

Council Minutes January 28, 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 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 28th day of January, 2020 with the following members present:

Michael Boyter	Mayor
Tom Burnett	Councilmembers
Dan Cogan	
Ruth Culver	
Roger Fisher	
Amy Sabol	
Rusty Sartor	

constituting a quorum.

Staff present included:

Cliff Blackwell	Interim City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Doug Campbell	Court Manager
Sean Fay	Fire Chief
Natalie Foster	Public Information Officer
Jeff Gibson	Police Chief
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director
Andrew Kloefkorn	Neighborhood Services Manager
Kenny Overstreet	Public Works Director
Maria Redburn	Library Director
Bill Syblon	Development Director
Scott Tedford	Assistant Director of Public Works
Brandi West	Grants Administrator

COUNCIL CHAMBER WORK SESSION

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

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

Library Director Maria Redburn presented the results of the Library Satisfaction Survey. There were 545 respondents, representing an increase of 60 percent from the previous survey, with 81 percent of respondents rating the Library an "A." She presented information the top-rated library services; customer service ratings; comparisons of collection usage, program attendance and volunteer hours with neighboring cities; examples of the Library enriching, empowering people and transforming lives; and focus areas for the upcoming year. There was discussion on

Council Minutes January 28, 2020

changes to the survey, including the time of year and a reduction in questions; the number of full-time Library employees; the impact of volunteers; challenges faced by the Library; the importance of listening to the community; pilot projects; the growth and impact of e-books; statistics on computer usage; the evolution in services; circulation statistics at the old library; previous issues with Wi-Fi at the Library; statistics on the number of non-residents that use the Library; the Library's strategic plan; demographics on the age groups who have library cards; and programming.

- **Receive an update regarding changes to the governance of Donation Boxes throughout the City. **This item requested by Mayor Boyter.**

Development Director Bill Syblon presented a background on recent amendments to the Zoning Ordinance related to donation bins. He stated in 2018, Council adopted an amendment essentially regulating the bins out of the City; however, staff was contacted by an attorney representing one of the non-profit organizations, who stated the bins were protected by the First Amendment. Staff then worked with the City Attorney to draft new language which did not infringe on First Amendment rights. Mr. Syblon gave an overview of the requirements of the new regulations and an inventory of the bins identified in the City. He stated staff sent out letters to property owners and Neighborhood Services has gone door-to-door to businesses.

In response to questions from Council, Mr. Syblon stated the deadline to come into compliance with the new regulations is mid-March. The property owner would be subject to citations and fines for non-compliance with the regulations, including not picking up materials left outside the bins. Mr. Syblon confirmed the Municipal Court Judge has been made aware of the new regulations. He discussed incentivizing property owners by offering to have the City pick up the bins. There was discussion on identifying and inventorying bins, and Mr. Syblon stated the bins would require a color-coded sticker based on the permit year. Further, the bins are required to be earth-tone in color and be at least 200 feet apart from another bin. He stated only one permit has been issued to a donation bin so far and the fine for non-compliance is an amount up to \$2,000. There was discussion on staff's efforts in contacting property owners and including information about the City's efforts to regulate the bins in the water bill and on the website.

- **Introduce Community Affairs Commission Chairperson Sal Caruso to invite Council to participate in a Bedford Business Owners Town Hall discussion sponsored by the Community Affairs Commission. **This item requested by Mayor Boyter.**

Community Affairs Commission Sal Caruso stated the Commission will host a business owners' townhall to give them the opportunity to talk to the City about their experiences working with the City and what the City can do for them. The townhall is scheduled for February 24, 2020 at 5:30 p.m. at former library building. Mr. Caruso invited Council to attend and stated townhalls would take place twice a year. He thanked the Mayor for proposing this approach to the business community and Councilmember Culver for her support. He recognized Commission Members Margaret Hall and Robert Gagliardi who were in attendance.

Mayor Boyter adjourned the Work Session at 6:31 p.m.

REGULAR SESSION

The Regular Session began at 6:38 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION (Joe Cartwright)

Joe Cartwright 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 the Bedford Valentine's Dance at the Boys Ranch Activity Center on February 7, 2020, the Crud Cruiser event on March 7, 2020, and the Bedford Library Mardi Gras Gala on March 21, 2020.

Mayor Boyter reported he attended ribbon cuttings for Tiny 2 Teen Dentistry and Simply Smooth Skin Therapy and welcomed both businesses to the City.

OPEN FORUM

Nobody chose to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

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

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

1. **Consider approval of the following City Council minutes:**
 - a) **January 14, 2020 regular session**
 - b) **January 20, 2020 special session**

This item was approved by consent.

2. **Consider a resolution of the City Council of Bedford, Texas, designating the Interim City Manager as the Authorized Official for grants submitted on behalf of the City of Bedford and the Director of Finance as the Financial Officer for grants submitted on behalf of the City of Bedford.**

This item was approved by consent.

COUNCIL RECOGNITION

3. **Employee Service Recognition**

Council Minutes January 28, 2020

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

Barbara Johnson, Library - 30 years of service
Tyler Stillman, Police Department - 20 years of service
Onay Nunez, Police Department - 10 years of service
Jereme Brown, Police Department - 5 years of service
Joe Grasmick, Public Works - 5 years of service

PERSONS TO BE HEARD

4. The following individual has requested to speak to the Council tonight under Persons to be Heard:

- a) Sal Caruso, 148 Ravenswood Drive, Bedford, Texas 76022 - Request to speak to Council regarding the liquor petition.**

Sal Caruso, 148 Ravenswood Drive, Bedford – Mr. Caruso discussed the vote Council would take later to place the liquor initiative on the May 2, 2020 ballot. He thanked Council for their support on this effort in both 2017 and 2019. He discussed the new revenue stream made possible by citizens banding together. Mr. Caruso thanked the citizens who signed the petition; the businesses who allowed use of their location for petition signings; Goody Goody and Mirage Spirits for their investment in the City; members of the Bedford Development Coalition for their support on this and future projects; and Councilmember Burnett for his support and efforts. He stated the vote is history making and urged voters to complete the effort by voting yes. He felt with the new Mayor and Council, there was a more determined and focused effort to make Bedford the “center.”

OLD BUSINESS

5. Follow up on the May 28, 2019 discussion regarding the Tourism Fund/Hotel Motel Tax.

Interim City Manager Cliff Blackwell stated Council discussed the hotel/motel occupancy tax the previous May and wanted to explore the possibility of implementing an arts grant program. During that discussion, items paid out of that tax were identified that may need to be addressed or reallocated. He presented an overview of state regulations regarding the tax, including 11 categories under which the tax can be used. He stated there is a 15 percent cap on the use of the tax under the category covering the arts, which Bedford has historically exceeded. He discussed what needs to take place in the budget to get below the 15 percent cap, including reallocating approximately \$440,000 in expenditures, ideally to the General Fund. He stated 15 percent of the tax could constitute a line item that is completely up to Council to allocate. He discussed the annual reports cities must submit to the Texas Comptroller regarding usage of the tax and stated he does not know of any punitive actions for being over the 15 percent cap.

There was discussion on transparency and the Comptroller’s report. In response to questions from Council, Mr. Blackwell stated the Old Bedford School falls under the category for historic preservation. There was discussion regarding paying for festivals moving forward; punitive actions that could be taken for exceeding the 15 percent cap; approaches to addressing the issue with the overage; reducing deficits in programs; funding for FourthFest moving to the General Fund; the amount paid for bands at the City’s festivals; increasing sponsorships; taking a graduated approach to addressing the issue; holding work sessions to discuss the tax as part

Council Minutes January 28, 2020

of the budget and possibly renaming BluesFest; identifying items in the General Fund that can be paid using the tax, including advertising; decline in revenue from food vendors and VIP tent sales; cost recovery for events; increasing revenue from the festivals; and holding a more formal work session on this issue.

NEW BUSINESS

- 6. Consider an ordinance of the City of Bedford amending Chapter 42, "Courts" of the City of Bedford Code of Ordinances by amending and replacing Sections 42-36 to 42-39 relative to the assessment and collection of reimbursement fees and court costs; providing a cumulative clause; providing a severability clause; providing a savings clause; and establishing an effective date.**

Finance Director Maria Joyner presented information regarding this item, which is to update the Code of Ordinances to match state legislation that went into effect on January 1, 2020, as well as cleaning up language repealed by that legislation. She presented an overview of the sections of the Code that were updated, including for the Building Security Fund and the Court Technology Fund, as well as sections that were added, including for the establishment of a juvenile case manager and a municipal jury fund. She stated the estimated fiscal impact to the City is \$70,000 in additional revenue from the new and updated fees.

Motioned by Councilmember Fisher, seconded by Councilmember Burnett, to approve an ordinance of the City of Bedford amending Chapter 42, "Courts" of the City of Bedford Code of Ordinances by amending and replacing Sections 42-36 to 42-39 relative to the assessment and collection of reimbursement fees and court costs; providing a cumulative clause; providing a severability clause; providing a savings clause; and establishing an effective date.

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

- 7. Consider a resolution of the City Council of the City of Bedford, Texas, authorizing the adoption of the Tarrant County Hazard Mitigation Action Plan as the jurisdiction's Multi-Hazard Mitigation Plan and executing the actions of the Plan subject to available funding, in accordance with the Disaster Mitigation Act of 2000.**

Fire Chief Sean Fay presented information regarding this item, which is to adopt the Tarrant County Hazard Mitigation Action Plan. He stated since 2000, the Federal Emergency Management Agency (FEMA) compels municipalities to adopt a hazard mitigation action plan every four years in order to make those communities safer. Tarrant County previously completed a plan in 2015, which the Council adopted. The plan is designed to identify where the community can take future action to mitigate hazards. It does not obligate the City financially, but obligates the organization to consider planning items when conducting future projects. If adopted, Chief Fay stated he would meet with each affected department on the plan and it would be used in consideration of future mitigation efforts. He further stated adopting the plan will allow access to certain grants, including for hazard mitigation. There was discussion regarding the hazard mitigation grants, including examples.

Motioned by Councilmember Cogan, seconded by Councilmember Culver, to approve a resolution of the City Council of the City of Bedford, Texas, authorizing the adoption of the Tarrant County Hazard Mitigation Action Plan as the jurisdiction's Multi-Hazard Mitigation Plan and executing the actions of the Plan subject to available funding, in accordance with the Disaster Mitigation Act of 2000.

Council Minutes January 28, 2020

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

- 8. Consider a resolution authorizing the Interim City Manager to expend funds and enter into an interlocal agreement with Tarrant County for street improvements on Forest Ridge Drive from SH 121/183 to Pipeline Road and Brown Trail from SH 121/183 to Bedford Road.**

Public Works Director Kenny Overstreet presented information regarding this item. He stated staff worked with Tarrant County Precinct 3 for an interlocal agreement to do overlays on Forest Ridge Drive and Brown Trail. The County would provide the labor and equipment, while the City would pay for the cost of materials and half the cost for fuel. The agreement does not include milling of the old asphalt, and an item for that would be brought to Council in the future. If approved, this item would then go to the Commissioner's Court, and the County plans on starting the project on March 2, 2020. Regarding Brown Trail south of Bedford Road, Mr. Overstreet stated they would replace that portion of the street after water and sewer lines are replaced in that area. There was discussion on completing Bedford Road to the Hurst city limit.

Motioned by Councilmember Fisher, seconded by Councilmember Culver, to approve a resolution authorizing the Interim City Manager to expend funds and enter into an interlocal agreement with Tarrant County for street improvements on Forest Ridge Drive from SH 121/183 to Pipeline Road and Brown Trail from SH 121/183 to Bedford Road.

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

- 9. Consider a resolution ordering the General Election of the City of Bedford, Texas to be held on Saturday, May 2, 2020 for the purpose of electing Place 4 and Place 6 to the Bedford City Council.**

City Secretary Michael Wells presented information regarding this item, which is to order the General Election for Places 4 and 6 on the City Council on May 2, 2020. He stated the filing period is January 15 through February 14, 2020. Early voting begins April 20 and ends on April 28, 2020. The early voting location in Bedford is the Library at 2424 Forest Ridge Drive and the Election Day voting location is the Pat May Center at 1849B Central Drive; however, voters can vote at any Tarrant County early voting and election day location.

Motioned by Councilmember Culver, seconded by Councilmember Sabol, to approve a resolution ordering the General Election of the City of Bedford, Texas to be held on Saturday, May 2, 2020 for the purpose of electing Place 4 and Place 6 to the Bedford City Council.

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

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

Mr. Wells presented information regarding this item, which is to order a special election to allow the voters to vote for or against the legal sale of all alcoholic beverages including mixed beverages. He stated the City Secretary's Office received a petition meeting the legal requirements of Chapter 501 of the Texas Election Code related to local option elections.

Council Minutes January 28, 2020

Tarrant County performed the signature verification utilizing a statistical sampling method pursuant to Section 501.03(a) of the Election Code and confirmed approximately 7,300 signatures. The required number of signatures to order a local option election was 6,729. He stated the special election would be held in conjunction with the general election so the early voting and election day information would be the same.

Motioned by Councilmember Burnett, seconded by Councilmember Culver, to approve a resolution ordering a special election of the City of Bedford, Texas to be held on Saturday, May 2, 2020 to allow the voters to consider voting for or against the following proposition: the legal sale of all alcoholic beverages including mixed beverages.

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

11. Mayor/Council Member Reports

No reports were given.

12. Report on most recent meeting of the following Boards and Commissions

No reports were given.

13. City Manager/Staff Reports

No report was given.

EXECUTIVE SESSION

- a) Pursuant to Section 551.074, personnel matters - City Manager search.
- b) Pursuant to Section 551.074, personnel matters - severance package for former City Manager.
- c) Pursuant to Section 551.087, receive an update on economic development negotiations related to Bedford Centre Block 1 Lot 2R01. **This item requested by Mayor Boyter.
- d) Pursuant to Section 551.087, update regarding current economic development discussions/negotiations. **This item requested by Mayor Boyter.

Council convened into Executive Session pursuant to Texas Government Code Section 551.074, personnel matters - City Manager search; Section 551.074, personnel matters - severance package for former City Manager; Section 551.087, receive an update on economic development negotiations related to Bedford Centre Block 1 Lot 2R01; and Section 551.087, update regarding current economic development discussions/negotiations, at 8:06 p.m.

Council reconvened from Executive Session at 9:48 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

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

Motioned by Councilmember Burnett, seconded by Councilmember Culver, to approve a recruiting contract with SGR to perform a City Manager search.

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

Council Minutes January 28, 2020

Mayor Boyter stated a voluntary separation agreement has been reached between the City Council of Bedford and Brian Bosshardt. His last day of employment with the City is January 28, 2020. He stated the Council and himself thank Brian for his committed service to the City and wish him well and express their expectations that he will have success in his future management endeavors.

Motioned by Councilmember Sabol, seconded by Councilmember Burnett, to approve the separation agreement between the City and Brian Bosshardt and authorize the Mayor to execute the agreement.

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

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

Abstaining from voting: Councilmember Fisher

ADJOURNMENT

Mayor Boyter adjourned the meeting at 9:54 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary