

**Council Minutes September 27, 2022**

**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 27th day of September, 2022 with the following members present:**

Michael Boyter	Mayor
Amy Sabol	Mayor Pro Tem
Dan Cogan	Councilmembers
Nichelle D. Dawkins	
Steve Farco	
Rob Gagliardi	
Rich Steves	

constituting a quorum.

Staff present included:

Jimmy Stathatos	City Manager
Caryn Riggs	Assistant City Manager
Andrea Roy	Assistant City Manager
Bryn Meredith	City Attorney
Michael Wells	City Secretary
Krissi Oden	Cultural Arts Manager
Maria Redburn	Library Director
Cheryl Taylor	Public Works Director

**WORK SESSION**

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

- **Council discussion regarding appointments to Bedford's Citizen Boards and Commissions.**

Council adjourned into the Conference Room to discuss appointments to the Citizen Boards and Commissions at 5:30 p.m.

Council reconvened in the Council Chambers at approximately 6:15 p.m.

**REGULAR SESSION**

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

**INVOCATION**

Mayor Pro Tem Sabol gave the invocation.

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### **PLEDGE OF ALLEGIANCE**

The Pledges of Allegiance to the flags of the United States and Texas were given.

### **COUNCIL RECOGNITION**

- **Award presentation to the winners of the Traffic Signal Box Contest and the Purple Heart Signal Box Design Contest.**

Cultural Arts Manager Krissi Oden presented the following with awards for the Traffic Signal Box Contest: Doris Harber, Cindy Flint, Cuc Mauldin, Jennifer Wade, Lisa and Ava Beach, and Juanita Garcia.

Ms. Oden presented the award for the Purple Heart Signal Box Design to Jodie Pope.

- **Proclamation recognizing October 2022 as Crime Prevention Month in the City of Bedford.**

Mayor Boyter read a proclamation recognizing October 2022 as Crime Prevention Month in the City of Bedford. Police Officer Deidre Spears accepted the proclamation.

- **Proclamation recognizing Tuesday, October 4, 2022 as the official day for National Night Out in the City of Bedford.**

Mayor Boyter read a proclamation recognizing Tuesday, October 4, 2022 as the official day for National Night Out in the City of Bedford. Police Officer Deidre Spears accepted the proclamation.

- **Proclamation recognizing October 2022 as National Domestic Violence Awareness Month in the City of Bedford.**

Mayor Boyter read a proclamation recognizing October 2022 as National Domestic Violence Awareness Month in the City of Bedford. Police Officer Monique Hall accepted the proclamation.

### **OPEN FORUM**

Nobody signed up to speak during Open Forum.

### **PERSONS TO BE HEARD**

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

- a) **Barbara Postma, 709 Teakwood Drive, Flower Mound, Texas 75028 – Request to speak to Council regarding the Old Bedford School update and classes.**

Ms. Postma stated she teaches ceramics at the Old Bedford School (OBS) for senior citizens. She felt the senior rates to attend The Center at Generations Park were outrageous compared to what they currently pay and stated none of her seniors would be attending due to the costs. She asked for improvement to the OBS in order to make the building more usable and safer, including a sidewalk with a handrail in place of the memory bricks, as they are slick and uneven; electrical outlets in the walls; a sink to wash their sponges and brushes; storage space for students to keep their projects; fixing the door latches on the downstairs bathrooms; fixing the handicap access button on the inside of the building and installing one on the outside; the use of a microwave; and

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a kiln. Ms. Postma discussed the possibility of the City running a senior center from the former YMCA building, making the OBS an arts and cultural building, constructing a building for seniors with classrooms, and other cities that built and maintained a separate senior center, which have their own kilns. She stated she would no longer be taking ceramic pieces home to be fired.

City Manager Jimmy Stathatos stated the removal of the bricks as well as the installation of handicapped accessibility and a guardrail would be done in January. He stated that there is a sink in the back of the OBS but the City could look at another one; staff would fix the bathroom latches correctly; and staff would look at whatever it can do to make the space more accommodating. He further stated that it would be impossible to have a kiln at the OBS from a fire safety standpoint. Mr. Stathatos explained that all activities currently at the OBS would continue there, so seniors would not suddenly be charged more than they have been. He further explained that the approved rates at The Center are lower than those recommended by the City's consultant based on the business plan, and therefore, with the YMCA, there would be more senior activities at a lower price. He discussed programs offered by the YMCA to help diminish the costs for seniors and that seniors could attend dances at The Center without having to join.

There was discussion regarding the rates at The Center, kilns at senior centers in other cities, the background of senior activities being held at the OBS, challenges with holding activities at the OBS, and the City conducting an asset audit.

**b) Wynette Griffin, 3808 Cambridge Circle West, Bedford, Texas 76021 – Request to speak to Council to address violations of the City Charter by Councilwoman/Mayor Pro Tem Amy Sabol.**

Dr. Griffin stated she felt Council needed to be aware and be prepared to act on Councilmember Sabol's violations of the Charter. She read Section 2.11 of the City Charter, which purpose she believed is to help streamline the working of staff and Council so that individual members of Council are not seeking or sending staff members in different directions to comply with requests. She stated she spoke to a former director at the City who received complaints from a direct report about Councilmember Sabol's interaction with them. She further stated even if they were not technically directives, staff members felt they must comply, diverting staff and resources from the City Manager's direction.

Dr. Griffin stated Ms. Sabol's emails were requested through a public records request in the spring and there were 95 documented violations, and she presented examples of what she felt were the most serious. Dr. Griffin felt that any reasonable person would have to agree that a repeated and frequent pattern of behavior over a period of five years would fit the definition of willful violation. She discussed a statement made on Councilmember Sabol's Facebook regarding the Charter and the resignation of another member of Council over the same issue. Dr. Griffin asked that Council hold Councilmember Sabol accountable and remove her from Council. She discussed an item scheduled for later in the meeting regarding possible amendments to Section 2.11 of the Charter and stated that Council is expected to uphold existing laws.

**c) Tony Comparin, 3842 Brookside Drive, Bedford, Texas 76021 – Request to speak to Council to address alleged violations of the City Charter by Councilwoman/Mayor Pro-Tem Amy Sabol.**

Mr. Comparin was unable to attend the meeting but asked a letter to be read. He wrote that he chaired the 2021-22 Charter Review Commission and one of the sections they discussed at length was Section 2.11. They presented a new section to Council at their meeting on January 25, 2022 regarding procedures for expulsion or forfeiture from office. He felt the complaints regarding

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Councilmember Sabol are frivolous and, in his opinion, there is no pattern of infractions or intent to circumvent the City Manager and direct a City employee to act accordingly. He gave examples of the alleged violations, which he felt were inquiries, questions, or suggestions, and in his opinion, no allegations violate Section 2.11. Mr. Comparin wrote that he has documentation where current and past Councilmembers directly asked employees for information or directed questions to them related to City issues, but that no allegations were brought towards them. He questioned the motives of the people bringing forth the allegations against Councilmember Sabol. He asked Council not to spend taxpayers' money or time on what he felt were undefined, frivolous allegations that could pertain to sitting Councilmembers and to instead spend time defining the rules and misconduct regulations.

### **CONSIDER APPROVAL OF ITEMS BY CONSENT**

City Manager Jimmy Stathatos presented information regarding this item. In response to questions from Council regarding Items #3 and #4, Assistant City Manager Andrea Roy stated the money allocated in the upcoming budget for garage sale signs could be reallocated to something else.

Motioned by Councilmember Farco, seconded by Councilmember Gagliardi, to approve the following items by consent; 1, 2, 3, 4, 5, 6, and 7.

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

- 2. Consider approval of the following City Council minutes:**
  - a) September 6, 2022 special session**
  - b) September 13, 2022 special session**
  - c) September 13, 2022 regular meeting**
  - d) September 19 and 20, 2022 special sessions**

This item was approved by consent.

- 3. Consider an ordinance amending Chapter 98, Article 1, of the City of Bedford Zoning Ordinance, by amending Section 98-1 regarding the sales of used personal property (garage sales).**

This item was approved by consent.

- 4. Consider an ordinance amending Appendix A of the Code of Ordinances, entitled Schedule of Fees for the Building and Fire Departments.**

This item was approved by consent.

- 5. Consider a resolution authorizing the City Manager to purchase library print and multimedia materials primarily using the State of Texas SmartBuy contract with various vendors in an amount not to exceed \$225,000.**

This item was approved by consent.

- 6. Consider a resolution of the City Council of Bedford, Texas authorizing the submission and acceptance of the FY2023 grant application to the Office of the Governor, Criminal Justice Division, for funding to purchase bullet-resistant shields through the FY2023 Bullet-Resistant Shield Grant Program. Should the grant be awarded, the City Council**

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**authorizes the purchase of 14 bullet-resistant shields in an amount not to exceed \$63,000.**

This item was approved by consent.

### **NEW BUSINESS**

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

Matthew Jalbert, Executive Manager, Northern Region – Trinity River Authority (TRA) presented an overview of the TRA and the Tarrant County Water Project as well as the the sale of bonds for capital improvements. He gave an update on current capital projects to address aging infrastructure, including the pumping and distribution system, a new raw water transmission alignment study, improvements to the joint-use pump station, and filter rehabilitation. He stated the Fiscal Year 2022 bonds in the amount of approximately \$33,000,000 would go towards various projects, including a new raw water transmission line from Lake Arlington to the treatment plant. Future projects include the Murphy Drive pump station.

In response to questions from Council, Mr. Jalbert stated recent price increases are mainly due to capital improvement projects, mainly on the debt portion of TRA's rates. There was discussion on the cities served by the TRA. Mr. Jalbert stated some of the challenges faced by the TRA are aging infrastructure and supply chain issues, including a large increase in the cost of chlorine as manufacturers are still catching up from the freeze in 2021. He confirmed that if Council were not to approve this item, the TRA would not be able to sell bonds.

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

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

- 8. Consider a resolution appointing members to Bedford's Citizen Boards and Commissions.**

Motioned by Councilmember Farco, seconded by Councilmember Gagliardi, to approve a resolution appointing the following members to Bedford's Citizen Boards and Commissions:

#### Planning and Zoning Commission

Kate Barlow, Place 4 – Unexpired term ending September 30, 2023

Danielle Stellrecht, Place 5 – Term ending September 30, 2024

#### Zoning Board of Adjustment/Building and Standards Commission

Sian Sang, Place 1– Unexpired term ending December 31, 2023

April Wheeler, Place 2 – Unexpired term ending December 31, 2022 and full term ending December 31, 2024

Stefani Yarbrough, Place 6 Alternate – Unexpired term ending December 31, 2023

David Hatley, Place 7 Alternate – Unexpired term ending December 31, 2022 and full term ending December 31, 2024

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### Animal Shelter Advisory Board

Susan Read, Place 1 Veterinarian – Term ending September 30, 2024

Michele Watson, Place 4 Animal Welfare Organization – Unexpired term ending September 30, 2023

Karen Killian, Place 5 General Public – Term ending September 30, 2024

### Beautification Advisory Board

Yvonne Garcia, Place 1 – Unexpired term ending September 30, 2023

Karen Jacobsen, Place 2 - Unexpired term ending September 30, 2023

Rachel Eisermann, Place 3 – Term ending September 30, 2024

Patty Sinclair, Place 4 - Unexpired term ending September 30, 2023

Andrew Woolen, Place 5 - Unexpired term ending September 30, 2023

Misty Mallory, Place 6 - Term ending September 30, 2024

Renee Chappell, Place 7 - Term ending September 30, 2024

Sheila Kudray, Place 8 - Term ending September 30, 2024

Glenn Mizell, Place 9 - Term ending September 30, 2024

### Cultural Arts Advisory Board

Kim Brown, Place 1 – Unexpired term ending September 30, 2023

Susan Kaufman, Place 2 - Term ending September 30, 2024

Audie Pope, Place 3 – Unexpired term ending September 30, 2023

Leslie Huntington, Place 4 - Term ending September 30, 2024

Linda Grado, Place 5 - Term ending September 30, 2024

### Ethics Commission

Raymond Hagler, Place 7 – Unexpired term ending September 30, 2023

### Library Advisory Board

Daniel Mendoza, Place 1 – Unexpired term ending September 30, 2023

Margaret Carroll, Place 2 - Unexpired term ending September 30, 2023

Janet Key, Place 3 – Unexpired term ending September 30, 2023

Joy Donovan Brandon, Place 4 - Unexpired term ending September 30, 2023

Lori Irvin, Place 5 - Term ending September 30, 2024

Susan Hampton, Place 6 - Term ending September 30, 2024

Teri Clifford, Place 7 - Term ending September 30, 2024

Molly Bujanda, Place 8 - Unexpired term ending September 30, 2023

Rachel Feltenberger, Place 9 - Term ending September 30, 2024

### Parks and Recreation Advisory Board

Terry Lewis, Place 1 – Unexpired term ending September 30, 2023

Sam Fairchild, Place 2 - Unexpired term ending September 30, 2023

Lynn Grado, Place 3 – Unexpired term ending September 30, 2023

Douglas Allbach, Place 4 - Unexpired term ending September 30, 2023

Alton Stockton, Place 5 - Term ending September 30, 2024

Heather Lopez-Velarde, Place 6 - Term ending September 30, 2024

Donna Hanson, Place 7 - Term ending September 30, 2024

Megan Girard, Place 8 - Term ending September 30, 2024

Marguerite Jones, Place 9 - Term ending September 30, 2024

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

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### 9. Mayor/Council Member Reports

No reports were given.

### 10. City Manager/Staff Reports

No reports were given.

### 11. Deliberation regarding possible Charter amendment election measures, including Section 2.11 of the Bedford City Charter. \*\*Item requested by Mayor Boyter

Mayor Boyter requested this item be placed on the agenda for discussion. He stated there is some ambiguity and misunderstanding as it relates to the possible Charter violations and wanted the opportunity to have a transparent conversation. Further he wanted to emphasize the importance the Council believes this issue is in respect to possible violations.

City Secretary Michael Wells read Section 2.11 of the Charter. In response to questions from the Mayor, City Attorney Bryn Meredith explained the purpose of Section 2.11 is to solidify the Council-City Manager form of government and insulate subordinates of the City Manager from directives from anyone other than that office. He further stated individual members of Council can only truly act when they meet as a body and do not have individual powers in and of themselves and that Section 2.11 contains a punitive measure to ensure compliance. Mr. Wells stated Section 2.11 was part of the original Charter in 1966 and was amended to correct misspellings and make some wording changes in 2008. He gave an overview of Charter Review Commissions and Charter elections since 1966.

Regarding a question about the conduct and operations of Council and punitive measures within the Charter to ensure compliance, Mr. Meredith stated there are provisions that dictate rules of procedure and how meetings are conducted. There was discussion on the Ethics Ordinance, which Mr. Meredith felt was an attempt to mirror regulations set out by statute but had no direct relationship with Section 2.11. He stated the jurisdiction of the Commission overseeing the Ethics Ordinance is limited to reviewing matters specifically under the Ordinance, not the Charter.

There was discussion regarding the Charter Review Commission's deliberations on Section 2.11, including their inability to reach a consistent consensus on amendments, a separate procedure related to forfeiture of office that was deliberated by the Commission, their recommendation to Council to resolve the lack of rules of procedure governing the process of removal, and the inability for Council to act on the recommendation due to the deadline to call an election for May.

Mr. Meredith felt Section 2.11 lacked details that may be constructive and helpful but that it is consistent with charters in other cities. There was discussion on the forfeiture procedures discussed by the Charter Review Commission. Mr. Meredith stated there are no state or federal guidelines regarding procedures but recommended if Council were to conduct a public hearing, that the accused member of Council be provided and afforded due process, including the opportunity to ask questions and have witnesses sworn in. He further recommended having outside legal counsel perform an investigation, and for Council and staff that are interviewed to be sworn in, testimony recorded, and the final report be forwarded to Council. He stated Council could instead launch the public hearing itself but warned it could be chaotic.

Mr. Meredith felt it insufficient for allegations that are based on emails, to only look at those emails themselves to infer whether there was a Charter violation as there is always a contextual element. Further, in the case of a direct communication between a member of Council and staff, it needs

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to be determined whether the member received consent from the City Manager. He stated that even though Section 2.11 does not contemplate the City Manager having that authority, to be a willful violation, the member of Council could not subjectively believe they had permission, whether they were legally entitled to it or not. Mr. Meredith interpreted the term “willful” in Section 2.11 as an intentional, non-accidental, or naive act and the concept of “intent” as a member of Council directing staff knowing it was improper and disregarding that fact for some alternate purpose. Mr. Meredith interpreted the term “shall” to mean that it triggers the authority to act on the removal of a member of Council or not. He further interpreted “give orders” to mean performing in an executive manner directing staff to perform.

Mr. Meredith stated there is no guidance in the Charter for a timeline on an investigation nor limitations on how far Council can look back as far as the investigation. City Secretary Michael Wells presented information on a previous incident in 1994 regarding alleged violations of the Charter, whereby Council held a public hearing, the accused members of Council apologized for unintentional violations of the Charter, and which Council then accepted, and no further action was taken. Regarding two recent incidents of alleged violations of the Charter, Mr. Meredith explained no public hearing was held as those members of Council resigned.

Mayor Boyter and Mr. Meredith discussed multiple examples of interactions between members of Council and staff and whether they represented potential violations of the Charter. Mr. Meredith felt in most cases it was up to Council to decide if something was a violation. He cautioned that the penalty for a willful violation of the Charter, which constitutes official misconduct and provides for removal, would disenfranchise all the members of the public who elected the member of Council and recommended that it should be reserved for severe infractions.

There was discussion regarding options for Council, including taking no action, pursuing the path Council did in 1994, referring the allegations to the Ethics Commission as a directive from Council, or using outside legal counsel.

### **EXECUTIVE SESSION**

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property – land acquisition for recreation purposes
- b) Pursuant to Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – evaluation of the City Manager
- c) Pursuant to Section 551.074. to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees – Councilmember Place 3/Mayor Pro Tem

Council convened into Executive Session pursuant to Texas Government Code Section 551.072, to deliberate the purchase, exchange, lease, or value of real property – land acquisition for recreation purposes; Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – evaluation of the City Manager; and Section 551.074. to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees – Councilmember Place 3/Mayor Pro Tem, at 8:17 p.m.

Council reconvened from Executive Session at 11:01 p.m.



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

Motioned by Mayor Boyter, seconded by Councilmember Cogan, to approve adjustments to the City Manager employment agreement as discussed in the Executive Session.

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

Mayor Pro Tem Sabol read the following statement: "It has come to my attention that some of my email communications with employees may be conceived as inappropriate. At this time, I wish for it to be known that I never willfully intended to circumvent the authority of the City Manager or interfered with his duties. I want to apologize for these communications and vowed never to do them again. I ask that the Council accept my apologies and accept that at no time did my interactions result in violations of the City Charter. Thank you."

Motioned by Mayor Boyter, seconded by Councilmember Cogan, to accept Mayor Pro Tem Sabol's apology and dismiss the complaint with prejudice.

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

Mayor Boyter read the following statement: "I do want to make a statement in conclusion that the Council wishes to accept the Mayor Pro Tem's statement and appreciate the residents' concerns about the sanctity of the City Charter. We as a Council believe that the alleged violations were not egregious or willful, and that dismissing the complaint with prejudice effectively closes this matter without allowing it to be reopened. We believe that it is time to move on and focus on moving Bedford forward. The Council agrees to expeditiously move forward with continuing the work of the Charter Review Commission in clarifying portions of the City Charter and potentially adding language governing Council conduct and ethics. In so doing, we agree to bring these clarifications to the voters at the earliest possible opportunity."

### **ADJOURNMENT**

Mayor Boyter adjourned the meeting at 11:04 p.m.

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Michael Boyter, Mayor

ATTEST:

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Michael Wells, City Secretary