

Council Minutes January 26, 2021

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. via videoconference, on the 26th day of January, 2021 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:

Jimmy Stathatos	City Manager
Cliff Blackwell	Assistant City Manager
Stan Lowry	City Attorney
Matthew Butler	Assistant City Attorney
Michael Wells	City Secretary
Wendy Hartnett	Special Events Manager
Don Henderson	Parks Superintendent
Meg Jakubik	Strategic Services Manager
Maria Redburn	Library Director
James Richardson	Deputy Fire Chief
Andrea Roy	Development Director

WORK SESSION

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

- **Receive a report on the Library Satisfaction Survey.**

Library Director Maria Redburn presented the results of the Library Satisfaction Survey. There was a 6.4 percent decrease in participation from the previous survey, with 85 percent of respondents rating the Library an "A." She presented information on the top-rated library services, book deliveries while the Library was closed; customer service ratings; study rooms; the Library of Things collection; examples how the Library helps people; the impact of COVID-19 on patron usage; the impact of COVID-19 restrictions on Library operations; patron feedback; and focus areas for the upcoming year.

There was discussion on reopening the Teen Room; maintaining the capacity limit; Library statistics; the Library's impact on the community; bringing in authors for events; the

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usage of electronic and audio books; a decrease in attendance for virtual story times; Library usage statistics by zip code; what other cities are doing; issues with patrons not wearing masks; and staffing.

- **Discussion regarding the Cultural Commission.**

This item was moved to the February 9, 2021 Council Meeting.

- **Discussion regarding scheduled Parks and Recreation events.**

Assistant City Manager Cliff Blackwell stated previous feedback from Council regarding events was to do the drive-up/drive-through events as long as they are properly marketed so the attendance will be such that they are worth the effort. He presented information on previous and upcoming programs and events, including a health fair and blood drive, bingo, a senior Valentine's dinner, donuts and coffee, movie nights, and performances and concerts. Themed events planned for February include a scavenger event in the parks, family selfie spots, and Valentine's cards. Themed events planned for March and April include whimsical tree sculptures in the parks, egg hunt packages, and art canvas packets. Scheduled events for Parks include the Crud Cruiser, Chunk Your Junk, and Paper Shredding. Projects for Generations Park include replacing the retaining wall at the southeast corner of the property for \$26,000; new surface aerators at the lake to help mitigate algae for approximately \$10,000 each, with electrical work being approximately \$40,000; and a new boat ramp at approximately \$36,000. He discussed \$230,000 in remaining funding from a 2013 General Obligation bond that could be used for these projects. Mr. Blackwell requested feedback on holding the annual volunteer banquet.

There was discussion on why the projects at Generations Park were not included in the \$70,000,000 bond package; attendance at events as a factor in continuing them; focusing on fewer events and programs; ceasing the reselling of kits; participant feedback on events; leftover bond proceeds for capital projects; advertising the other parks in the City; the history of the current aeration system in the lake, including their installation by the Texas Parks and Wildlife Department; the possible use of the Park Donation Fund and Park Maintenance budget for the park improvement projects; new playground equipment at the City's parks; and attendance at bingo events. Council was of the consensus to cancel the volunteer banquet this year; to support creative ideas at the City's parks, including the scavenger hunt; to focus on the quality, not the quantity, of events; and to move forward on the park improvements.

- **Discussion regarding classification of CBD Oil product sales and presentation of research of such uses.**

Development Director Andrea Roy stated more cities were added to the survey regarding how Cannabidiol (CBD) oil product uses are classified and the City of Colleyville is the only one in the area that requires a special use permit. Staff feels that a by right use is aligned with what the majority of other cities are doing. She discussed examples of well-known retailers that carry CBD products, the interior of CBD stores, and CBD products. She stated Council can act on an item in the Regular Session to confirm the Planning and Zoning Commission's recommendation on where to classify CBD oil products sales. Council was of the consensus to allow CBD oil product sales by right.

Mayor Boyter adjourned the Work Session at 6:55 p.m.

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REGULAR SESSION

The Regular Session began at 7:03 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.

OPEN FORUM

Nobody signed up to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

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

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

- 1. Consider approval of the following City Council minutes:
a) January 12, 2021 regular meeting**

This item was approved by consent.

- 2. Consider a resolution authorizing the City Manager to enter into a reciprocal interlocal cooperative purchasing agreement with the City of Midlothian, Texas.**

This item was approved by consent.

- 3. Consider a resolution of the City Council of Bedford, Texas designating the City Manager as the Authorized Official for grants submitted on behalf of the City of Bedford.**

This item was approved by consent.

NEW BUSINESS

- 4. Public hearing and consider an ordinance to rezone Lot 5-R, Block 13, Oak Ridge Estates Addition, located at 2907 State Highway 121, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP)/Package Liquor**

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Stores, specific to 3.2.C(6)j of the City of Bedford Zoning Ordinance, allowing for the operation of a liquor store. The property is generally located west of S. H. 121 and north of Harwood Road. (PZ-SUP-2020-50134)

Interim Planning Manager Jay Narayana presented information regarding this item and Item #5. She stated they are two adjacent lots along the frontage road of State Highway 121 and the applicant is requesting a specific use permit (SUP) to convert the former church building on Lot 5-R to a liquor store. The lot does not have enough parking to meet the needs of a retail establishment, so the applicant is looking at adding parking on the Lot 4-R. There may be future development on that Lot 4-R, which would have to come back before the Planning and Zoning Commission and the Council as it is in the Master Highway Corridor Overlay District (MHC). The applicant requested a variance from the 30-foot landscape easement along State Highway 121 due to the existing improvements on the lot. Ms. Narayana displayed a conceptual future site plan. The ground floor of the existing building is approximately 10,000 square feet for the liquor store, with approximately 6,000 feet above for offices. The Commission recommended approval of the SUPs at their meeting on December 10, 2020 but asked the applicant to provide elevations of what the liquor store would look like. The elevations were approved as part of the site plan at the Commission meeting on January 14, 2021. Ms. Narayana stated one condition of approval is for the applicant to file a shared parking agreement with the City prior to the building permit being approved.

There was discussion on platting the two lots together, including making it a stipulation for approval.

Patrick Filson, Kirkman Engineering, 5200 State Highway 121, Colleyville, Texas, representing the owners, stated they are requesting to maintain the current conditions of the easement. The applicant would prefer to utilize a shared parking agreement as opposed to platting the lots together to allow them flexibility to sell or lease off the lot.

Ms. Narayana confirmed the application complies with the MHC other than the requested variance. There was discussion on the parking requirement, and concerns about the future development and the amount of parking.

Mayor Boyter opened the public hearing at 7:35 p.m.

Nobody signed up to speak during the public hearing.

Mayor Boyter closed the public hearing at 7:35 p.m.

Councilmember Burnett stated he would abstain from this vote as he has on previous votes regarding liquor stores because he had personal involvement with another liquor retailer on raising the funds for the liquor petition and does not want so to show any favoritism.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve an ordinance to rezone Lot 5-R, Block 13, Oak Ridge Estates Addition, located at 2907 State Highway 121, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP)/Package Liquor Stores, specific to 3.2.C(6)j of the City of Bedford Zoning Ordinance, allowing for the operation of a liquor store with the stipulation that a parking agreement is put in place as required by the Planning and Zoning Commission. The property is generally located west of S. H. 121 and north of Harwood Road. (PZ-SUP-2020-50134)

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Motion approved 5-1-1. Mayor Boyter declared the motion carried.

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

Voting in opposition to the motion: Councilmember Sartor

Abstaining from voting: Councilmember Burnett

- 5. Public hearing and consider an ordinance to rezone Lot 4-R, Block 13, Oak Ridge Estates Addition, located at 2905 State Highway 121, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP)/Automobile Parking Lot and Area, and specific to 3.2.C(5)c of the City of Bedford Zoning Ordinance, allowing for the utilization of the property for the parking of motor vehicles. The property is generally located west of S. H. 121 and north of Harwood Road. (PZ-SUP-2020-50135)**

This item was discussed with Item #4.

Mayor Boyter opened the public hearing at 7:36 p.m.

Nobody signed up to speak during the public hearing.

Mayor Boyter closed the public hearing at 7:36 p.m.

Motioned by Councilmember Sabol, seconded by Councilmember Gagliardi, to approve an ordinance to rezone Lot 4-R, Block 13, Oak Ridge Estates Addition, located at 2905 State Highway 121, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP)/Automobile Parking Lot and Area, and specific to 3.2.C(5)c of the City of Bedford Zoning Ordinance, allowing for the utilization of the property for the parking of motor vehicles. The property is generally located west of S. H. 121 and north of Harwood Road. (PZ-SUP-2020-50135)

Motion approved 6-1-0. Mayor Boyter declared the motion carried.

Voting in favor of the motion: Mayor Boyter, Councilmember Cogan, Councilmember Sabol, Councilmember Burnett, Councilmember Culver, and Councilmember Gagliardi

Voting in opposition to the motion: Councilmember Sartor

- 6. Public hearing and consider an ordinance to rezone Lot 2, Stonegate Shopping Center Addition, located at 1307 Brown Trail, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Outside Seating Establishment (H/SUP), specific to 3.2.C(6)m of the City of Bedford Zoning Ordinance, allowing for Turning Point Beer to operate a restaurant with outside seating. The property is generally located west of Brown Trail and north of Bedford Road. (PZ-SUP-2020-50146)**

Ms. Narayana presented information regarding this item. She stated Turning Point Beer at the northwest corner of Bedford Road and Brown Trail is expanding to the adjoining tenant space

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and is requesting outdoor seating along an existing sidewalk. This request is due to the expansion, limitations with indoor seating due to COVID-19 limitations, and to add vibrancy and activity to the shopping center. They would have nine picnic tables. The Planning and Zoning Commission specified the addition of wheel stops to the head-in parking spaces, changes to the fencing, and the addition of planters to improve the visual quality of the storefront and outdoor seating area. The Commission recommended approval of this item. Ms. Narayana discussed the details of the proposed perimeter fencing and vegetation provided by the applicant.

James Peery with Turning Point Beer stated the perimeter fencing would be the same as they would be using inside their expansion.

Mayor Boyter opened the public hearing at 7:43 p.m.

Nobody signed up to speak during the public hearing.

Mayor Boyter closed the public hearing at 7:44 p.m.

Motioned by Councilmember Cogan, seconded by Councilmember Burnett, to approve an ordinance to rezone Lot 2, Stonegate Shopping Center Addition, located at 1307 Brown Trail, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Outside Seating Establishment (H/SUP), specific to 3.2.C(6)m of the City of Bedford Zoning Ordinance, allowing for Turning Point Beer to operate a restaurant with outside seating with the stipulation that the applicant enhance the perimeter with greenery and adding the fencing. The property is generally located west of Brown Trail and north of Bedford Road. (PZ-SUP-2020-50146)

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

7. Public hearing and consider a resolution allowing the classification of CBD Oil Product Sales to be classified under the category of “Drug Stores/Pharmacy” specific to Chapter 3. Permitted Uses, Section 3.3 Classification of New and Unlisted Uses of the City of Bedford Zoning Ordinance. (PZ-ZONING AMEND-2020-50142)

This item was discussed during the Work Session.

Mayor Boyter opened the public hearing at 7:46 p.m.

Nobody signed up to speak during the public hearing.

Mayor Boyter closed the public hearing at 7:47 p.m.

Motioned by Councilmember Culver, seconded by Councilmember Sabol, to approve a resolution allowing the classification of CBD Oil Product Sales to be classified under the category of “Drug Stores/Pharmacy” specific to Chapter 3. Permitted Uses, Section 3.3 Classification of New and Unlisted Uses of the City of Bedford Zoning Ordinance. (PZ-ZONING AMEND-2020-50142)

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

8. Consider a resolution authorizing the adoption of the revised Bedford Employee Policy Manual, replacing the current Employee Handbook dated October 1, 2003.

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Human Resources Director Stephanie Ayers presented information regarding this item. She stated the Employee Policy Manual was originally presented at the meeting on October 26, 2020 and Council requested that a third party review the manual. A third-party human resources professional reviewed the manual and made suggestions, and the changes were included in the materials presented to Council.

Ms. Ayers presented information on additional items, including adding language that an employee that gives the required two-week notice would be ineligible for vacation payout if they do not work the full two weeks, unless authorized by the City; a change from a 15-day Fire Department payroll to a 12-day payroll; a change in general payroll from a Tuesday to a Friday; and removing references to BluesFest and FourthFest and only referring to City events.

There was discussion on removing the section on nepotism and stating that nepotism is not allowed; grandfathering those employees currently in a relationship and requiring those employees to declare such relationship to the Human Resources Department as of the date the Policy Manual is adopted; and clarifying the nepotism policy on the City's application form. Ms. Ayers confirmed the change to the Fire Department payroll was at the request of the firefighters. Council was of the consensus to make the aforementioned changes to the Employee Policy Manual.

Motioned by Councilmember Culver, seconded by Councilmember Burnett, to approve a resolution authorizing the adoption of the revised Bedford Employee Policy Manual, replacing the current Employee Handbook dated October 1, 2003.

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

9. Consider an ordinance of the City of Bedford, Texas adopting a Temporary Assignment Pay Structure, a Stand-By Pay Structure, an Incentive and Certification Pay Structure, and a Differential Pay Structure; providing a repealing clause; providing a severability clause; and declaring an effective date.

Ms. Ayers presented information regarding this item. She stated the pay items in the ordinance were formerly part of the Employee Policy Manual; however, on the recommendation of the City Attorney and an outside employment law attorney, they are being taken out as they are monetary and would be approved by ordinance with the budget every year. The only change is a decrease to the cap on incentive pay to \$1,500 for general employees and \$2,400 for uniformed public safety, while grandfathering employees at their current rate.

Motioned by Councilmember Sabol, seconded by Councilmember Culver, to approve an ordinance of the City of Bedford, Texas adopting a Temporary Assignment Pay Structure, a Stand-By Pay Structure, an Incentive and Certification Pay Structure, and a Differential Pay Structure; providing a repealing clause; providing a severability clause; and declaring an effective date.

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

10. Consider a resolution approving an early retirement incentive program.

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City Manager Jimmy Stathatos stated employees were gauged on their interest for the retirement incentive package to determine the financial impact. Regarding reducing staff costs, he stated a staffing analysis of the Police Department determined that several positions could be eliminated, saving approximately \$800,000 annually, with no reduction in service. He plans to address shoring up the public safety payroll plan in the future to help with recruitment and retainment of employees.

Motioned by Councilmember Burnett, seconded by Councilmember Cogan, to approve a resolution approving an early retirement incentive program.

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

11. Consider a resolution authorizing the City Manager to purchase vehicle exhaust removal systems from Air Cleaning Technologies, Inc. in the amount of \$93,300.

Deputy Fire Chief James Richardson presented information regarding this item, which is to add exhaust removal systems to Fire Stations #1 and #2, such as the one currently at Fire Station #3. The system works by attaching a hose to the exhaust pipe of a vehicle, which discharges the exhaust to the outside. He confirmed they were capital items approved in the most recent budget. He stated the system at Fire Station #3 has worked well and there are no operating costs, only general maintenance when something breaks.

Motioned by Councilmember Sartor, seconded by Councilmember Gagliardi, to approve a resolution authorizing the City Manager to purchase vehicle exhaust removal systems from Air Cleaning Technologies, Inc. in the amount of \$93,300.

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

12. Consider a resolution ordering the General Election of the City of Bedford, Texas to be held on Saturday, May 1, 2021 for the purpose of electing the Mayor, Place 1, and Place 2 to the Bedford City Council.

City Secretary Michael Wells presented information regarding this item, which is to order the General Election for the Mayor, and Places 1 and 2 on the City Council for May 1, 2021. He stated the filing period is January 13 through February 12, 2021. Early voting begins April 19 and ends on April 27, 2021. The early voting location in Bedford is the Library and the Election Day voting location is most likely the Pat May Center; however, voters can vote at any Tarrant County early voting and election day location.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve a resolution ordering the General Election of the City of Bedford, Texas to be held on Saturday, May 1, 2021 for the purpose of electing the Mayor, Place 1 and Place 2 to the Bedford City Council.

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

EXECUTIVE SESSION

- a) **Section 551.071, consultation with City Attorney regarding pending or contemplated litigation for the enforcement of city ordinances relative to the real**

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property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford.

b) Pursuant to Section 551.074, personnel matters – City Attorney

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding 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 and Section 551.074, personnel matters – City Attorney, at 8:28 p.m.

Council reconvened from Executive Session at 9:39 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

13. Mayor/Council Member Reports

No reports were given.

14. City Manager/Staff Reports

a) Discussion and receive Council direction on enforcement of the City's Sign Ordinance.

City Manager Jimmy Stathatos stated the City took a relaxed approach to signs for businesses during the COVID-19 shutdown and asked whether Council wanted to continue with the relaxed approach or return to the pre-COVID-19 enforcement. Examples include banners or temporary window signs that cover up more of the window than allowed. Mr. Stathatos stated he has not received any resident complaints regarding the relaxed standards. There was discussion on maintaining the relaxed standards for such items as "Open for Business" signs and enforcing anything that blatantly disregards the Sign Ordinance; gradually working up to full enforcement; and addressing closed curtains on massage parlors.

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 9:50 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary