bosshardt	City Manager
Cliff Blackwell	Assistant City Manager
Matt Butler	City Attorney
Michael Wells	City Secretary
Sean Fay	Fire Chief
Natalie Foster	Public Information Officer
Jeff Gibson	Police Chief
Meg Jakubik	Strategic Services Manager
Kenny Overstreet	Public Works Director
Bill Syblon	Development Director
Cissy Sylo	Capital Projects Manager

**WORK SESSION**

Mayor Griffin called the Work Session to order at 5:00 p.m.

- **Briefing on Boys Ranch Park - Phase Next: (1) Charrette - January 29 - February 1, 2019 and (2) Construction Delivery Method Recommendation.**

Capital Projects Manager Cissy Sylo presented information on the Boys Ranch Phase Next charrette meetings scheduled for the following week. She stated the purpose of the charrette process is to confirm the conceptual site plan and the programming for the recreation center and the park. She discussed the charrette process, the meeting schedule, stakeholders, the structure of the meetings, and a community survey. She stated that Council will be presented a summary of what was learned through the process. There was discussion on ensuring the survey is sent out to enough people.

Ms. Sylo presented information on the six types of construction delivery methods, including competitive bidding, competitive sealed proposals (CSP), construction manager-agent (CMA),

## **Council Minutes January 22, 2019**

construction manager at risk (CMR), design build and job order contracting. She stated that staff's recommendation was to utilize the CMR method and discussed the role of the CMR and her role as project manager. She further discussed the delivery method timeline. There was discussion that Council had come to the consensus on the CMR method at a previous meeting. In response to questions from Council, Ms. Sylo stated the contract with the CMR will contain provisions to ensure the City gets the qualified contractors and vendors it wants. Specifications, engineering standards and the subdivision ordinance are being revised, which will hold the contractors to a higher standard than is currently in place. She stated that requests for information between the contractors and the City are common in such projects. Regarding the request for proposal, she stated it will be published in the newspaper and picked up on the bid boards.

Mayor Griffin adjourned the Work Session at 5:51 p.m.

### **EXECUTIVE SESSION**

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - clothing donation containers.**
- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Bedford Commons, and adjacent to the Bedford Boys Ranch Park.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - clothing donation containers, and Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Bedford Commons, and adjacent to the Bedford Boys Ranch Park, at 5:55 p.m.

Council reconvened from Executive Session at 6:21 p.m. Any necessary action to be taken as a result of the Executive Session will during the Regular Session.

### **REGULAR SESSION**

The Regular Session began at 6:32 p.m.

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

Mayor Griffin called the meeting to order.

### **INVOCATION (Pastor Tony Shupp, City Life Church DFW)**

Pastor Tony Shupp of City Life Church DFW gave the invocation.

### **PLEDGE OF ALLEGIANCE**

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

### **ANNOUNCEMENTS/UPCOMING EVENTS**

Public Information Officer Natalie Foster reported on upcoming events, including a meeting to receive public input on the Phase Next project at the former library building on January 31, 2019, and the Library's Mardi Gras Casino Night scheduled for February 23, 2019.

### **OPEN FORUM**

## Council Minutes January 22, 2019

Tom Culbert - 925 Charleston Drive, Bedford – Mr. Culbert signed up to speak on Item #11. He stated that a competitor for the Senior Center dances recently shut down and so the number of dancers should increase. He asked that the dances go back to four times a month and who authorized the number of dances to be cut in the first place.

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

City Manager Brian Bosshardt presented an overview of the items on the consent agenda.

Motioned by Councilmember Sabol, seconded by Councilmember Sartor, to approve the following items by consent: 1, 2, and 3.

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

- 1. Consider approval of the following City Council minutes:  
a) January 8, 2019 regular meeting**

This item was approved by consent.

- 2. Consider a resolution ordering the General Election of the City of Bedford, Texas to be held on Saturday, May 4, 2019 for the purpose of electing Place 3 and Place 5 to the Bedford City Council.**

This item was approved by consent.

- 3. Consider a resolution authorizing the City Manager to enter into a contract with Sweeping Services of Texas, Operating L.P. in the amount of \$44,460, for the 2019 Street Sweeping Program.**

This item was approved by consent.

### **COUNCIL RECOGNITION**

#### **4. Employee Service Recognition**

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

Marie Nagy-Jones, Police Department - 5 years of service  
Charles Tittle, Fire Department - 15 years of service

- 5. Proclamation recognizing the week of February 7-14, 2019 as Congenital Heart Defect Awareness Week. \*\*This item requested by Councilmember Cogan.**

Councilmember Cogan, on behalf of the Mayor and City Council, read a proclamation recognizing the week of February 7-14, 2019 as Congenital Heart Defect Awareness Week. Laura Catron, a mother whose daughter Lola is living with a Congenital Heart Defect, accepted the proclamation.

### **NEW BUSINESS**

**6. Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 45th Year Program for roadway improvements on Bedford Court East, from the Hurst City Limits to Brown Trail.**

Public Works Director Kenny Overstreet presented information regarding this item. He stated staff was granted permission by the Street Improvement Economic Development Corporation to seek approval from Council on pursuing grant funding from the Tarrant County Community Development Block Grant (CDBG) 45th Year Program. at their meeting on January 15, 2019. The City could receive up to \$150,000 in funding, and the recommended project is a total street reclamation of Bedford Court East from Brown Trail to the Hurst city limits. The other half of Bedford Court East was reconstructed as a part of the CDBG 43rd Year Program.

Mayor Griffin opened the public hearing at 7:08 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:08 p.m.

In response to questions from Council, Mr. Overstreet confirmed the City has been awarded grants through the CDBG program multiple times. He stated Dick Perkins is assisting with preparation of the grant application packet, as he has done in years past. There was discussion on the role the Tarrant County Mayor's Council plays in the grant approval process.

Motioned by Councilmember Cogan, seconded by Councilmember Turner, to approve a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 45th Year Program for roadway improvements on Bedford Court East, from the Hurst City Limits to Brown Trail.

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

**7. Discussion and consideration of all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation, including the adoption of a resolution pertaining thereto.**

Assistant City Manager Cliff Blackwell presented information regarding this item, which is for a notice of intent to issue approximately \$4,000,000 in certificates of obligation to fund sanitary sewer projects. These projects were discussed with Council during the budget work session in August, and the fiscal impact of the unfunded capital items recommended for the Fiscal Year 2018-2019 budget was discussed with Council the previous September. Mr. Overstreet presented an overview of projects that would be funded out of the certificates of obligation. In response to questions from Council, Mr. Overstreet stated there are two items from the 2010 Sewer Master Plan yet to be completed and that he plans on presenting Council a full study on the Sulphur Branch drainage basin in the summer. Mr. Blackwell stated the ordinance to sell the certificates of obligation will be presented to Council at the second meeting in February.

Motioned by Councilmember Sabol, seconded by Councilmember Cogan, to approve a resolution approving and authorizing the publication of a notice of intent to issue Series 2019 Certificates of Obligation.

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

**8. Discussion and consideration of all matters incident and related to declaring expectation to reimburse expenditures with proceeds of future debt, including the adoption of a resolution pertaining thereto.**

Mr. Blackwell presented information regarding this item, which is a reimbursement resolution related to the Police Department's software contract approved by Council on November 22, 2018. He stated staff recommended a tax note for capital equipment items, including the Police Department software, a fire truck, a fire engine and an ambulance, during the budget process. A tractor for the Parks Department had originally been included on the list; however, another funding source for it was identified. A tax note in the amount of \$2,900,000 will be presented to Council at their second meeting in February. Staff has already spent approximately \$255,000 for the Police Department software, and this item will allow the City to reimburse itself from the tax note. In response to questions from Council, Mr. Blackwell stated there is urgency on the Fire Department vehicles due to the time it takes to spec out and order the equipment. Regarding previous uses of reimbursement debt, he stated that contractual obligations were issued in 2014 in the amount of approximately \$3,000,000. He confirmed that it was not possible to get the capital items within the Fiscal Year 2018-2019 budget. He stated the impact of the tax note would be absorbed in the existing tax rate structure. Regarding future uses of tax notes, he felt it would be best to have a sustainable operations budget where funds could be set aside annually to build up high enough reserves to pay for capital items with cash. The last tax note the City issued was in 2016 and had a seven-year amortization schedule.

Motioned by Councilmember Turner, seconded by Councilmember Sartor, to approve a resolution and all matters incident and related to declaring expectation to reimburse expenditures with proceeds of future debt.

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

**9. Discussion and possible action regarding the removal of a member from Bedford's Citizen Boards and Commissions. \*\*This item requested by Councilmember Sabol.**

Councilmember Sabol requested this item be placed on the agenda for discussion and possible action. She stated the proper procedure for removing moving a Board and Commission member is for Council to vote on the member. At the previous Council meeting, she asked the Mayor to speak to the member in question, which he did. She discussed training that Council and the Planning and Zoning Commission participated in with the City Attorney in July 2018 regarding their roles, open government laws, public hearings, conflicts and improper influence. She stated they were instructed not to take extra steps to generate support or opposition, respect rights of all persons, never distort or misrepresent facts, and to not participate as an advocate or denounce any plan coming before them. She stated that Council has been written letters by residents regarding the commissioner's inappropriate behavior in the Library's parking lot during the density petition in November. She felt the member disregarded his training and his role as a commissioner, including respecting the rights of all persons. She stated the commissioner voiced his opinion on social media regarding apartments, misrepresented facts on tax collection, and advocated for a storage facility. She stated the issue is not just about the incident in the parking lot but that he has voiced his opinion on social media on a variety of topics, many with a direct connection to his role on the Commission.

Motioned by Councilmember Sabol, seconded by Councilmember Cogan, to remove Tom Stroope from the City of Bedford Planning and Zoning Commission.

## Council Minutes January 22, 2019

Councilmember Fisher stated that he appreciated members of the community bringing what they felt were inappropriate comments at an altercation during the petition. He stated no member of Council witnessed the exchange, and in speaking with Mr. Stroope, he acknowledged words were exchanged. Councilmember Fisher agreed Mr. Stroope's actions may have been out of line and were out of character but does not agree with the assertion that Council should remove him. He discussed Mr. Stroope's service on the Commission since 2005, including his roles as chairperson and vice chairperson. He felt that Mr. Stroope expressed his opinion, as have members of Council, and discussed bias regarding apartments. He felt that in a democracy, everybody is valued to share their opinion, and that many of the opinions expressed by Mr. Stroope were said in an open Commission meeting. He felt it would be more appropriate for Council to make suggestions on board and commission members during the normal appointment process. He stated that appointment of board and commission members is Council's sole and unrestricted right as an elected body, and if any member does something so egregious that harms their commission or brings calamity to the City, he would be the first to remove that person but felt the standard has not been met in this instance. He read a letter from Bill Reese, a former member of the Commission, in favor of Tom Stroope, and asked that it be entered into the record. (A copy of Mr. Reese's letter is on file with the City Secretary's Office) Based on comments from another citizen on censuring Mr. Stroope or not allowing him to vote on certain matters, Councilmember Fisher stated that there are procedures in state law regarding abstaining from voting. He stated this issue is a reminder to Council, the Commission and other quasi-judicial bodies to keep comments to themselves or base them strictly on the facts and decide issues on the facts. He stated he will support Mr. Stroope.

Councilmember Boyter stated he will base his vote on his expectations for the future, not his opinion of the individual in question. He stated that board or commission members should have a clear understanding of the purpose behind their board, what it does and how it does it, and their own responsibilities, and what is expected of them. He felt the City has done a poor job of educating appointees of these understandings and expectations and does a disservice to these members and the residents by sending them into the fold without the proper knowledge of how and why their efforts benefit the City. He believed the lack of this education and initiation results in poor conduct and poor direction of the boards and cited the recent discussion on the Cultural Commission as an example. He called on staff to make it a policy that every appointed member be given a volunteer training program.

Councilmember Boyter called for appointees to the Planning and Zoning Commission and the Street Improvement Economic Development Corporation be held to a higher level of expectations, as the actions of those two bodies serve to cause or create policy, and that it be made clear that they are expected to act responsibly and take their service seriously. He stated they must be educated on how their board conducts business, and to be made knowledgeable about City policies, codes, economic principles, and other matters used as guides in their decision making. He felt that they must agree to accept this responsibility, and if not, they do not need to be appointed or serve. He requested Council and staff implement a code of conduct for members of these boards to insure their personal actions do not diminish their role as an appointee or reflect poorly on the City.

Councilmember Boyter felt this agenda item would not have been necessary if it had been acted upon in a timely manner and discussed Council and the City Manager's responsiveness to communications from residents. He stated that though Council was made aware of the incident a long time ago, it was only discussed, and action taken, at the previous meeting. He discussed the Council mission statement to be responsive to the needs of the community and demonstrate excellent customer service in an efficient manner, and the 2018 strategic plan to focus on organizational excellence, including high-quality responsive service. He felt that the handling of this matter did not live up to those standards, and that Council must take responsibility for their

actions or lack thereof. He felt that failing to respond to emails, phone calls and meeting requests is the opposite of the mission statement and strategic plan. He felt that without a clear understanding of Council's expectations of appointees and a clear definition of what is excessive conduct, Council cannot be expected to know good conduct from bad. He asked if board and commission members who make disparaging remarks about the City on social media disqualify them from volunteering. He felt that without a clear set of rules and understandings, every perception or misperception of an individual's conduct could be grounds for removal. He stated that there needs to be a precise code of conduct and that rules need to be understood by everybody and called on the City Manager and City Attorney to make it happen. He felt that this discussion was due to a failure in leadership, and that with a void in leadership, there is chaos. He stated he had rarely heard Council take responsibility for their failures.

Councilmember Boyter stated Council has been frequently advised not to discuss things in meetings out of fear and gets the impression that the City conducts business out of fear. He commended Councilmember Fisher for taking responsibility for hearing residents' concerns about multi-family and code. He believed that it was time for the Mayor, Council, City Manager and City Attorney to take responsibility for their failures, and that it was time for the City to recommit itself and focus on its responsibilities. He discussed responsiveness to citizens and accountability. He stated he returned to the Council due to what he felt was the lack of progress being made in the City, to serve the residents and to challenge the status quo. He believed it was time to change the way business is done and how residents are included and discussed how he felt doing things the same way negatively affected the City. He felt that the residents and individual in questions deserved better, and that the issue was about leadership.

Councilmember Turner stated that he supports Mr. Stroope staying on the Commission and discussed his role on the Commission.

Mayor Griffin stated that he talked to Mr. Stroope after being asked to at the previous Council meeting. He stated that nobody on Council witnessed the incident in question, and supported Mr. Stroope staying on the Commission. He stated that Council is attempting to hold meetings with the chairpersons of the Board and Commissions and to make sure that there is agreement that the City has the right boards and commissions doing the right things to support the strategic plan. He felt that Council did not have the ability to legislate what board and commission members do when they are not serving and find it difficult to act on this item because Council is not happy with what he is stating. He discussed other board and commission members sharing their opinions on social media and stated he did not want to be in a position on asking what the members are doing on social media. He stated it was incorrect that he does not answer emails or hold meetings, and that this item was not discussed with the group of residents until their second meeting.

Motion failed 3-4-0. Mayor Griffin declared the motion failed.

Voting in favor of the motion: Councilmember Cogan, Councilmember Sabol and Councilmember Boyter

Voting in opposition to the motion: Mayor Griffin, Councilmember Sartor, Councilmember Fisher, and Councilmember Turner

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

Mayor Griffin reported on a youth in government program developed through the Chamber of Commerce.

Councilmember Sartor reported that he attended the Police Department banquet and he appreciated their service to the community.

**11. Report on most recent meeting of the following Boards and Commissions:**

✓ **Animal Shelter Advisory Board**

No report was given.

✓ **Beautification Commission**

Councilmember Turner reported that the Commission met and discussed events for the upcoming year.

✓ **Community Affairs Commission**

Councilmember Boyter reported that the Commission is working on their agenda and events for the upcoming year.

✓ **Cultural Commission**

No report was given.

✓ **Library Advisory Board**

Councilmember Boyter reported that the Board discussed the performance of the Library, including the number of additional visitors due to the Euless library being closed for remodeling.

✓ **Parks and Recreation Board**

No report was given.

✓ **Teen Court Advisory Board**

No report was given.

✓ **Senior Citizen Liaison**

No report was given.

**12. City Manager/Staff Reports**

No report was given.

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

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

**ADJOURNMENT**

Mayor Griffin adjourned the meeting at 8:06 p.m.

**Council Minutes January 22, 2019**

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary