

**Council Minutes December 10, 2019**

**STATE OF TEXAS §**

**COUNTY OF TARRANT §**

**CITY OF BEDFORD §**

**The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 10th day of December, 2019 with the following members present:**

Michael Boyter	Mayor
Tom Burnett	Councilmembers
Dan Cogan	
Ruth Culver	
Roger Fisher	
Amy Sabol	
Rusty Sartor	

constituting a quorum.

Staff present included:

Brian Bosshardt	City Manager
Cliff Blackwell	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Sean Fay	Fire Chief
Natalie Foster	Public Information Officer
Joey Lankford	Deputy Fire Chief/Fire Marshal
Kenny Overstreet	Public Works Director

**COUNCIL CHAMBER WORK SESSION**

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

- **Staff will present a final presentation on the Water Line Condition Assessment.**

Public Works Director Kenny Overstreet stated the City entered into a contract with Pure Water Technologies in December 2018 for a water line assessment to satisfy the requirements of the State Water Implementation Fund for Texas (SWIFT) loan. Tasks for the assessment included an external leak detection of all water mains and an assessment of all valves and hydrant mains, as well as an inspection of bar wrapped water mains. Once the information was compiled, Kimley-Horn developed assessment booklets for water line renewals.

Richard Pousard with Pure Water Technologies presented information on the steps in the assessment, including data collection from information provided by the City to develop a customized inspection work plan, field work to collect data, prioritization of projects based on that data, and recommendations on repairs and rehabilitation of the system. Mr. Pousard and Todd Strouse with Kimley-Horn and Associates presented information on the number of valve assessments performed; data on valve operability and hydrant assessments, including work

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orders generated from the data; the external leak detection program, including data on leak findings, types of leaks, and the benefits of the program; the assessment of the bar-wrapped water main on Cummings Drive, including typical modes of failure in such pipes and anomalies found in the main; the development of an asset management risk plan and asset management program from Kimley-Horn, including how projects were prioritized; and a summary of projects identified for rehabilitation and replacement, totaling 81 projects for approximately \$46,833,000. There was discussion on the number of valves and hydrants that could not be located and outdated information in the City's Geographic Information System; the expectations on the work orders generated from the assessment; inspections performed during the installation of the automated water meters; the volume of water leaks; the steps the City will take based on results and recommendations of the assessment; the number of leaks for which the City is responsible that have been repaired; and how often a leak detection assessment should be performed and doing it in-house in the future. In response to questions from Council, it was stated ten of the 81 identified projects are considered high risk; that SWIFT funds would be used for the repairs; and that all hydrants identified as nonoperational were repaired or replaced.

### **REGULAR SESSION**

The Regular Session began at 6:39 p.m.

### **CALL TO ORDER/GENERAL COMMENTS**

Mayor Boyter called the meeting to order.

### **INVOCATION (Father Joseph Francis, St. Vincent's Cathedral)**

Father Joseph Francis with St. Vincent's Cathedral 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 Christmas adoption event at the Animal Shelter through December 21, 2019 and the upcoming classes for the Police and Fire Department Citizen Academies. She also reported on the closure schedule for City offices during the holidays.

Mayor Boyter discussed the recent passing of Lee Ferguson in the Fire Department and stated his family and the Fire Department were in everybody's thoughts and prayers.

### **OPEN FORUM**

Dave Gebhart, 625 Merrill Drive, Bedford – Mr. Gebhart signed up to speak on Item #6. He encouraged the Council to consider Gary Losado for the Tarrant Appraisal District Board. He stated Mr. Losado has tremendous experience and is committed to transparency and reform for the Board. He stated Mr. Losado has committed to appearing before Council to let them know how things are going and answer questions. He felt there is a need for reform-minded people on the Board due to problems with software and commercial assessments.

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

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

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

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

- 1. Consider approval of the following City Council minutes:**
  - a) November 12, 2019 regular meeting**
  - b) November 26, 2019 work session**

This item was approved by consent.

- 2. Consider a resolution authorizing the City Manager to approve the FY 19-20 payment to the Northeast Transportation Services Urban Transit District, in the amount of \$73,215, for operation of an on-demand transportation service.**

This item was approved by consent.

- 3. Consider a resolution of the City Council of Bedford, Texas authorizing the application for the submission and receipt of the Solid Waste Pass Through Grant Program from the Texas Commission of Environmental Quality (TCEQ) through the North Texas Council of Governments (NCTCOG).**

This item was approved by consent.

### **COUNCIL RECOGNITION**

#### **4. Employee Service Recognition**

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

Sal Caruso, Police Department - 5 years of service

Tony Harrington, Fire Department - 25 years of service

### **NEW BUSINESS**

- 5. Public hearing and consider an ordinance to rezone Lots ER, FR1 and CR1, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/New & Used Cars and Truck Sales/Service (H/SUP), specific to Section 3.2.C(8)d. of the City of Bedford Zoning Ordinance, allowing for The Hertz Corporation to operate a motor vehicle sales and rental service. The property is generally located north of Airport Freeway and west of Reliance Parkway. (PZ-SUP-2019-50098)**

Development Director Bill Syblon presented information regarding this item, which is a request for a specific use permit (SUP) for Hertz Corporation to operate a motor vehicle sales and rental service at 3737 Airport Freeway. The original use for the property was car sales and service,

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and the previous SUP expired and only applied to Mac Churchill. Hertz proposes to sell retired vehicles from their fleet to the public and lease vehicles to ride share drivers. They plan little-to-no modifications to the site. Mr. Syblon stated the property is legal non-conforming relative to the required 30-foot landscape buffer in the Master Highway Corridor Overlay District due to the highway widening. The City's Comprehensive Land Use Plan indicates the location as commercial, and the proposed use is consistent with the Plan. This item was unanimously approved by the Planning and Zoning Commission at their meeting on November 14, 2019. In response to questions from Council, Mr. Syblon stated one person spoke at the Commission meeting who voiced concerns over the site, and the Commission did not make a recommendation to make the SUP specific to Hertz. There was discussion on the location of Hertz and another tenant on the site, and the speaker at the Commission meeting.

Ed Boss, 740 E. Campbell Road, Richardson, Texas – Mr. Richardson, representing Hertz, discussed what section of the property Hertz is leasing from the property owner.

Kenny Wilder, 8340 Parkwood Drive, North Richland Hills, Texas – Mr. Wilder, the regional manager for Hertz, stated they intend to keep the location clean, neat and orderly. He further stated they are strict about their properties and would not park any vehicles on a neighboring property. The hours of operation would be Monday to Friday from 10:00 a.m. to 8:00 p.m., and Saturday from 9:00 a.m. to 7:00 p.m.

Mayor Boyter opened the public hearing at 7:09 p.m.

Aldwin Zim, 3701 Welwyn Drive, Bedford, Texas – Mr. Zim stated his business has been in Bedford for 40 years, and the industrial area where his business is located has not progressed as he has wished. He complained about the Police Department not removing trucks parked overnight along Reliance Parkway and no action being taken on vehicles parking and people trespassing on his property. He feels responsible to take care of the people renting his buildings and felt somebody should be policing the area or he would do something about people trespassing on his property. He did not think the situation would be proper for Bedford.

Bill Bledsoe, 52 Masland Circle, Dallas, Texas - Mr. Bledsoe, representing the property owner, discussed issues with the collision repair business that is the other tenant of the property, including not cleaning up their site. The tenant is in the process of vacating the property, and the property owner will clean up the site and could make periodic reports to the City about their progress. They also have an agreement from Hertz that they will police the site. Mr. Bledsoe stated they intend to find another body shop operator for the property, while the back portion of the property would be used by the property owner for staging and storing vehicles. He stated the property owner ensures the area vacated by the collision repair business would be left in a clean and presentable nature, and they would be responsible for the new tenant and respectful of Mr. Zim's property.

Mr. Zim recommended Hertz employ a night watchman.

There was discussion on leasing vehicles to rideshare drivers.

Mayor Boyter closed the public hearing at 7:18 p.m.

In response to questions from Council, Mr. Bledsoe stated they plan on leaving the color of the building the same. Mr. Syblon stated the body shop use would be covered by the SUP. There was discussion on the storing and staging of vehicles in the back portion of the property.

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Motioned by Councilmember Fisher, seconded by Councilmember Culver, to approve an ordinance to rezone Lots ER, FR1 and CR1, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/New & Used Cars and Truck Sales/Service (H/SUP), specific to Section 3.2.C(8)d. of the City of Bedford Zoning Ordinance, allowing for The Hertz Corporation to operate a motor vehicle sales and rental service, with the following stipulations: the Specific Use Permit to stay with Hertz Sales and the exterior color of the building does not change. The property is generally located north of Airport Freeway and west of Reliance Parkway. (PZ-SUP-2019-50098)

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

### **6. Consider a resolution of the City Council of Bedford, Texas, casting votes for candidates to serve on the Board of Directors for the Tarrant Appraisal District.**

City Manager Brian Bosshardt stated the terms of service of the current members of the Board of Directors of the Tarrant Appraisal District expire on December 31, 2019. Bedford has been allocated 26 out of the 5,000 votes, based on the adjusted 2018 tax levy. He presented information on the eligibility requirements for the Board. The five people with the highest vote totals will be elected to a two-year term starting January 1, 2020. There was discussion on candidates, including Gary Losado and Richard DeOtte.

Motioned by Councilmember Burnett, seconded by Councilmember Culver, to approve a resolution of the City Council of Bedford, Texas, casting 26 votes for Gary Losado to serve on the Board of Directors for the Tarrant Appraisal District.

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

### **7. Mayor/Council Member Reports**

Mayor Boyter thanked staff and attendees for the Christmas tree lighting event.

Councilmember Fisher discussed the passing of members of the community during the past year, including Lee Ferguson, Bill Ridgeway and Pat May. He wished everybody a Merry Christmas and a Happy New Year.

Councilmember Cogan wished everybody a happy holiday.

Councilmember Sartor discussed the upcoming meeting with the Board and Commission chairpersons and vice chairpersons and encouraged people to sign up for the Police and Fire Citizen Academies. He wished everybody a Merry Christmas and a Happy New Year.

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

#### **✓ Animal Shelter Advisory Board**

No report was given.

#### **✓ Beautification Commission**

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No report was given.

### ✓ **Community Affairs Commission**

Councilmember Culver discussed the work done by all Boards and Commissions. She recognized Chairperson Sal Caruso who was in attendance and stated she would like the chairpersons of each Board and Commission to present at each Council meeting.

### ✓ **Cultural Commission**

Councilmember Sabol stated the Commission will bring a recommendation to eliminate their subcommittees and to permit them to form whatever subcommittees they feel they need.

### ✓ **Library Advisory Board**

Councilmember Cogan reported the Board met and discussed changes to several Library policies. He stated there were \$11,389 in sales from the Pumpkin Patch event, \$3,792 of which goes to the Library. There was \$4,200 raised from the Beers and Brats event, and the total attendance for both events was approximately 5,800 people. He thanked staff who worked to put on those events. He stated the Library Satisfaction Survey was completed, and there was a 33 percent increase in respondents from the previous year. He discussed the book sale on December 14, 2019.

### ✓ **Parks and Recreation Board**

No report was given.

### ✓ **Teen Court Advisory Board**

No report was given.

### ✓ **Senior Center Representative**

Councilmember Cogan stated he attended the previous night's dance at the Senior Center, which had 94 attendees, and informed them of an upcoming meeting on Phase Next. He stated the following Monday would be the holiday dance at the Senior Center.

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

Mr. Bosshardt thanked Council for approving a budget over the rollback amount and reported the City would move forward on the supplemental items approved in the budget.

### **EXECUTIVE SESSION**

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - franchise fee/small cell lawsuit.
- b) Pursuant to Section 551.074, personnel matters - annual performance review of the City Manager.

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - franchise

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fee/small cell lawsuit; and Section 551.074, personnel matters - annual performance review of the City Manager, at 7:38 p.m.

Council reconvened from Executive Session at 8:26 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

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

Motioned by Councilmember Fisher, seconded by Councilmember Culver, to enjoin in the lawsuit along with the City of McAllen and others versus the State of Texas.

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

### **FORMER LIBRARY BUILDING WORK SESSION**

The City Council adjourned to the former library building at 1805 L. Don Dodson Drive for the work session.

Staff present included:

Brian Bosshardt	City Manager
Cliff Blackwell	Assistant City Manager
Michael Wells	City Secretary
Natalie Foster	Public Information Officer
Stephanie Ayers	Human Resources Director
Don Henderson	Parks Superintendent
Wendy Hartnett	Special Events Manager
Maria Joyner	Finance Director
Kenny Overstreet	Public Works Director
Maria Redburn	Library Director
Cissy Sylo	Capital Projects Director

- **Boys Ranch Park – Phase Next: Branding and Update**

Mayor Boyter called the Work Session to order at 8:39 p.m.

There was discussion on the virtual reality tour of the multi-generational center.

Jim Tharp with Oxley Williams Tharp (OWT) presented information on their process for developing branding concepts. He discussed the possible renaming of the Boys Ranch Park and making it unique to Bedford. Capital Projects Manager Cissy Sylo stated staff recommends that if the Park is to be renamed, the Parks and Recreation Board be involved in the discussion.

Mr. Tharp stated OWT developed a design statement as follows: “(Project Name) seeks to define how and where the cultures of Bedford and the surrounding cities are celebrated. This celebration is achieved through the interconnection of the Arts, Recreation History and People into the built environment. Bedford and its citizens will be strengthened, Body, Mind & Soul by these interconnections.”

Mr. Tharp and Ms. Sylo presented four options for renaming the Park, along with potential logos, and pros and cons, which were felt to be unique to Bedford and fulfilled the design

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statement. The four options were as follows: BRAC (Bedford Recreation + Aquatics Center), BASE (Bedford + Aquatics + Sports + Entertainment), BXP (Bedford Experience), and FUSE.

There was discussion on potential names, including using an action verb; hiring a branding company, including costs; naming rights for elements in the Park; honoring the heritage and history of the City and the Park; keeping the Bedford "B" as part of the name; getting input from the public, including the process for doing so; and the involvement of the Parks and Recreation Board.

Council was of the consensus to rename the Boys Ranch Park.

Mr. Tharp showed a video animation of the multi-generational center. There was discussion on the exterior panel system of the building; recessing the basketball goals; real wood being used for the gym floor; potential changes to the center; adjustments to the senior center portion of the building; upcoming contracts for an asbestos survey for the buildings being demolished as part of Phase Next; the timeline for the performance hall at the Old Bedford School; and the next steps for Phase Next.

**ADJOURNMENT**

Mayor Boyter adjourned the meeting at 9:43 p.m.

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Michael Boyter, Mayor

ATTEST:

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Michael Wells, City Secretary