

**Council Minutes March 28, 2023**

**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 28th day of March, 2023 with the following members present:**

Michael Boyter  
Amy Sabol  
Dan Cogan  
Steve Farco  
Rich Steves

Mayor  
Mayor Pro Tem  
Councilmembers

constituting a quorum.

Councilmembers Dawkins and Gagliardi were absent from the meeting.

Staff present included:

Jimmy Stathatos  
Caryn Riggs  
Andrea Roy  
Bryn Meredith  
Michael Wells  
Meg Jakubik  
Mark Long  
Wes Morrison  
Krissi Oden  
Maria Redburn  
Bill Walker  
Jeff Williams

City Manager  
Assistant City Manager  
Assistant City Manager  
City Attorney  
City Secretary  
Strategic Services Manager  
Parks and Recreation Director  
Community Development Manager  
Cultural Arts Manager  
Library Director  
Fire Chief  
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 Dr. 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.

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### **COUNCIL RECOGNITION**

- **Employee Service Recognition**

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

George Smithwick, Fire Department - 15 years of service  
Chris Miller, Police Department - 20 years of service

- **Proclamation recognizing the week of April 9-15, 2023 as National Public Safety Telecommunicators Week.**

Councilmember Steves read a proclamation recognizing the week of April 9-15, 2023 as National Public Safety Telecommunicators Week. Police Chief Jeff Williams and Lead Public Safety Dispatcher Orlando Prieto accepted the proclamation.

### **PRESENTATIONS**

- **Update from the YMCA on The Center at Generations Park.**

Jessica Bruda with the YMCA presented an update on The Center at Generations Park. She stated there are currently 2,335 monthly paid membership units, representing 6,752 individuals, with 74 percent being Bedford residents. City Manager Jimmy Stathatos stated the goal was 2,300 memberships by the end of the calendar year, and that the membership at the previous recreation center was 608. Ms. Bruda presented data on new insurance pay memberships, including Silver Sneakers, and stated that just over 600 individuals are getting free membership to the facility. The Center averages 726 individual check-ins daily during the week, with averages of 615 and 300 check-ins on Saturday and Sunday respectively. There has been a total of 62,590 visits, representing 13,370 individuals, since opening and of that total, 14,623 were from insurance pay memberships.

Ms. Bruda presented an overview of programming at The Center, including 48 group exercise classes, drop-in daycare, 54 hours of court time reserved for pickleball, 71 hours of open court time per week, volleyball league practice and games, an adult basketball league, parent's nights out, teen nights, swim lessons, Meals on Wheels lunches for seniors, and a Special Olympics team. Ms. Bruda stated challenges since opening include ceiling leaks from the air conditioning units, rusting floor drains in the pool, the building being too small for all the things we want to do, and audio-visual equipment issues.

There was discussion regarding the quality of the YMCA staff, the history of the partnership between the City and the YMCA, and a predicted increase in membership with the opening of the outdoor aquatics in the summer.

### **PUBLIC COMMENTS**

Nobody signed up to speak during Public Comments.

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

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

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

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

**1. Consider approval of the following City Council minutes:**

**a) March 14, 2023 regular meeting**

This item was approved by consent.

**2. Consider a resolution appointing a member to the Animal Shelter Advisory Board.**

This item was approved by consent.

**3. Consider a resolution authorizing the sale and consumption of alcoholic beverages at Generations Park at Boys Ranch during Electric! on Saturday, April 8, 2023 and the Pacific Islander Festival on Saturday, April 29, 2023.**

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) Sal Caruso, 148 Ravenswood, Bedford, Texas 76022 – Requests to speak to Council regarding the Performing Arts Center.**

Sal Caruso, 148 Ravenswood Drive – Mr. Caruso stated he made a presentation to the City Council at their meeting on December 13, 2022, where he described the performing arts center (PAC) project as a “runaway train” and compared it to the Generations Park project, which he felt was rushed. He had asked the City to consider seeking corporate sponsorships and private donations as opposed to tax payer revenue for the PAC, and stated there is a need to find \$4,500,000 to combine with the \$5,500,000 set aside from the 2017 bond. Mr. Caruso discussed Council’s vote to hire a consultant to perform a feasibility report on the possibility of such donations and thanked the Council and the City Manager for this attempt. He felt the PAC would cost more than \$10,000,000 with the increase in construction costs and that parking for the PAC is still an issue. He was disappointed by what he felt was resistance from a member of Council on getting corporate sponsorships and stated that being good stewards of taxpayer revenue is one of Council’s primary responsibilities. He felt his statement that the people who really want the PAC should write a check was used in resistance to the feasibility study. He further felt there was deception regarding the PAC in the 2017 bond. Mr. Caruso stated he has no problem with the PAC, just with how it is to be funded. He stated that Council was elected to work for all residents and personal agendas are not working for all residents.

There was discussion regarding the timeframe for the feasibility study. In response to Mr. Caruso, Mayor Pro Tem Sabol explained she thought the City should seek grants immediately and not spend money on a feasibility study.

### **OLD BUSINESS**

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- 5. Public hearing and consider an ordinance regarding a Planned Unit Development Amendment for a hotel development on Lot 3A1 and Lot 3B, Block 1 Bedford Forum Addition. The 1.21 acres site is located northeast of Forum Parkway and Airport Freeway and commonly known as 3029 Airport Freeway. (PUD-22-2) (Item was recommended for denial by the Planning and Zoning Commission by a vote of 7-0-0) (Tabled from the meeting on March 14, 2023).**

Motioned by Councilmember Cogan, seconded by Councilmember Farco, to table the public hearing and consideration of an ordinance regarding a Planned Unit Development Amendment for a hotel development on Lot 3A1 and Lot 3B, Block 1 Bedford Forum Addition. The 1.21 acres site is located northeast of Forum Parkway and Airport Freeway and commonly known as 3029 Airport Freeway. (PUD-22-2)

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

### **NEW BUSINESS**

- 6. Consider an ordinance of the City of Bedford, Texas amending Article IV “Curfew” of Chapter 82 “Offenses and Miscellaneous Provisions” of the Code of Ordinances, City of Bedford, Texas to redefine curfew hours, removing certain exceptions to issuing curfew violation citations, and amending the issuance of citations to a parent or guardian of a minor or the owner, operator, or employer of an establishment in violation of curfew hours.**

Police Chief Jeff Williams presented information regarding this item. He stated the daytime curfew was initiated approximately ten years prior and runs from 9:00 a.m. to 2:30 p.m. for juveniles. Statistics going back to 2019 show that no citation has been issued for violation of the daytime curfew portion of the ordinance and staff is recommending removal of the daytime curfew. Chief Williams explained that education has changed especially with the impact of COVID-19, with increased online and home schooling. He felt it was not the Police Department’s place to enforce a law on juveniles that may have truancy issues, but instead it is an issue for the schools and parents. Chief Williams discussed the change in policing over the past 15 years.

In response to questions from Council, Chief Williams stated Bedford was one of very few cities that has a daytime curfew, and that the nighttime curfew would remain in place. He confirmed that with the change, the curfew ordinance would be in line with other cities, including the hours, and discussed state legislation that seeks to eliminate cities ability to have curfews. Chief Williams stated he has not discussed this issue with the Hurst-Euless-Bedford Independent School District but that the statistics show there has not been a lot of enforcement regarding the curfew. There was discussion on the process for enforcement of the curfew, issues related to truancy, and the history of the implementation of the daytime curfew. Chief Williams explained that removal of the daytime curfew would not change how officers interact with juveniles.

Motioned by Mayor Pro Tem Sabol, seconded by Councilmember Cogan, to approve an ordinance of the City of Bedford, Texas amending Article IV “Curfew” of Chapter 82 “Offenses and Miscellaneous Provisions” of the Code of Ordinances, City of Bedford, Texas to redefine curfew hours, removing certain exceptions to issuing curfew violation citations, and amending the issuance of citations to a parent or guardian of a minor or the owner, operator, or employer of an establishment in violation of curfew hours.

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

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**7. Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A – Schedule of Fees, by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.**

Strategic Services Manager Meg Jakubik presented information regarding this item. She stated staff performed a thorough review of the ordinance, and there were some fee changes as well as reorganization to be more in line with current operating practices. She stated several Parks and Recreation fees for events and classes were eliminated, and that the fees would be determined on a cost basis to give staff flexibility.

In response to questions from Council, Parks and Recreation Director Mark Long stated the reason for the low entrance fee for the Roy Savage Pool was to avoid creating a barrier to entry due to its location and the area it serves. There was discussion regarding operational costs for the Roy Savage Pool, and the amount of pavilion rentals and fees. Mr. Long stated the ballfield rentals in the ordinance were changed from \$350 per day to \$200 per field. He discussed the groups currently utilizing the ballfields and stated they would fall under the athletic participation fees for use of the fields. Regarding the management of the baseball fields at Generations Park, Mr. Long stated staff is currently evaluating the two responses to the request for qualifications and that fees for the use of those fields may be set by the management company. In response to a question from Council, Assistant City Manager Andrea Roy confirmed the group garage sale permit would cover neighborhood events and that the one permit would cover the whole group. There was discussion regarding possible future amendments to the ordinance.

Motioned by Councilmember Steves, seconded by Councilmember Cogan, to approve an ordinance amending the City of Bedford Code of Ordinances Appendix A – Schedule of Fees, by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

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

**8. Consider a resolution accepting the report from the independent auditor and the audited financial statements and the single audit report for the fiscal year ending September 30, 2022 and providing an effective date.**

Jennifer Ripka with Weaver, the City's auditing firm, presented information on the audit team as well as the audit cycle and process. She stated the audit is done in accordance to generally accepted auditing standards and generally accepted government auditing standards. She explained that the single audit was necessary because the City received federal financial assistance and expended more than \$750,000 of said funds. The audit process included tests of the City's compliance with provisions of laws, regulations, contracts, and grants. Ms. Ripka stated that Weaver issued an unmodified opinion on the financial statements and the single audit and found no material weaknesses or significant deficiencies.

In response to questions from Council regarding a table in the Annual Comprehensive Financial Report (ACFR) related to debt margin information, Ms. Ripka explained that it was related to the margin established by the state. There was discussion on debt limits, including what may be established in the City Charter, the auditing process, the requirements of the Government Finance Officers Association in what is disclosed in the ACFR, and the audit report being used by companies bidding on bonds issued by the City.

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Motioned by Mayor Pro Tem Sabol, seconded by Councilmember Farco, to approve a resolution accepting the report from the independent auditor and the audited financial statements and the single audit report for the fiscal year ending September 30, 2022 and providing an effective date.

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

### 9. Mayor/Council Member Reports

Councilmember Farco reported that he, City Manager Jimmy Stathatos, and Councilmember Steves attended Tarrant County Days in Austin the previous week and worked with legislators.

Councilmember Steves reported that he participated in the Cops and Canines 5K at Generations Park the previous Saturday.

### 10. City Manager/Staff Reports

#### a. Update on Signature Event

Parks and Recreation Director Mark Long presented an update on the City's signature event. He stated it would be a single-day event on the Saturday of Labor Day weekend and staff is working with Promoter Line on timeframes. The event would go to 11:00 p.m., with the national headliner going on at around 9:00 p.m. There would be between three and five total bands. Mr. Long stated that he and Promoter Line did a site visit to Generations Park, and that they loved the park. Current priorities include food and business vendor applications; sponsorship packets and reaching out to hotels, restaurants, and other local businesses; and coordinating with the communications team on websites and marketing plans. Mr. Long confirmed that Pennington Field has been secured for offsite parking and that he will work with the Finance Department on a request for proposal on transportation to Generations Park. He stated there will be monthly meetings with various departments regarding their needs for the event. He announced that The Bedford Labor Day Music Festival would be the name of the event.

In response to questions from Council regarding shading during the event, Mr. Long stated the two shaded performance pavilions would be utilized, that they received a donation of large tents, and that misting stations and other safety measures would be in place. There was discussion regarding the decision for the event to remain on Labor Day weekend, including the availability of the national act.

### **EXECUTIVE SESSION**

#### **a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property – property acquisition for recreation purposes.**

Council convened into Executive Session pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property – property acquisition for recreation purposes, at 7:35 p.m.

Council reconvened from Executive Session at 7:55 p.m.

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

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

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**ADJOURNMENT**

Mayor Boyter adjourned the meeting at 7:57 p.m.

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Michael Boyter, Mayor

ATTEST:

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Michael Wells, City Secretary