

Council Minutes June 8, 2021

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Regular Session at 6:00 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 8th day of June, 2021 with the following members present:

Michael Boyter	Mayor
Amy Sabol	Mayor Pro Tem
Cindy Almendarez	Councilmembers
Dan Cogan	
Ruth Culver	
Rob Gagliardi	

constituting a quorum.

Staff present included:

Jimmy Stathatos	City Manager
Cliff Blackwell	Assistant City Manager
Bryn Meredith	City Attorney
Michael Wells	City Secretary
Molly Fox	Communications Director
Don Henderson	Parks Superintendent
Kenny Overstreet	Public Works Director
Andrea Roy	Development Director
Jeff Williams	Police Chief

REGULAR SESSION

The Regular Session began at 6:00 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Bishop Nosa Onaiwu with 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.

OPEN FORUM

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Sal Caruso, 148 Ravenswood Drive, Bedford, Texas 76022 – Mr. Caruso signed up to speak on Item #5. He felt the variance to allow Prestige Cigars to serve beer and wine was similar to the variance for Turning Point approved several years previously by a vote of 6-1. He thought the accusations against Prestige Cigars were unfounded and stated they cater to a professional clientele and are a small business that the City needs to support. They have been in business seven years and expanded to an adjoining empty suite and may in the future take over another one. He stated they would control the pour on beer and wine and who they serve. There are four businesses in the area that are bring-your-own-beverage (BYOB) and there have been no alcohol-related incidents in the school zone for the last three years. He discussed a social media post made against the variance and his attempts to meet with the poster about the business. He stated the applicant was willing not to serve beer and wine until after 4:00 p.m. when school is not in session. He discussed the importance of sales tax revenue and asked for a 6-0 vote to approve the variance.

Richard Steves, 2912 Golden Rod Court, Bedford, Texas 76021 – Mr. Steves signed up to speak on Item #5. He asked Council to deny the variance for Prestige Cigars, as the property is adjacent to Harwood Junior High School. He stated Prestige wishes to sell alcohol for on premise consumption, and children walk home from school directly in front of the business and their parking lot directly exits onto Harwood Road within yards of a school zone. He felt the corner of Harwood Road and Martin Road was already dangerous enough for the children at the nearby schools and they do not need drivers who just consumed alcohol driving into the intersection. He stated the owner knew the rules when they opened their store and chose to locate next to the school.

PRESENTATIONS

- **Discussion on the Quarterly Investment Report for the Fiscal 2nd Quarter ending March 31, 2021.**

Assistant Finance Director Paula McPartlin stated the total market value of the City's portfolios at the end of the second quarter was \$142,343,985, as compared to \$150,703,282 at the same time the previous year, representing a 5.5 percent decrease. The City has spent \$19,356,269 on the Phase Next Project and \$10,925 related to the Bedford Performing Arts Center. The City earned \$3,392,044 in accumulated interest as of the end of the second quarter.

Tom Ross with Valley View Consulting, the City's investment advisors, presented the quarterly financial report. He stated the balance in the City funds was approximately \$110,798,000, with interest earnings for the quarter of \$105,013 and an average quarterly yield of 0.38 percent. The balance of the State Water Implementation Revenue Fund for Texas (SWIRFT) portfolio was \$31,544,000, with interest earnings for the quarter of \$13,931 and an average quarterly yield of 0.21 percent. He discussed the Treasury yield curve and the stock market, and stated the Fed announced they would not increase their rate for at least another year. Mr. Ross presented an overview of the City's investment holdings, the composition of the portfolio, a comparison to the previous quarter, and the allocation of the investments across various City funds.

- **Update on Generations Park project.**

Project Manager Gary Johnson stated staff plans on presenting quarterly updates to Council on the project. The recent rains have impacted the construction schedule, but the project is still on schedule and within budget.

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Nathan Fritch with Steele & Freeman presented information on the project's schedule, and various aspects of construction, including east site improvements, the theater restroom, the ballpark concession stand, west site improvements, the water park concession building, and the multigenerational building. He reiterated that the project is under budget and ahead of schedule. He showed drone footage of the construction.

There was discussion on drainage at the project site and the storm water prevention plan. Regarding privacy concerns from residents on Lakeshore Drive, Mr. Johnson and Dennis Haar with Halff Associates discussed that a solution would be determined once the berm is established and the parking lot is finalized. There was discussion on concerns with dirt draining into the lake, including the storm water protection, weekly inspections of the containment processes and inspections after rain events, treatments that can clear the lake quicker, the lake serving as a drainage pond to prevent flooding downstream, and that there does not appear to be any detriment to the wildlife. There was further discussion on the possibility of material shortages and the guaranteed maximum price built into the contract.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

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

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

- 1. Consider approval of the following City Council minutes:
a) May 25, 2021 regular meeting**

This item was approved by consent.

- 2. Consider a resolution of the City Council of the City of Bedford, Texas amending the Council Rules of Order and Procedure, Section 2. Code of Conduct.**

This item was approved by consent.

- 3. Consider a resolution authorizing the City Manager to renew the agreement with Valley View Consulting, L.L.C., to provide investment advisory services for a period of two years.**

This item was approved by consent.

PERSONS TO BE HEARD

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

a) Roger Gallenstein, 4013 Fairmont Court, Bedford, Texas 76021 - Request to speak to Council regarding City entryways.

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Roger Gallenstein, 4013 Fairmont Court, Bedford – Mr. Gallenstein discussed the changes in culture with the City, new staff, and ongoing and upcoming projects. He presented information on monument signs and landscaping that were installed on Harwood Road in the early 1990s. He stated the landscaping for the City's entryways was discussed at a Council meeting in May 2014 with the completion of the Highway 183 expansion and it was the desire of members of the Council to have landscaping with color. Mr. Gallenstein displayed examples of what he felt was the overabundance of river rock and lack of colorful landscaping at Bedford's entryways as compared to those in the cities of Hurst and Euless, and the impact it has on potential businesses coming to the City. He discussed the lights being out at some of the monument signs. Mr. Gallenstein felt the City may have relied on in-house staff as opposed to landscaping experts and challenged Council to improve the landscaping at the City's entryways. There was discussion on making the City attractive and a destination, and that Bedford was to have received trees and landscaping equal to that of Euless with the highway expansion. City Manager Jimmy Stathatos stated he had earlier received a quote on revamping the landscaping for all the City's rights-of-way.

NEW BUSINESS

- 5. Consider an ordinance granting a variance to Prestige Cigars Lounge & Coffee Bar, located at 3225 Harwood Road, Suite E, also known as Lot 1, Block 1, Harwood Oaks Plaza, and the applicant Mian Ahmed, from the distance requirements for the sale of alcoholic beverages established by Section 10-1 of the City of Bedford Code of Ordinances; providing a repealing clause; providing a severability clause; and declaring an effective date.**

Council convened into Executive Session pursuant to Section 551.071 of the Texas Government Code to consult with the City Attorney on this item at 7:23 p.m. Council reconvened from Executive Session at 7:32 p.m.

Development Director Andrea Roy presented information regarding this item, which is a request for a variance for Prestige Cigars from the 300-foot setback requirement in the City's Alcoholic Beverage Ordinance. She noted the item was unrelated to zoning so will not be a public hearing and did not go through the Planning and Zoning Commission. She displayed the location map showing that the property lines for the business and Harwood Junior High School abut. She stated the business operates under a specific use permit due to the sale of tobacco products. She further stated the business recently expanded into the adjoining suite. The business is currently BYOB, and the setback issue was discovered when they submitted their application for a Texas Alcoholic Beverage Commission license for the sale of beer and wine for on-premise consumption. She discussed the variance language in the Code of Ordinances.

There was discussion on the setback requirement and the variance granted to Turning Point.

The applicant, Mian Ahmed, 3225 Harwood Road, Suite E, Bedford, stated that they invested in Bedford and grew their business during COVID-19. She stated she believes in Bedford and wants to continue to grow and invest in the City. She asked Council to invest in them by approving the variance. She stated their clientele is professional and they want to bring business to Bedford and support the City.

There was discussion on Prestige Cigars and other establishments in the area that are BYOB; the citation statistics in the area over the previous three years; the variance for Turning Point; the empty property across from Harwood Road and Martin Drive; and concerns related to traffic and children in the area.

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Motioned by Councilmember Culver, seconded by Mayor Pro Tem Sabol, to deny an ordinance granting a variance to Prestige Cigars Lounge & Coffee Bar, located at 3225 Harwood Road, Suite E, also known as Lot 1, Block 1, Harwood Oaks Plaza, and the applicant Mian Ahmed, from the distance requirements for the sale of alcoholic beverages established by Section 10-1 of the City of Bedford Code of Ordinances; providing a repealing clause; providing a severability clause; and declaring an effective date.

Motion approved 5-1-0. Mayor Boyter declared the motion carried.

Voting in favor of the motion: Mayor Boyter, Councilmember Almendarez, Councilmember Cogan, Mayor Pro Tem Sabol, and Councilmember Culver.

Voting in opposition to the motion: Councilmember Gagliardi

6. Consider a resolution authorizing the City Manager to reject all bids for installation of surface aerators at Generations Park.

Parks Superintendent Don Henderson presented information regarding this item. He stated the lake was drained and the channel reconstructed with a hard edge and weirs as part of the first phase of the park improvements in 2015. This inadvertently caused algae to outbreak and staff is unable to maintain control of the issue. Staff reached out to three different companies regarding the best solutions to manage the issue, which included a recirculating system or surface aerators. Staff went out to bid on the surface aerators; however, only one bid at approximately \$154,000 was received, which staff felt was too high and therefore is asking that the bid be rejected.

There was discussion on the circumstances that created the algae issue; the reasoning for receiving only one bid; the importance of fixing the issue before Generations Park opens; possible grant funding; the history of the algae issue going back to 2017; the companies and officials with the state with whom staff consulted on the issue and their recommendations; the harmful effect of foreign materials from runoff going into the lake and educating the residents on the issue; funding for the project being out of 2013 General Obligation Bonds; and consulting with the company that manages the lake in Southlake.

Motioned by Mayor Pro Tem Sabol, seconded by Councilmember Gagliardi, to approve a resolution authorizing the City Manager to reject all bids for installation of surface aerators at Generations Park.

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

7. Consider a resolution authorizing the City Manager to enter an interlocal agreement with the City of Eules for combined jail services for the cities of Bedford and Eules.

Police Chief Jeff Williams presented information regarding this item, which is an agreement with the City of Eules to provide jail services for Bedford. He stated staff assessed the increasing costs of manpower and capital assets to operate the jail, along with the reduction in the number of prisoners, as the City is no longer housing federal prisoners. The agreement would obligate Bedford to contribute 46 percent of the costs for the Eules jail. Bedford would save over \$300,000 annually in operational costs, and there would be a reduction in capital assets as well as the City's liability. He discussed the possibility of similar agreements in the future to help reduce costs.

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In response to questions from Council, Chief Williams stated Bedford's jail currently has 12 employees and the goal is to have them placed in other positions in Bedford or jail services in other cities. There was discussion on future use for the current jail facility, including expansion of women's locker room facilities and training. Chief Williams stated the contract has out clauses and the goal is to have everything completed by October 1, 2021, though there are contingency plans to move that date up in case Bedford jail employees find positions outside the City. Mr. Stathatos stated Eules would be contemplating the agreement at their meeting on June 22, 2021, and there is the possibility there might be small changes to the contract.

Motioned by Councilmember Gagliardi, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager to enter an interlocal agreement with the City of Eules for combined jail services for the cities of Bedford and Eules subject to City Manager final approval as to the form.

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

8. Consider a resolution of the City Council of the City of Bedford, Texas amending the Mission Statement for the City of Bedford.

Mayor Boyter stated that he and Councilmember Cogan worked on a new mission statement as follows: "The Bedford City Council is committed to making every resident proud of our City. Our mission is to enhance the quality of life in Bedford for all residents by creating an attractive, secure, and inclusive community. We will proactively work together and in a transparent manner for the future, foster economic growth, encourage citizen involvement, and preserve our City for future generations."

Motioned by Councilmember Gagliardi, seconded by Councilmember Almendarez, to approve a resolution of the City Council of the City of Bedford, Texas amending the Mission Statement for the City of Bedford as read by Mayor Boyter.

Dave Gebhart, 625 Merrill Drive, Bedford, Texas 76022 – Mr. Gebhart advised that the Mission Statement should start first with safety and security.

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

9. Mayor/Council Member Reports

No reports were given.

10. City Manager/Staff Reports

a) City Communications Strategy

Communications Director Molly Fox presented information on the City's communications strategy. She stated the goals of the strategy include increasing resident engagement, increasing transparency, strengthening trust, building pride in the City, and increasing accessibility. She presented actions that have been and would be taken to achieve each of the goals. She discussed changes to the City's social media policies and procedures, changes to the website, and other initiatives. She stated the top priorities for Communications are the redesign of the website, upgrades to the audio/visual system in the Council Chambers, additional policies, a City-wide

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citizen survey, and a three-year strategic communications plan. She presented a breakdown of the process behind updating the City's website.

b) Update on the Street Improvement Strategic Plan

City Manager Jimmy Stathatos stated the Street Improvement Economic Development Corporation will be considering a street improvement strategic plan at their meeting on June 15, 2021. The plan would take an aggressive and methodical approach to improving major thoroughfares and residential streets. He discussed the plans to communicate information on the street projects with residents.

EXECUTIVE SESSION

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property - possible acquisition of real property for redevelopment purposes.**
- b) Pursuant to Section 551.071, to conduct a private consultation with its attorney on pending or contemplated litigation - Bedford Hotels, LLC.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.072, to deliberate the purchase, exchange, lease or value of real property - possible acquisition of real property for redevelopment purposes, and Section 551.071, to conduct a private consultation with its attorney on pending or contemplated litigation - Bedford Hotels, LLC, at 8:54 p.m.

Council reconvened from Executive Session at 9:06 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

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

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

ADJOURNMENT

Mayor Boyter adjourned the meeting at 9:08 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary