

Council Minutes February 12, 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 12th day of February, 2019 with the following members present:

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

constituting a quorum.

Staff present included:

Brian Bosshardt	City Manager
Cliff Blackwell	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Sean Fay	Fire Chief
Natalie Foster	Public Information Officer
Wendy Hartnett	Interim Recreation Manager
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director
Kenny Overstreet	Public Works Director
Emilio Sanchez	Planning Manager
Bill Syblon	Development Director

WORK SESSION

Mayor Griffin called the Work Session to order at 5:31 p.m.

- **Discussion and receive input from the City Council on the expectations of the Old Bedford School and the long-term vision for desired programming.**

Interim Recreation Manager Wendy Harnett reported the scheduled completion date for construction at the Old Bedford School (OBS) is February 26, 2019. She stated the purpose of this item was for Council to give staff direction regarding programming at the OBS. She discussed programs that had been held at the OBS before it closed and stated staff's top priority was to increase revenue. She explained the OBS was refurbished to be a museum, not a rental facility; however, over time, it transformed into a rental facility. She stated the Hurst Eules Bedford Independent School District (HEB ISD) is interested in continuing the Heritage Education program at the OBS.

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In response to questions from Council, Ms. Hartnett stated staff continues to receive multiple requests for weddings. She gave an overview of the programming at the time of closure and stated that Saturday night rentals were the biggest revenue generator for the OBS. She felt the City has maximized the use of the building in its current state. There was discussion on the upcoming arts and entertainment feasibility study; the impact of facility's limitations on cost recovery; opportunities to bring in more revenue and people to the City; making the facility more conducive to weddings, including for outdoors; maintaining gallery space for artists; the cost of support and maintenance of the OBS; the return on investment for the OBS; being creative with programming; using the exterior of the OBS; programming with Onstage; and hosting events to bring attention to the facility and local businesses.

In response to questions from Council, Ms. Hartnett stated two staff persons are needed for weddings and that weddings offer the most return on investment. She further stated the building cannot host more than one event at a time. There was discussion on the OBS hosting a haunted schoolhouse during Halloween; renting out the facility for a profit months at a time; visiting other venues to get ideas; incorporating the OBS in the overall plans for the Boys Ranch and Bedford Commons; the Danny Wright concert held previously at the OBS; packaging concerts with restaurants; tearing down the house on the property; taking a comprehensive approach on how the entire facility is used; modifying the programming to find more revenue; other similar facilities in the area; and the OBS as an asset, including during the Boys Ranch construction.

- **Presentation and update on SWIFT projects.**

This item was moved to a future Council meeting.

Mayor Griffin adjourned the Work Session at 6:21 p.m.

EXECUTIVE SESSION

- a) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Initiative Petition.**
- 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.**
- c) Pursuant to Section 551.074: personnel matters - annual performance review of the City Manager.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Initiative Petition; Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Bedford Commons, and adjacent to the Bedford Boys Ranch Park; and Section 551.074: personnel matters - annual performance review of the City Manager, at 6:22 p.m.

Council reconvened from Executive Session at 6:30 p.m.

REGULAR SESSION

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

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Pastor Ben Gerald, Christ Wesleyan Congregation Methodist Church)

Pastor Ben Gerald of Christ Wesleyan Congregation Methodist Church 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 the survey to receive public input on the Boys Ranch – Phase Next project will be available through March 4, 2019. She reported on upcoming events, including an open house at the Boys Ranch Activity Center on February 23, 2019, a free composing class on February 25, 2019, and the Library's Dr. Seuss Party on March 3, 2019.

OPEN FORUM

Roger Gallenstein, 4013 Fairmont Court, Bedford – Mr. Gallenstein signed up to speak on the Work Session item on the OBS. He felt the OBS is limited, but there is no reason not to expand because of the amount of land around the building. He discussed Council's ideas on the programing that could be held at the OBS. He further discussed the Danny Wright concert held previously at the OBS and packages with other musical acts. He urged Council to think bigger and stated the City could do performance arts, and that arts and entertainment is about economic development. He discussed adding an amphitheater to the OBS property.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

Motioned by Councilmember Turner, seconded by Councilmember Fisher, to approve the following items by consent: 1, 2, 3 and 4.

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

- 1. Consider approval of the following City Council minutes:**
 - a) January 22, 2019 regular meeting**
 - b) January 29, 2019 work session**

This item was approved by consent.

- 2. Consider a resolution authorizing the City Manager to enter into a one-year lease agreement with Arts Council Northeast relative to the Trinity Arts Building located within the Bedford Boys Ranch Park.**

This item was approved by consent.

3. **Consider a resolution authorizing the City Manager to enter into a one-year lease agreement with ONSTAGE relative to the Trinity Arts Theater located within the Bedford Boys Ranch Park.**

This item was approved by consent.

4. **Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A - Schedule of Fees, by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.**

This item was approved by consent.

COUNCIL RECOGNITION

5. **Proclamation declaring February 2019 as Library Lover's Month in the City of Bedford.**

Mayor Griffin read a proclamation declaring February 2019 as Library Lover's Month in the City of Bedford. Library Director Maria Redburn accepted the proclamation.

NEW BUSINESS

Council convened into Executive Session pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Initiative Petition, at 7:00 p.m.

Council reconvened from Executive Session at 7:07 p.m.

6. **Public hearing and consider an ordinance to amend Ordinance Number 2275 Zoning Ordinance and 15-3130 of the Bedford Commons Development Code, specific to multiple changes in Chapters 1-6 of the Zoning Ordinance and Chapter 7 of the Bedford Commons Development Code; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. (PZ-ZONING AMEND-2019-50002)**

Planning Manager Emilio Sanchez presented information regarding this item, which is an amendment to the zoning ordinance to incorporate the initiative petition language with minimal changes. The Planning and Zoning Commission recommended denial of this item at their meeting on January 24, 2019. Due to the recommended denial by the Planning and Zoning Commission, it will take a supermajority of the Council to overturn that recommendation.

Mayor Griffin opened the public hearing at 7:12 p.m.

Tom Burnett, 2253 Bedford Circle, Bedford – Mr. Burnett stated he represented most of the people in the audience in support of Council's action to pass the ordinance change and asked Council to uphold their original commitment of a 7-0 vote from January 8, 2019. He stated at the Planning and Zoning Commission meeting, the Commissioners were unaware that the City was the petitioner and drafted the ordinance changes. They also questioned definitions not being included, though there are other examples of that in the zoning ordinance. They also were concerned about liability issues, to which he stated they have legislative immunity. He felt those

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issues should not have any effect on Council's decision. He believed this was a fair resolution to the density issue and encouraged Council to uphold their vote from January 8, 2019.

Bob Cochran, 2252 Bedford Circle, Bedford – Mr. Cochran stated he was concerned the Commission was unaware the item was being sent to them by the City. He was further concerned that Commissioners were not advised that there was not a possibility of them being personally sued. He encouraged Council to remember their previous vote and pass the ordinance.

Mayor Griffin closed the public hearing at 7:15 p.m.

In response to questions from Council, Mr. Sanchez presented a history of how this item came to be before Council. He confirmed that staff was transparent with the petitioners with respect to any changes to the petition language.

Motioned by Councilmember Fisher, seconded by Councilmember Boyter, to approve an ordinance to amend Ordinance Number 2275 Zoning Ordinance and 15-3130 of the Bedford Commons Development Code, specific to multiple changes in Chapters 1-6 of the Zoning Ordinance and Chapter 7 of the Bedford Commons Development Code; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. (PZ-ZONING AMEND-2019-50002)

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

There was discussion on holding a training session between Council and the Planning and Zoning Commission to review the language changes.

7. Consider a resolution calling for a special election for the purpose of submitting to the qualified voters of the City of Bedford for the adoption or rejection of proposed amendments to the City of Bedford Zoning Ordinance.

No discussion or action took place on this item.

8. Public hearing and consider an ordinance to rezone Lot 1, Block 1, Harwood Village North Addition, located at 603 Harwood Road, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP), specific to Section 3.2.C(3)d of the City of Bedford Zoning Ordinance, allowing for Aftab (Tom) Punjwani to operate Kiddy Clubhouse LLC, a children's day care for sixty five (65) children. The subject property is generally located north of Harwood Road and east of Brown Trail. (PZ-SUP-2018-50088)

Mr. Sanchez presented information regarding this item, which is a request for a specific use permit to allow Aftab Punjwani to operate Kiddy Clubhouse daycare facility for 65 children at 603 Harwood Road. The property is currently zoned Heavy Commercial. The Planning and Zoning Commission recommended approval of this item at their meeting on January 10, 2019.

Mayor Griffin opened the public hearing at 7:20 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:21 p.m.

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In response to questions from Council, Mr. Sanchez stated the location is in a multitenant strip center and confirmed there are no other day care facilities in the center. He stated there was a discussion at the Planning and Zoning Commission meeting about the placement of the playground area behind the building, which is currently designated for parking, and contains trash containers, utility meters and loading docks. He further stated there is a similar playground setup at the daycare center in the shopping center at Central Drive and Harwood Road. There was discussion on the placement of the trash containers behind the building.

In response to questions from Council, the applicant and owner of the Harwood Village Shopping Center, Aftab Punjwani, stated the playground area would be 1,500 square feet with rubber flooring surrounded by a six-foot fence. The three trash containers behind the building would be moved to the east side of the property. He stated the fence would be solid wood and j-bolted to the ground. There was a request from Council to include more details on fencing, including materials, in the future. There was discussion on state licensing requirements for daycares.

Motioned by Councilmember Turner, seconded by Mayor Griffin, to approve an ordinance to rezone Lot 1, Block 1, Harwood Village North Addition, located at 603 Harwood Road, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP), specific to Section 3.2.C(3)d of the City of Bedford Zoning Ordinance, allowing for Aftab (Tom) Punjwani to operate Kiddy Clubhouse LLC, a children's day care for sixty five (65) children. The subject property is generally located north of Harwood Road and east of Brown Trail. (PZ-SUP-2018-50088)

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

Voting in favor of the motion: Mayor Griffin, Councilmember Fisher and Councilmember Turner

Voting in opposition to the motion: Councilmember Sartor, Councilmember Cogan, Councilmember Sabol and Councilmember Boyter

9. Public hearing and consider an ordinance to rezone Lot 1, Block 1, Harwood Village North Addition, located at 2926 Brown Trail, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP), specific to Section 3.2.C.(2).a, Churches, Temples and Synagogues of the City of Bedford Zoning Ordinance, allowing for Destiny Heights Ministries International to operate a church. The subject property is generally located north of Harwood Road and east of Brown Trail. (PZ-SUP-2018-50105)

Mr. Sanchez presented information regarding this item, which is a request for a specific use permit for 2926 Brown Trail to allow Destiny Heights Ministry to operate a church. The Planning and Zoning Commission recommended approval of this item at their meeting on January 10, 2019.

Mayor Griffin opened the public hearing at 7:31 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:31 p.m.

In response to questions from Council, Mr. Sanchez stated there was discussion at the Planning and Zoning Commission meeting regarding the impact of noise from other churches in the

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shopping center on adjacent businesses. Per the pastor for this church, they do not plan to have loud music.

Motioned by Councilmember Turner, seconded by Mayor Griffin, to approve an ordinance to rezone Lot 1, Block 1, Harwood Village North Addition, located at 2926 Brown Trail, Bedford, Texas, from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit (H/SUP), specific to Section 3.2.C.(2).a, Churches, Temples and Synagogues of the City of Bedford Zoning Ordinance, allowing for Destiny Heights Ministries International to operate a church. The subject property is generally located north of Harwood Road and east of Brown Trail. (PZ-SUP-2018-50105)

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

Voting in favor of the motion: Mayor Griffin, Councilmember Sartor and Councilmember Turner

Voting in opposition to the motion: Councilmember Cogan, Councilmember Sabol, Councilmember Boyter and Councilmember Fisher

10. Consider a resolution authorizing alcoholic beverages to be sold and consumed at the Boys Ranch Park during multiple outdoor concerts. These concerts include the Twilight Concert Series (May 3, May 10, May 17, May 24, May 31) and Yappy Hour (June 7).

Ms. Hartnett presented information regarding this item, which is a request to allow alcoholic beverages to be sold and consumed at the Boys Ranch Park during the Twilight Concert Series held every Friday in May, and an event called Yappy Hour scheduled for June 7, 2019. In response to questions from Council, Ms. Hartnett stated both Turning Point Brewery and Silver Dollar Winery will be present at the events. The approval is only for the days and hours of operation of the concerts and allows for the consumption and possibility of selling alcohol. She stated that per the Police Department, there have been no incidents during past events, and there will be a police presence onsite.

Motioned by Councilmember Cogan, seconded by Councilmember Fisher, to approve a resolution authorizing alcoholic beverages to be sold and consumed at the Boys Ranch Park during multiple outdoor concerts. These concerts include the Twilight Concert Series (May 3, May 10, May 17, May 24, May 31) and Yappy Hour (June 7).

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

11. Consider a resolution authorizing the City Manager to expend funds and enter into an interlocal agreement with Tarrant County for street improvements on Harwood Road from Central Drive to Martin Drive, L. Don Dodson Drive from Central Drive to Murphy Drive and Hospital Parkway from SH 183 to Pipeline Road.

Public Works Director Kenny Overstreet presented information regarding this item, which is to enter into an interlocal agreement with Tarrant County for the mill and overlay of Harwood Road from Central Drive to Martin Drive, L. Don Dodson Drive from Central Drive to Murphy Drive and Hospital Parkway from SH 183 to Pipeline Road. Tarrant County would provide the labor and equipment, while the City would pay for the asphalt. There is a projected savings of \$74,000 in labor costs by entering into this agreement. He stated that since the budget for the Street Improvement Economic Development (SIEDC) was approved, the cost of asphalt increased, and the SIEDC board approved staff using reserve funds to continue with this project.

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Motioned by Councilmember Sartor, seconded by Councilmember Sabol, to approve a resolution authorizing the City Manager to expend funds and enter into an interlocal agreement with Tarrant County for street improvements on Harwood Road from Central Drive to Martin Drive, L. Don Dodson Drive from Central Drive to Murphy Drive and Hospital Parkway from SH 183 to Pipeline Road.

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

12. Consider a resolution authorizing the City Manager to enter into an agreement with TexOp Construction, LP, utilizing the Tarrant County Cold Milling Machine with Operator and Helper contract, through the Master Interlocal Cooperative Purchasing Agreement, in the amount of \$126,849.72, for the milling of Harwood Road from Central Drive to Martin Drive, L. Don Dodson Drive from Central Drive to Murphy Road and Hospital Parkway from SH 183 to Pipeline Road.

Mr. Overstreet presented information regarding this item, which is for an agreement with TexOp Construction for milling off the old asphalt on the streets discussed in the previous item. He stated it is cheaper for Tex-Op to haul off the millings instead of the Public Works Department storing it onsite. Staff will work with HEB ISD to try and do the street improvements on Harwood Road over spring break. Staff will further work with the hospital and local emergency medical services who utilize Hospital Parkway. In response to questions from Council, Mr. Overstreet presented information on how the County came to approve this vendor. There was discussion on these items being previously discussed and approved by the SIEDC Board.

Motioned by Councilmember Fisher, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager to enter into an agreement with TexOp Construction, LP, utilizing the Tarrant County Cold Milling Machine with Operator and Helper contract, through the Master Interlocal Cooperative Purchasing Agreement, in the amount of \$126,849.72, for the milling of Harwood Road from Central Drive to Martin Drive, L. Don Dodson Drive from Central Drive to Murphy Road and Hospital Parkway from SH 183 to Pipeline Road.

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

13. Consider a resolution authorizing the City Manager to purchase Hot Mix Asphalt Concrete (HMAC) from Reynolds Asphalt and Construction Company, TexasBit and JLB Contracting, LLC, through the Tarrant County Master Interlocal Cooperative Purchasing Agreement, in an amount not to exceed \$600,000 collectively.

Mr. Overstreet presented information regarding this item, which is to purchase asphalt from Reynolds Asphalt and Construction Company, TexasBit and JLB Contracting, LLC, through the Tarrant County Master Interlocal Cooperative Purchasing Agreement, in an amount not to exceed \$600,000. In response to questions from Council, Mr. Overstreet stated the \$600,000 is part of the SIEDC budget and is the aggregate amount for various projects.

Motioned by Councilmember Boyter, seconded by Councilmember Fisher, to approve a resolution authorizing the City Manager to purchase Hot Mix Asphalt Concrete (HMAC) from Reynolds Asphalt and Construction Company, TexasBit and JLB Contracting, LLC, through the Tarrant County Master Interlocal Cooperative Purchasing Agreement, in an amount not to exceed \$600,000 collectively.

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

14. Consider a resolution authorizing the City Manager to accept the contract proposal from Emergicon Emergency Medicine Consultants, LLC for ambulance billing services, supplemental revenue collections and electronic records management services for the City of Bedford, Texas.

Fire Chief Sean Fay presented information regarding this item, which is a contract with Emergicon Emergency Medical Services for ambulance billing. He stated the City has contracted with Intermedix for the same services since 2005 and the last time the City went to market was approximately ten years ago. A request for proposals (RFP) was issued for ambulance billing services, and staff's goals included improving collections, getting a sense of the market, and improving the patient care records process. He and Finance Director Maria Joiner presented information on the RFP review process, including the review criteria. She stated after the review committee studied the five responses to the RFP, the three companies that scored highest were Emergicon, Intermedix and Change Healthcare. Interviews were scheduled with each of the companies, and after those, Emergicon rated the highest.

Chief Fay discussed the reasons Emergicon rated the highest, including a specialization in Texas ambulance billing; a manual billing process to maximize the rate of return; a robust customer service philosophy and department; customized reporting; a history of quick and seamless transitions; strong references; a familiarity with the Texas Ambulance Supplemental Program; and the highest projected revenue, with an estimated \$1,600,000 by the third year of the contract. He presented a comparative analysis between Emergicon and Intermedix, showing a higher billable rate and first year costs from Emergicon, but also higher net revenues. In response to questions from Council, Chief Fay stated the decision to go out for an RFP is an internal decision based on the nature of the service and confirmed it would cost more to engage with Emergicon but there would be a net cash positive moving forward.

Motioned by Councilmember Boyter, seconded by Councilmember Sartor, to approve a resolution authorizing the City Manager to accept the contract proposal from Emergicon Emergency Medicine Consultants, LLC for ambulance billing services, supplemental revenue collections and electronic records management services for the City of Bedford, Texas.

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

15. Direct staff to advertise a two week window to receive applications to serve on the Planning and Zoning Commission. **This item requested by Mayor Griffin

Mayor Griffin requested this item to be on the agenda for discussion and possible action. He stated the Planning and Zoning Commission has three vacant position and felt it would behoove Council to direct staff to seek applications. He discussed the possibility of moving an alternate Commissioner up to one of the vacant positions. There was discussion on legal requirements regarding the number of commissioners; waiting to fill the vacant spots until the normal appointment time in October; the importance of the Commission; and reactivating the applications of those who applied and were not appointed the previous year. A majority of Council approved moving forward with advertising for applications to serve on the Commission.

Council convened into Executive Session 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 and Section 551.074: personnel matters - annual performance review of the City Manager, at 8:18 p.m.

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Council reconvened from Executive Session at 10:31 p.m. Any necessary action to be taken as a result of the Executive Session will during the Regular Session.

16. Mayor/Council Member Reports

Councilmember Fisher announced the birth of his niece Della Jane Blackman.

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

No reports were given.

18. City Manager/Staff Reports

No reports were given.

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

Motioned by Councilmember Fisher, seconded by Councilmember Turner, to approve the three percent pay increase for the City Manager retroactive to October 1, as well as at the next pay period an additional three percent increase.

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

ADJOURNMENT

Mayor Griffin adjourned the meeting at 10:38 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary