

Council Minutes May 14, 2019

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Special Session at 5:30 p.m., Work Session at 5:40 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 14th day of May, 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.

Also present: Councilmember-Elect Ruth Culver

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
Jeff Gibson	Police Chief
Don Henderson	Parks Superintendent
Meg Jakubik	Strategic Services Manager
Kenny Overstreet	Public Works Director
Emilio Sanchez	Planning Manager
Bill Syblon	Economic Development Director
Cissy Sylo	Capital Projects Director
Mark Williams	Deputy Fire Chief/EMS

SPECIAL SESSION

Mayor Griffin called the Special Session to order at 5:30 p.m.

- **Consider a resolution to receive and accept as true and correct the canvassed voting results for the General Election held on May 4, 2019 for the election of Council Members Place 3 and Place 5, as presented by the City Secretary.***

City Secretary Michael Wells presented information regarding this item.

Motioned by Councilmember Turner, seconded by Councilmember Boyter, to approve a resolution to receive and accept as true and correct the canvassed voting results for the

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General Election held on May 4, 2019 for the election of Council Members Place 3 and Place 5, as presented by the City Secretary.

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

- **Administer Statement of Elected Officer and Oath of Office to newly elected Council Members Place 3 and Place 5 and presentation of the Certificates of Election.**

City Secretary Michael Wells administered the Statement of Elected Officials and Oath of Office to newly elected Council Member Amy Sabol, Place 3 and Ruth Culver, Place 5. Mayor Griffin presented the Certificates of Election to Council Members Sabol and Culver.

Councilmember Sabol thanked her supporters and specifically her husband Pete. She appreciated being elected and hoped she would do a good job for everybody.

Councilmember Culver was thankful for the supporters, and though she was unopposed, she was in the parking lot because she wanted to meet the citizens and listen to their hopes and dreams of what they wanted Bedford to become. She stated she was honored to sit in the chair following somebody who sat there for twelve years and was looking forward to serving the citizens.

Mayor Griffin adjourned the Special Session at 5:40 p.m.

WORK SESSION

Mayor Griffin called the Work Session to order at 5:40 p.m.

- **Receive a report on recent Public Works activities for Fiscal Year 2017-2018.**

Public Works Director Kenny Overstreet presented a report on Public Works activities. He gave an overview of their personnel; the fiscal year budget; statistics and projects from the Fleet, Engineering, Water, Wastewater, and Stormwater divisions; mandatory reports to the state; and the replacement of the Service Center fence and gate. There was discussion on the line item for streets in the budget and the Street Improvement Economic Development Corporation; staffing; the impact of the Enterprise program on maintenance; the amount of street repairs; water sampling; resident calls regarding new water meters and private shutoff valves; the cleaning of wastewater mains; the impact of the new tv rig; unscheduled fleet repairs and preventative maintenance; asphalt versus concrete streets; data provided to the Texas Commission on Environmental Quality for their consumer confidence report; customer complaints on water; the recent water and roadway assessments; mosquito control efforts with neighboring cities; and a presentation to Council regarding mosquito prevention efforts.

Mayor Griffin adjourned the Work Session at 6:20 p.m.

EXECUTIVE SESSION

- a) **Pursuant to Section 551.074 of the Texas Government Code, the City Council shall convene to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Court Judge.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Court Judge, at 6:22 p.m.

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Council reconvened from Executive Session at 6:28 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

REGULAR SESSION 6:30 p.m.

The Regular Session began at 6:35 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Bishop Nosa Onaiwu, Arise and Shine International Ministries)

Bishop Nosa Onaiwu of Arise and Shine International Ministries 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 business meet and greet at the Movie Tavern on May 15, 2019; and the Twilight Concert Series featuring American Dreamer and Super Sliders at the Boys Ranch Park on May 17, 2019. She stated registration for the Boys Ranch Summer Camp has started.

OPEN FORUM

Tom Culbert, 1925 Charleston, Bedford – Mr. Culbert signed up to speak on Item #16. He stated seniors deserved more consideration than they have received, and Senior Center dances should be scheduled every week. He asked for consistency with a dance every Monday and further asked why there is a three-week gap between the last dance and the next scheduled one.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

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

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

- 1. Consider approval of the following City Council minutes:
a) April 23, 2019 regular meeting**

This item was approved by consent.

- 2. Consider a resolution of the City of Bedford, Texas finding that Oncor Electric Delivery Company LLC's application for approval to amend its Distribution Cost Recovery Factor pursuant to 16 Tex. Admin. Code § 25.243 to increase distribution rates within the City should be denied; finding that the City's reasonable rate case**

expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

This item was approved by consent.

COUNCIL RECOGNITION

3. Proclamation recognizing the week of May 12-18, 2019 as National Police Week and Wednesday, May 15, 2019, as Peace Officers Memorial Day.

Mayor Griffin read a proclamation recognizing the week of May 12-18, 2019 as National Police Week and Wednesday, May 15, 2019, as Peace Officers Memorial Day. Police Chief Jeff Gibson and Sergeant David Rutledge accepted the proclamation.

4. Proclamation recognizing the week of May 19-25, 2019 as Emergency Medical Services Week in the City of Bedford.

Mayor Griffin read a proclamation recognizing the week of May 19-25, 2019 as Emergency Medical Services Week in the City of Bedford. Fire Chief Sean Fay and Deputy Fire Chief/Emergency Medical Services Mark Williams accepted the proclamation.

5. Proclamation recognizing the week of May 19-25, 2019 as National Public Works Week.

Mayor Griffin read a proclamation recognizing the week of May 19-25, 2019 as National Public Works Week. Public Works Director Kenny Overstreet accepted the proclamation.

6. Proclamation proclaiming full support of the 2020 Census and agreeing to assist the U.S. Census Bureau in ensuring a full and accurate count in 2020.

Mayor Griffin read a proclamation proclaiming full support of the 2020 Census and agreeing to assist the U.S. Census Bureau in ensuring a full and accurate count in 2020. Jennifer Pope with the U.S. Census Bureau accepted the proclamation.

PERSONS TO BE HEARD

7. The following individuals have requested to speak to the Council tonight under Persons to be Heard:

- a) Roger Gallenstein, 4013 Fairmont Court, Bedford, Texas 76021 and Mike Hathaway, 4101 Esters Road, #104 Irving, Texas request to speak to Council regarding ONSTAGE.**

Roger Gallenstein, 4013 Fairmont Court, Bedford stated he has spoken to Council previously about Bedford needing a destination. He and his wife serve on the board of ONSTAGE, and their income derives from ticket sales and concessions, and occasionally a patron. He discussed community theaters in other cities receiving a portion of the hotel-motel occupancy tax. He stated the building ONSTAGE rents from the City is old and not up to code. He presented information regarding the occupancy tax in Bedford since 2015 and suggested one percent of it be given to ONSTAGE.

Mike Hathaway, President of ONSTAGE, 4101 Esters Road #104, Irving, presented the results of a survey of their patrons, which showed a majority of the 174 respondents were over the age

of 55, 71.8 percent were not Bedford residents, 56 percent only came to Bedford for ONSTAGE, and 78.7 percent spent money on meals or drinks in the City. He stated patrons spend approximately \$140,000 a year in Bedford at restaurants. He discussed the results of survey questions regarding the reasons patrons did not visit restaurants in Bedford, other reasons patrons visited Bedford, and reasons why they only visited ONSTAGE. Mr. Hathaway presented the results of the survey for they cast and crew, which showed a majority of the 27 responders were between 22 and 44 years of age, 96.3 percent were not Bedford residents, and almost all dined in Bedford. There was discussion on the data sent to the consultant for the arts and entertainment feasibility study. Mr. Hathaway listed what they could do with one percent of the occupancy tax, including fund one musical, fully stipend their performers, fund two plays, replace lighting fixtures, or produce new marketing materials. For two percent, they could fund everything on their list and for five percent, they could hire a fulltime staffer to accomplish all the items on their list. He stated ONSTAGE has invested \$24,000 into the building and productions. There was discussion on what constitutes a community theater; other community theaters, including funding sources and stipends from their respective cities; the amount of money spent annually in the country on the arts and the number of people employed in the arts; finding a better location for ONSTAGE; and quantifying the impact of ONSTAGE on the City's hotel and motel taxes as it relates to the occupancy tax.

NEW BUSINESS

- 8. Public hearing and consider an ordinance to rezone Lot 1, Block 1, Harwood Hills Corner Addition, located at 3354-3358 Harwood Road, Bedford, Texas from Planned Unit Development (PUD) to amended Planned Unit Development/Specific Use Permit/ (PUD/SUP), specific to Section 3.2.C.8.g.iii, Gasoline Service Station with Convenience Store of the City of Bedford Zoning Ordinance, allowing for 7-11 to construct a new gas station with convenience store. The property is generally located south of Harwood Road and west of State Highway 121. (PZ-SUP-2019-50004)**

Planning Manager Emilio Sanchez presented information regarding this item, which is for a specific use permit for the property at 3354 Harwood Road to allow 7-11 to construct a new 3,010 square foot gasoline service center with a convenience store. The lot is currently vacant and was platted out of the adjacent property to the north. The Planning and Zoning Commission recommended approval of this item at their meeting on April 11, 2019. The site is in the Master Highway Corridor Overlay District (MHC) and all the submitted plans meet the requirements of the MHC. They would utilize the existing drive approaches and mutual access easement.

Mayor Griffin opened the public hearing at 7:38 p.m.

Clay Christy, with ClayMoore Engineering, 1903 Central Drive, Bedford, representing the applicant, stated they have worked with staff on a site plan that fits with the MHC.

Mayor Griffin closed the public hearing at 7:38 p.m.

There was discussion on a test store for 7-11 mentioned during the Commission meeting. In response to questions from Council, Mr. Christy stated they made modifications to bring the plans up to the MHC regulations. Mr. Sanchez stated changes were made to the original plans based on the site being in the MHC, and the plans meet all the MHC regulations, including masonry materials, mutual access agreements, and increased landscaping. He stated the applicant would utilize the first 20 feet of TxDOT landscaping as a landscape buffer, which is allowed in the MHC. There was discussion on refacing the existing McDonald's sign; the location and landscape screening of the fuel vents; adding a stipulation that the parking lot lighting stays on the 7-11 property; the retaining wall at the back of the site; drainage and the

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best use of the site. Mr. Sanchez stated the retaining wall cannot be of concrete masonry unit construction, but of some sort of split stone. There was discussion on adding a stipulation that the veneer of the retaining wall match the building's construction materials and the wall complementing the building from a design standpoint.

Motioned by Councilmember Culver, seconded by Councilmember Boyter, to approve an ordinance to rezone Lot 1, Block 1, Harwood Hills Corner Addition, located at 3354-3358 Harwood Road, Bedford, Texas from Planned Unit Development (PUD) to amended Planned Unit Development/Specific Use Permit/ (PUD/SUP), specific to Section 3.2.C.8.g.iii, Gasoline Service Station with Convenience Store of the City of Bedford Zoning Ordinance, allowing for 7-11 to construct a new gas station with convenience store. The property is generally located south of Harwood Road and west of State Highway 121, with the stipulations that the lighting is contained within the property boundaries and the retaining wall is complementary colored of the building. (PZ-SUP-2019-50004)

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

9. Public hearing and consider an ordinance to rezone Lot 1, Block 5-9, Bell Ranch Terrace Addition, located at 4101 Airport Freeway, Suite #127, 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 International Goshen City Church to operate a church. The subject property is generally located north of Airport Freeway and west of Industrial Boulevard. (PZ-SUP-2019-50017)

Mr. Sanchez presented information regarding this item, which is for a specific use permit for the property at 4101 Airport Freeway, Suite #127, to allow International Goshen City Church to operate a church in an existing shopping center. The applicant would subdivide a space to a 4,220 square foot area and there would be no changes to the existing site. The site was part of the highway widening project and a large amount of parking was removed from the area. They have a gentleman's agreement with the shopping center to the north to allow for overflow parking. The operating hours of the church would be opposite of the other businesses in the shopping center.

Mayor Griffin opened the public hearing at 7:56 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:56 p.m.

Motioned by Mayor Griffin, seconded by Councilmember Boyter, to approve an ordinance to rezone Lot 1, Block 5-9, Bell Ranch Terrace Addition, located at 4101 Airport Freeway, Suite #127, 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 International Goshen City Church to operate a church. The subject property is generally located north of Airport Freeway and west of Industrial Boulevard. (PZ-SUP-2019-50017)

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

10. Consider an ordinance of the City Council of the City of Bedford, Texas appointing Timothy Murphy as Municipal Court Judge for the Bedford Municipal Court.

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This item was discussed during Executive Session.

Motioned by Councilmember Fisher, seconded by Councilmember Boyter, to renew the contract with Judge Murphy for the term of three years with a salary of \$92,800 a year.

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

11. Consider an ordinance approving a resolution authorizing the issuance, sale and delivery of Trinity River Authority of Texas (Tarrant County Water Supply Project) improvement revenue bonds and approving and authorizing instruments and procedures relating thereto.

Patty Cleveland, Interim Regional Manager of the Trinity River Authority (TRA) stated the Tarrant County Water Supply Project supplies water to five customer cities including Bedford, which makes up approximately 21.5 percent of the flow allocation. She stated the contract provisions with Bedford and Euless require the TRA to seek permission from those cities to sell the issuance of bonds for capital improvements. She presented an overview of the water system and the proposed Fiscal Year 2019 bond sale in an amount not to exceed \$18,360,000, including improvements to the raw water system, the treatment plant, and the distribution system. She further discussed capital improvement projects over the next five years and future improvements. There was discussion on the impact of the improvements on residents. In response to questions from Council, Ms. Cleveland stated the costs to the City are based on flow allocation and demand. There was discussion on the City's representation on the TRA board.

Motioned by Councilmember Sabol, seconded by Councilmember Cogan, to approve an ordinance approving a resolution authorizing the issuance, sale and delivery of Trinity River Authority of Texas (Tarrant County Water Supply Project) improvement revenue bonds and approving and authorizing instruments and procedures relating thereto.

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

12. Consider an ordinance amending Chapter 86 - Parks and Recreation of the City of Bedford Code of Ordinances by repealing it in its entirety and replacing it with a new Chapter 86 - Parks and Recreation; providing a penalty clause; providing for a severability clause; and declaring an effective date.

Assistant City Manager Cliff Blackwell presented information regarding this item, which is to amend Chapter 86 of the Code of Ordinances to change the approval authority for special event activities in the City's parks from the Parks and Recreation Board to City staff. Other changes include modifying the definition of "Director" to mean the Community Services Director or their designee, creating a definition for "Special Event," prohibiting the giving of food to wild animals in the parks, and establishing time frames for the special event application process. Parks Superintendent Don Henderson stated these changes were presented to and supported by the Board. In response to questions from Council, Mr. Henderson confirmed the Board would have no oversight authority going forward after these changes.

Motioned by Councilmember Fisher, seconded by Councilmember Sartor, to approve an ordinance amending Chapter 86 - Parks and Recreation of the City of Bedford Code of Ordinances by repealing it in its entirety and replacing it with a new Chapter 86 - Parks and Recreation; providing a penalty clause; providing for a severability clause; and declaring an effective date.

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

**13. Discussion and possible action regarding council members serving on Construction Manager At-Risk selection committee for Bedford Boys Ranch Park improvements.
Item Requested by Councilmember Fisher

Councilmember Fisher stated staff is working on the Construction Manager At-Risk (CMAR) selection process and he felt, due to the amount of money being spent on the project, Council should be more involved in the process. State law does not allow Council to review staff's second and third choices when they deliberate and approve the CMAR. He asked if there was a desire of Council to put representatives from Council on the committee making the ultimate recommendation for the CMAR. City Manager Brian Bosshardt stated the selection of a CMAR is traditionally a staff function, but that Council was previously involved in the process to select the architect. He stated the committee is composed of himself, Mr. Blackwell, Mr. Henderson, Capital Projects Director Cissy Sylo, and Jim Tharp with OWT Architects. There was discussion on Council representation on the committee.

Motioned by Councilmember Boyter, seconded by Councilmember Culver, to appoint Councilmember Fisher be representative of the Council with regards to attending and participating in determining and selecting a prospect to be the Construction Manager at Risk on the Bedford Boys Ranch Park project.

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

EXECUTIVE SESSION

- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to the Plaza Center Addition Lot AR 1A and Bedford Plaza Addition 1989H Blk. A Lot 4B1.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Food Lion Addition Block 1 Lot 3R.**
- d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Forest Ridge Plaza Block 1 Lot 1A.**
- e) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Forum Addition Block 2 Lot 2R.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to the Plaza Center Addition Lot AR 1A and Bedford Plaza Addition 1989H Blk. A Lot 4B1; Section 551.087, deliberation regarding economic development negotiations relative to Food Lion Addition Block 1 Lot 3R; Section 551.087, deliberation regarding economic development negotiations relative to Forest Ridge Plaza Block 1 Lot 1A; and Section 551.087, deliberation regarding economic development negotiations relative to Bedford Forum Addition Block 2 Lot 2R, at 8:40 p.m.

Council reconvened from Executive Session at 9:21 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

15. Mayor/Council Member Reports

Councilmember Cogan invited people to a residential outreach he will host at Dapper Café on May 18, 2019.

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

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✓ **Animal Shelter Advisory Board**

Councilmember Fisher thanked the anonymous donor of \$5,000 to the Animal Shelter.

✓ **Beautification Commission**

No report was given.

✓ **Community Affairs Commission**

Councilmember Boyer reported the Commission recently held a successful residential roundtable and block party. He thanked staff, including Strategic Services Manager Meg Jakubik, for their work on the events. He recognized Chairperson Sal Caruso, who was in attendance.

✓ **Cultural Commission**

Councilmember Sabol reported the Commission is hosting a night with the arts at the Arts Council Northeast building on May 17, 2019. She stated the Commission invited Council to a teambuilding meeting and exercise with finger-painting at Central Arts of Bedford on May 20, 2019.

✓ **Library Advisory Board**

Councilmember Boyer congratulated Library Director Maria Redburn and her staff on winning an award for the Think Tank. He encouraged people to visit the Library's website to learn about programs and events.

✓ **Parks and Recreation Board**

Councilmember Sartor encouraged people to visit their local parks.

✓ **Teen Court Advisory Board**

Councilmember Cogan reported the Teen Court Scholarship Gala was held on April 11, 2019. Four college scholarships totaling \$6,000 were awarded and the silent auction raised \$3,300 for future scholarships. He thanked staff and Councilmember Sabol for attending the event, and Judge Murphy and staff for their work on Teen Court.

✓ **Senior Citizen Liaison**

No report was given.

17. City Manager/Staff Reports

City Manager Brian Bosshardt reminded Council there would be no work session prior to the next meeting and Council photos would be taken at the former library building.

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

Item #10 was voted on during the Regular Session.

ADJOURNMENT

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Mayor Griffin adjourned the meeting at 9:30 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary