

**Council Minutes May 28, 2019**

**STATE OF TEXAS           §**

**COUNTY OF TARRANT   §**

**CITY OF BEDFORD       §**

**The City Council of the City of Bedford, Texas, met in Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 28th day of May, 2019 with the following members present:**

Jim Griffin  
Michael Boyter  
Dan Cogan  
Ruth Culver  
Roger Fisher  
Amy Sabol  
Rusty Sartor

Mayor  
Councilmembers

constituting a quorum.

Staff present included:

Brian Bosshardt  
Cliff Blackwell  
Matt Butler  
Michael Wells  
Sean Fay  
Natalie Foster  
Wendy Hartnett  
Don Henderson  
Russell Hines  
Meg Jakubik  
Joey Lankford  
Bill Syblon

City Manager  
Assistant City Manager  
City Attorney  
City Secretary  
Fire Chief  
Public Information Officer  
Special Events Manager  
Parks Superintendent  
Building Official  
Strategic Services Manager  
Deputy Fire Chief/Fire Marshal  
Economic Development Director

**REGULAR SESSION 6:30 p.m.**

The Regular Session began at 6:30 p.m.

**CALL TO ORDER/GENERAL COMMENTS**

Mayor Griffin called the meeting to order.

**INVOCATION**

Reverend Terre McGill with Martin 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 on upcoming events, including the Twilight Concert Series featuring The Vinyl Stripes and Big Kat Burgers at the Boys Ranch Park on May 31, 2019; a “Yappy Hour” event at the Boys Ranch Park on June 7, 2019; and Clean Air Action Day on June 21, 2019.

**OPEN FORUM**

Nobody chose to speak during Open Forum.

**CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilmember Fisher, seconded by Councilmember Cogan, to approve the following item by consent: 1

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

- 1. Consider approval of the following City Council minutes:  
a) May 14, 2019 regular meeting**

This item was approved by consent.

**COUNCIL RECOGNITION**

**2. Employee Service Recognition**

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

Jeffrey Scott, Parks Department - 20 years of service

- 3. Presentation of a check from the Bedford Public Library Foundation in the amount of \$25,395.**

Bedford Public Library Foundation President Patt Dreyer stated the Foundation has been a 501(c)3 non-profit organization for ten years and in that time, has raised approximately \$250,000 for the Library. She and members of the Foundation Board presented a check in the amount of \$25,395 to Library Director Maria Redburn. Ms. Redburn stated the money would be used to replace the chairs in the Bonnie Finn Room and Technology Center, reupholster other chairs, and to purchase a Discovery Bright-Light Box Wall, Discovery Maker Build Wall, and children’s audio books.

**NEW BUSINESS**

- 4. Consider an ordinance of the City of Bedford, Texas amending Chapter 58 - "International Fire Code" of the City of Bedford Code of Ordinances by deleting Sections 58-97 and 58-99 and adding the revised Sections 58-97 and 58-99 thereby adopting the International Fire Code 2018 Edition, and providing certain amendments and deletions thereto; providing a penalty not to exceed two thousand dollars for each offense; providing a severability clause; providing a saving clause; providing a repealing clause; and declaring an effective date.**

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Fire Chief Sean Fay stated the International Fire Code is the maintenance portion of the International Building Code. The International Code Council puts out updates to the Code every 36 months, which is reviewed by the North Central Texas Council of Governments (NCTCOG) who then creates local amendments in a process that takes approximately 12 to 18 months. He stated the purpose of adopting the Code is to see to the highest safety levels in Fire Code compliance.

Deputy Fire Chief/Fire Marshal Joey Lankford presented an overview of the recommended changes in the Fire Code, including ceiling clearing for indoor storage, lockdown plans in schools, integrated testing of life safety systems, locking arrangements and delayed egress for schools, rapid shutdown for solar power systems, structural stability of tents, and liquid carbon dioxide monitoring. In response to questions from Council, Deputy Chief Lankford confirmed he did not see a major impact to Fire Department operations or to businesses with the new Code as there are not many changes from the 2015 and 2018 editions. He confirmed the updated regulations in the Code would be triggered when a business applies for a new certificate of occupancy.

Motioned by Councilmember Cogan, seconded by Councilmember Sabol, to approve an ordinance of the City of Bedford, Texas amending Chapter 58 - "International Fire Code" of the City of Bedford Code of Ordinances by deleting Sections 58-97 and 58-99 and adding the revised Sections 58-97 and 58-99 thereby adopting the International Fire Code 2018 Edition, and providing certain amendments and deletions thereto; providing a penalty not to exceed two thousand dollars for each offense; providing a severability clause; providing a saving clause; providing a repealing clause; and declaring an effective date.

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

- 5. Consider an ordinance amending Chapter 22 of the City of Bedford Code of Ordinances, "Building and Building Regulations" by repealing Article IV "National Electrical Code" and replacing it with Article IV "National Electrical Code" 2017 edition; providing for the adoption of the "National Electrical Code" 2017 Edition; providing for the adoption of annex chapters; providing for the adoption of regional amendments to the "National Electrical Code" 2017 Edition; providing changing and amending Article IV; providing a penalty of up to \$2,000 per day for violations; providing a severability clause; providing a repealing clause; providing a saving clause; and declaring an effective date.**

Economic Development Director Bill Syblon stated the City uses the International Code, the National Electrical Code and the National Fire Code as the base codes to address health and safety concerns for the built environment. The City is operating under the 2014 National Electrical Code, and NCTCOG recommends adopting the 2017 edition with local amendments. Mr. Syblon presented an overview of the recommended changes in the Electrical Code, including new ground-fault circuit interrupter requirements for crawl spaces, receptacle outlets for meeting rooms in commercial spaces, cable bundling, and grouping parallel conductors. In response to questions from Council, Mr. Syblon stated NCTCOG was delayed in vetting the Electrical Code, and confirmed there was no reason not to accept the changes to the Code.

Motioned by Councilmember Fisher, seconded by Councilmember Sartor, to approve of an ordinance amending Chapter 22 of the City of Bedford Code of Ordinances, "Building and Building Regulations" by repealing Article IV "National Electrical Code" and replacing it with Article IV "National Electrical Code" 2017 edition; providing for the adoption of the "National Electrical Code" 2017 Edition; providing for the adoption of annex chapters; providing for the adoption of regional amendments to the "National Electrical Code" 2017 Edition; providing

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changing and amending Article IV; providing a penalty of up to \$2,000 per day for violations; providing a severability clause; providing a repealing clause; providing a saving clause; and declaring an effective date.

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

- 6. Consider an ordinance amending Chapter 22 of the Code of Ordinances of the City of Bedford, Texas, by repealing Article III "International Codes/Amendments", and replacing it with Article III International Codes/Amendments inclusive of the International Building Code 2018 Edition, International Residential Code 2018 Edition, International Mechanical Code 2018 Edition, International Plumbing Code 2018 Edition, International Fuel Gas Code 2018 Edition, International Energy Conservation Code 2018 Edition, International Swimming Pool and Spa Code 2018 Edition; making regional amendments to each of the International Codes adopted hereby; providing a penalty of up to \$2,000 per day for violations; providing a severability clause; providing a repealing clause; providing a saving clause; and declaring an effective date.**

Mr. Syblon stated the City is operating under the 2015 edition of the International Codes, and this item is to adopt the 2018 edition, with recommended changes from NCTCOG. He presented an overview of the recommended changes, including those related to medical gas systems, new fire walls to separate building, and occupant load factor for businesses in the International Building Code; the seismic map and townhouse fire separation walls in the International Residential Code; labeling of single user toilets and minimum plumbing fixtures in the International Plumbing Code; kitchen hoods and sealing of duct joints in the International Mechanical Code; appliance shut off valves and plastic vent pipe materials in the International Fuel Gas Code; heated or cooled vestibules and interior and exterior lighting power budgets in the International Energy Conservation Code; and sensory deprivation therapy and standard listing and labeling of water storage tanks in the International Swimming Pool and Spa Code.

Motioned by Councilmember Boyter, seconded by Councilmember Sabol, to approve an ordinance amending Chapter 22 of the Code of Ordinances of the City of Bedford, Texas, by repealing Article III "International Codes/Amendments", and replacing it with Article III International Codes/Amendments inclusive of the International Building Code 2018 Edition, International Residential Code 2018 Edition, International Mechanical Code 2018 Edition, International Plumbing Code 2018 Edition, International Fuel Gas Code 2018 Edition, International Energy Conservation Code 2018 Edition, International Swimming Pool and Spa Code 2018 Edition; making regional amendments to each of the International Codes adopted hereby; providing a penalty of up to \$2,000 per day for violations; providing a severability clause; providing a repealing clause; providing a saving clause; and declaring an effective date.

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

### **7. Discussion and action regarding the appointment of the Mayor Pro Tem and Board and Commission Liaisons.**

There was discussion on nominations for Mayor Pro Tem and the Council liaison positions on various Boards and Commissions.

Councilmember Sabol nominated Councilmember Boyter as Mayor Pro Tem, which was seconded by Councilmember Culver. Council was of the consensus to appoint Councilmember Boyter as Mayor Pro Tem.

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Existing liaisons remained appointed to Boards and Commissions as listed below without notation and newly appointed positions and liaisons are underlined.

Animal Shelter Advisory Board: Councilmember Fisher

Beautification Commission: Councilmember Boyter

Community Affairs Commission: Councilmember Culver

Cultural Commission: Councilmember Sabol

Library Board: Councilmember Cogan

Parks and Recreation Board: Councilmember Sartor

Teen Court Advisory Board: Councilmember Fisher

Trinity River Authority: Mayor Griffin

Audit Committee: Mayor Griffin, Councilmember Fisher, Councilmember Boyter

Industrial Development Authority: Mayor Griffin, Councilmember Cogan, Councilmember Sabol

Economic Development Foundation: Mayor Griffin

Street Improvement Economic Development Corporation: Councilmember Fisher, Councilmember Culver, Councilmember Boyter, Councilmember Sartor

Investment Committee: Councilmember Boyter

Health Facilities Development Corporation: Councilmember Cogan, Councilmember Sabol, Councilmember Fisher

Motioned by Councilmember Fisher, seconded by Councilmember Culver, to approve the Mayor Pro Tem and Council Liaisons as presented.

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

### **8. Discussion and possible action on the utilization of the Tourism Fund, including but not limited to the Hotel Occupancy Tax. \*\*This item requested by Councilmember Sabol**

Councilmember Sabol stated she hoped to achieve an agreement amongst Council about the Tourism Fund. At the previous meeting, Roger Gallenstein and Mike Hathaway on the behalf of ONSTAGE requested one percent of the Fund, discussed how they would spend the money and presented data from a survey of their patrons and members. She felt that a majority of Council favored the proposal by ONSTAGE. She stated the City has touted the belief that art has a place in the community. She discussed cities that provide application funding for the arts through their hotel tax collection, and an article from Forbes magazine about arts being a one-billion-dollar industry that promotes economic development. She believes ONSTAGE sets Bedford apart as no neighboring city has a community theater. She suggested setting aside seven percent of the Tourism Fund to grant funding to the arts, and stated parameters needed to be set for granting the awards. She further suggested Council be responsible for making the decisions to grant funding as opposed to a separate committee, and that the funding only be specifically for Bedford.

City Manager Brian Bosshardt presented an overview of how the Hotel/Motel Occupancy Tax can be used per state law, with the first criteria being it must be used to directly enhance and promote tourism in the convention and hotel industry in Bedford. If the first criteria is met, then the funding can be spent on the following items: convention and visitor information centers, the registration of convention delegates, advertising and promotional programs to attract tourists and convention delegates, promotion of the arts, historical restoration and preservation projects or activities, sporting event expenses which substantially increase economic activity at hotels, funding the enhancement or upgrading of existing sports facilities or sports fields, funding transportation systems for tourism, and signage directing tourists to sights and attractions that are visited frequently by hotel guests in the municipality. Regarding the Tourism Fund, he stated

the occupancy tax is projected to be just over \$1,000,000 in 2019, with other revenue coming from Old Bedford School rentals and festivals, and expenses going towards City festivals and staff. He stated the feasibility study related to Phase Next and the performing arts would be presented to Council at their next meeting and he felt the data from that may inform Council's discussion on funding the arts community.

There was discussion on recent state legislation related to the occupancy tax; setting a specific amount of funding instead of a percentage; the funding being managed by an outside foundation; whether community theater meets the first criteria for the use of the occupancy tax; the impact to the City's festivals if funding is set aside for the arts; items in the budget related to contractual services, music licensing, dues and not-for-profit organizations; the Council being responsible for granting awards; whether the City's festivals meet the criteria for use of the occupancy tax; money in the Tourism Fund allocated for salaries and how those salaries are prorated between Tourism and the General Funds; quantifying the criteria for how the occupancy tax can be used; quarterly reporting to the State Comptroller; reviewing what other cities do as to funding the arts; waiting until the budget process to discuss funding for the arts; potential costs associated in using a third party to manage the funding; and addressing issues related to the use of the occupancy tax.

Mr. Bosshardt stated he would report to Council regarding the use of the occupancy tax at their meeting on July 9, 2019, and there was further discussion on what Council could do in the meantime. Special Events Manager Wendy Hartnett stated by adding a third-party to the granting options, the City would lose the opportunity to receive grants itself.

## **9. City Manager/Staff Reports**

The City Manager did not give a report.

### **a) Quarterly Financial Report**

Strategic Services Manager Meg Jakubik gave a financial report on the second quarter of the City's fiscal year. She presented information on the General Fund, including a comparison of actual versus budgeted and projected revenue and expenditures, and a comparison of revenues and expenditures from Fiscal Year 2018 and 2019. She presented information on the Water and Sewer Fund, including three-year histories of revenue and expenditures. She presented information on other funds, including Tourism, Stormwater, and the Street Improvement Economic Development Corporation (SIEDC). There was discussion on the Information Systems line item and the effect of the change in the ambulance billing provider. Ms. Jakubik stated sales tax is up approximately 9.5 percent over the previous year.

### **b) Update on the Library of Things Collection.**

Ms. Redburn stated the Library of Things is a collection of non-traditional items available for checkout by the community. The Library received funding in the amount of \$3,000 for the collection from Atmos Energy. Based on a survey of patrons, the most popular categories of items were arts and crafts, home, recreation and leisure, and technology, and she gave examples of the most popular items requested. For the collection's pilot program, borrowing would be limited to Bedford residents, Library volunteers and staff. The next steps in the process are to finalize the lending agreement, revise the fee ordinance, catalog items, and develop best practices training guidelines. There was discussion on how the idea of the program came about. In response to questions from Council regarding liability, Ms. Redburn stated borrowers would be required to sign a waiver each time they check out an item. Further, the lending agreement would make it incumbent on the borrower to use an item correctly and

the City would not be held liable. She anticipated the program beginning in August. There was discussion on the maintenance of the collection items, what other cities are doing such a collection, charging for broken items, donations of items and funding moving forward.

**EXECUTIVE SESSION**

- a) Pursuant to Section 551.087, receive an update on economic development.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1 Whisperwood Center Addition.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Plaza Center Addition Lot AR 1A and Bedford Plaza Addition 1989H Blk. A Lot 4B1.

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, receive an update on economic development; Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1 Whisperwood Center Addition; and Section 551.087, deliberation regarding economic development negotiations relative to Plaza Center Addition Lot AR 1A and Bedford Plaza Addition 1989H Blk. A Lot 4B1, at 8:27 p.m.

Council reconvened from Executive Session at 9:05 p.m. Any necessary action to be taken as a result of the Executive Session will occur during the Regular Session.

**10. Mayor/Council Member Reports**

Councilmember Fisher reported the Harwood Road and Highway 121 intersection would be closed starting June 3, 2019 for bridge construction. He publicly apologized to Patsy Watson for not responding to her letter regarding Animal Shelter Advisory Board meetings and stated he will get in contact with her.

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

- ✓ **Animal Shelter Advisory Board**

No report was given.

- ✓ **Beautification Commission**

No report was given.

- ✓ **Community Affairs Commission**

Councilmember Boyter reported Commission met on May 16, 2019 and are coming off a successful residential roundtable held at the Movie Tavern.

- ✓ **Cultural Commission**

Councilmember Sabol reported the Central Arts of Bedford will hold a finger-painting team exercise on June 17, 2019.

- ✓ **Library Advisory Board**

Councilmember Boyter stated that it was a privilege to be part of the Board, that there are many tremendous people involved with the Library, and there are many great things they are doing.

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✓ **Parks and Recreation Board**

Councilmember Sartor reported progress is being made on the Miracle Park and a status update would be given to Council at a future work session.

✓ **Teen Court Advisory Board**

No report was given.

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

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

**ADJOURNMENT**

Mayor Griffin adjourned the meeting at 9:11 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary