

Council Minutes April 26, 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 26th day of April, 2022 with the following members present:

Michael Boyter
Amy Sabol
Dan Cogan
Ruth Culver
Rob Gagliardi
Rich Steves

Mayor
Mayor Pro Tem
Councilmembers

constituting a quorum.

Staff present included:

Jimmy Stathatos
Bryn Meredith
Michael Wells
Gary Johnson
Maria Joyner
Wes Morrison
Andrea Roy
Cheryl Taylor
Jeff Williams

City Manager
City Attorney
City Secretary
Projects Manager
Finance Director
Neighborhood Svcs./Planning Mgr.
Development Director
Public Works Director
Police Chief

REGULAR SESSION

The Regular Session began at 6:01 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order. Mayor Boyter stated the City received the resignation in writing of Councilmember Almendarez.

INVOCATION

Mayor Pro Tem Sabol gave the invocation.

PLEDGE OF ALLEGIANCE

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

COUNCIL RECOGNITION

- Proclamation recognizing the month of April 2022 as Child Abuse Prevention Month in

Council Minutes April 26, 2022

the City of Bedford.

Mayor Boyter read a proclamation recognizing the month of April 2022 as Child Abuse Prevention Month in the City of Bedford. Raquel Buezo with the Alliance for Children accepted the proclamation.

- **Proclamation recognizing the month of May 2022 as National AMBUCS Visibility Month in the City of Bedford.**

Mayor Boyter read a proclamation recognizing the month of May 2022 as National AMBUCS Visibility Month in the City of Bedford. Greg Rusk, President of Mid Cities AMBUCS, accepted the proclamation.

- **Proclamation recognizing the week of May 15-21, 2022, as National Police Week and Sunday, May 15, 2022, as Peace Officers Memorial Day.**

Mayor Boyter read a proclamation recognizing the week of May 15-21, 2022, as National Police Week and Sunday, May 15, 2022, as Peace Officers Memorial Day. Police Chief Jeff Williams accepted the proclamation.

OPEN FORUM

Bob Cochrane, 2252 Bedford Circle, Bedford – Mr. Cochrane signed up to speak on Items 5, 6 and 12. Regarding Item 5, he stated it appeared the City of Eules has a more restrictive smoking ordinance than Bedford, as Bedford's only applies to food establishments while Eules' includes other such places as retail and grocery stores. He asked Council to make Bedford's regulations more restrictive. Regarding Item 6, Mr. Cochrane stated in reading the Request for Expression of Interest submitted by Old Town Development, he felt there was too much retail on the south side of L. Don Dodson Drive, too many townhouses on the north side, and that the play area in the middle is too condensed. He hoped certain trees could be saved by adjusting the public space and townhouses. He discussed there being only one entrance and exit for one area of the townhouses. Regarding Item 12, Mr. Cochrane discussed the budget allocated for the Performing Arts Center and stated he felt there was not a need for a black box theater and that some of the meeting rooms could be combined and divided by accordion dividers.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

Motioned by Councilmember Cogan, seconded by Councilmember Culver, 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) **March 22, 2022 regular meeting**

This item was approved by consent.

2. **Consider an ordinance repealing Ordinance No. 2021-3301 regarding pay structures; providing a severability clause; and providing an effective date.**

Council Minutes April 26, 2022

This item was approved by consent.

- 3. Consider a resolution authorizing the City Manager to enter into a professional services agreement with Garver USA in an amount not to exceed \$152,417 to provide design and specifications for the rehabilitation and painting of the two million-gallon Cummings Elevated Storage Tank**

This item was approved by consent.

NEW BUSINESS

- 4. Public hearing and consider an ordinance to rezone the property described as Lot 1 Block 1 Harwood 121 Addition, located at 3501 Harwood Road, from Heavy Commercial within the Master Highway Corridor Overlay (H/MHC) to Heavy Commercial within the Master Highway Corridor Overlay/Specific Use Permit/Full-Service Gasoline Service Station with Convenience Store. (PZ-SUP-2022-500013)**

Planning Manager Wes Morrison presented information regarding this item, which is for a 2,800 square foot convenience store with gas sales located at corner of Harwood Road and State Highway 121. The site had been a former convenience store with gas sales and the site has since been cleared. The request requires a specific use permit (SUP) as well as site plan approval by Council as it is in the Master Highway Corridor Overlay District (MHC). The site currently has access from two locations on Harwood Road and the applicant will be reducing it to one, while keeping the two access points on the frontage road. The site would have eight fuel pumps and 16 parking spaces. The building meets all the standards of the MHC, including being fully masonry and having a tapered roof. Mr. Morrison stated the use is compatible with the site as it was previously a convenience store with gas sales for over 30 years. He presented an overview of the surrounding current and future land uses and stated that staff did not receive any responses to the required public notices. The Planning and Zoning Commission recommended approval of this item.

In response to questions from Council, Mr. Morrison stated the MHC requires 20 percent open spaced landscaping area, and the applicant will be providing 32 percent, with 40 percent of that being in the front yard. There will be a continuous row of shrubs along Harwood Road and Highway 121 along with trees to help screen the use from the highway right-of-way. The site is approximately one acre, and the applicant has purchased the property.

Mayor Boyter opened the public hearing at 6:26 p.m.

Roger Gallenstein, 4013 Fairmont Court, Bedford – Mr. Gallenstein stated he thought the City would get something more interesting at the site once the former gas station was demolished but was disappointed there would basically be the same use as before. He discussed the overpopulation of gas stations in other locations in the City and Rock Island Auction moving into the area and the clientele they would bring. He stated Murphy USA already has a location at Wal-Mart. He discussed the general move to electric vehicles and asked if a gas station was going to be put in and then be taken out in the future due to lack of demand for gas. He discussed other options at the site, including a coffee and wine bistro or restaurant. He discussed moving the City forward and requested the item be denied or tabled for there to be more discussion on what to do with the site.

Mayor Boyter closed the public hearing at 6:31 p.m.

Council Minutes April 26, 2022

There was discussion on electric vehicles and the best use of a one-acre site in the MHC.

Motioned by Councilmember Culver, seconded by Councilmember Steves, to approve an ordinance to rezone the property described as Lot 1 Block 1 Harwood 121 Addition, located at 3501 Harwood Road, from Heavy Commercial within the Master Highway Corridor Overlay (H/MHC) to Heavy Commercial within the Master Highway Corridor Overlay/Specific Use Permit/Full-Service Gasoline Service Station with Convenience Store. (PZ-SUP-2022-500013)

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

- 5. Consider an ordinance amending Chapter 82 – “Offenses and Miscellaneous Provisions,” Article III “Smoking,” Section 82-73 “Food Products Establishment” of the City of Bedford Code of Ordinances; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; and providing an effective date.**

Mr. Morrison presented information regarding this item. He stated the City recently had several inquiries regarding restaurants and smoking establishments, and while researching the City’s smoking regulations, certain loopholes were found. The Smoking Ordinance passed in 2014 prohibited smoking in restaurants with an exemption for those that had 50 percent or greater of their sales from alcohol, while the Zoning Ordinance allows restaurants to have up to 75 percent of sales from alcohol. The proposed ordinance allows smoking in food establishments only if it derives more than 50 percent of its sales from alcoholic beverages, if a certificate of occupancy was received prior to April 26, 2022, and the establishment allowed smoking prior to April 26, 2022. In researching other cities, many had larger distances from smoking on their patios to the primary entrance and the proposed ordinance increases that distance from 10 feet to 25 feet. Mr. Morrison presented an overview of smoking regulations in other cities and a survey of existing restaurants, showing that four allow smoking indoors and one allows smoking on their patio only. In response to a comment made during Open Forum, Mr. Morrison stated the item being discussed only covers food establishments, while other sections of the Smoking Ordinance cover other public places.

There was discussion on when a new certificate of occupancy would be issued, including a change in ownership or location; regulations in other cities; whether to make the ordinance more restrictive; and the intent of the ordinance passed in 2014. Mr. Morrison stated an amendment to the Zoning Ordinance would be coming forward to tighten regulations on vaping. There was further discussion on the surveys of food establishments; enforcement of the distance requirement; the overall Smoking Ordinance; and the possibility of setting a date for food establishments to come into compliance rather than grandfathering them.

Motioned by Councilmember Gagliardi, seconded by Councilmember Culver, to approve an ordinance amending Chapter 82 – “Offenses and Miscellaneous Provisions,” Article III “Smoking,” Section 82-73 “Food Products Establishment” of the City of Bedford Code of Ordinances; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; and providing an effective date.

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

- 6. Consider approval of Old Town Development, LLC, as the named master developer for the Bedford Commons Mixed-Use Project (area generally located between Bedford Road, L. Don Dodson Drive, EM Bilger Jr. Boulevard, and Parkwood Drive), and**

Council Minutes April 26, 2022

authorizing the City Manager to proceed with negotiation of a Memorandum of Understanding with same.

Development Director Andrea Roy presented information regarding this item. She presented an overview of the process for choosing a master developer for the Bedford Commons project, including issuance a Request for Expression of Interest (RFEI), which was advertised in the Fort Worth Star-Telegram and social media as well as being sent directly to 14 developers. Submissions were received from Broadsword Investors, Russell Glenn, and Old Town Development. Evaluation criteria included qualifications and experience, vision and development approach, financial feasibility and development team capacity, and reputation. Ms. Roy stated staff is recommending Old Town Development for the project based on their proposal, their experience, and their capacity to offer more of a boutique-type approach to the project. She presented an overview of the Bedford Commons site, the approved Tax Increment Reinvestment Zone (TIRZ) concept plan, examples of Old Town Development and GFF Architects work, and Old Town Development's conceptual master plan. She stated that if approved, a memorandum of understanding would be brought to Council at their next meeting for the terms of the initial relationship between Bedford and Old Town Development.

There was discussion on investors purchasing private single-family homes and turning them into rental properties, the advantages of the City owning the property, and adhering to the TIRZ plan as approved by Council and the other taxing entities. In response to questions from Council, Justin Springfield with Old Town Development stated their core competency is creating unique experiences by partnering with hyper local businesses and dining establishments that are destinations and experiential oriented. He discussed creating a cohesive development with connectivity and walkability. There was discussion on the size of the property; the TIRZ; being responsive to residents; potential ordinance changes related to the project; ingress and egress to the townhomes; the need for residential as part of the project; low-density residential; working with the neighborhood adjacent to the project; and whether office buildings are needed particularly with the impact of the pandemic.

Motioned by Councilmember Gagliardi, seconded by Mayor Pro Tem Sabol, to approve Old Town Development, LLC, as the named master developer for the Bedford Commons Mixed-Use Project (area generally located between Bedford Road, L. Don Dodson Drive, EM Bilger Jr. Boulevard, and Parkwood Drive), and authorizing the City Manager to proceed with negotiation of a Memorandum of Understanding with same.

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

7. Consider a resolution authorizing the City Manager to accept the technical and sealed dollar cost proposals from Weaver and Tidwell, LLP (Weaver, LLP) for independent auditing services for the City of Bedford, Texas.

Finance Director Maria Joyner presented information regarding this item. She stated the contract for independent audit services expired as of September 30, 2021 and the City was required to solicit firms to provide that service. A request for proposal (RFP) was issued and the City received six proposals. Staff reviewed the proposals and presented them to the Audit Committee, which unanimously voted to accept the top proposal. Elements of the review include technical qualifications, prior experience with cities, whether they met the mandatory requirements of the RFP, the experience of the audit team, the approach provided by the audit firm, their capacity to meet timelines, and which could provide the best value to the City. Ms. Joyner presented an overview of the proposals and stated Weaver and Tidwell provided the best pricing and service to the City. She presented background information on Weaver and Tidwell.

Council Minutes April 26, 2022

In response to questions from Council, Ms. Joyner stated it is policy to take try and take such contracts out five years. She discussed the extra services and additional value Weaver and Tidwell would provide to the City. She stated they have the best timing of any firm and have consistently completed the City's audit within the time schedule.

Motioned by Councilmember Gagliardi, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager to accept the technical and sealed dollar cost proposals from Weaver and Tidwell, LLP (Weaver, LLP) for independent auditing services for the City of Bedford, Texas.

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

8. Consider a resolution approving an amendment to the interlocal agreement with Tarrant County, Texas for road resurfacing services, which amends the original agreement by replacing Forest Ridge Drive with Northridge Drive; authorizing the City Manager of the City of Bedford, Texas, to sign such amendment; and providing an effective date.

Public Works Director Cheryl Taylor presented information regarding this item. She stated the original agreement with Tarrant County was to repave Harwood Road and Forest Ridge Drive; however, staff is waiting on a manhole to replace the sanitary sewer line across Forest Ridge Drive and it will not be completed in time to pave in May. This item is to replace Forest Ridge Drive with Northridge Drive, where utility work was recently completed. She stated Tarrant County may be able to pave Forest Ridge Drive in the summer or the City may utilize a miscellaneous asphalt contract with Reynolds Asphalt. In response to a question from Council, Ms. Taylor confirmed there would be no fiscal impact with this decision.

Motioned by Councilmember Cogan, seconded by Councilmember Gagliardi, to approve a resolution approving an amendment to the interlocal agreement with Tarrant County, Texas for road resurfacing services, which amends the original agreement by replacing Forest Ridge Drive with Northridge Drive; authorizing the City Manager of the City of Bedford, Texas, to sign such amendment; and providing an effective date.

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

9. Consider a resolution of the City of Bedford, Texas approving the American Rescue Plan Act Appropriation Plan; and recognizing and appropriating expenditures within the Fiscal Year 2022 Coronavirus Local Fiscal Recovery Fund Budget.

City Manager Jimmy Stathatos stated a resolution would be brought to Council in the future that allows the City to designate the rest of the American Rescue Plan Act Appropriation (ARPA) funds as replacement funds, which would be used to reinvest in the community. He and Police Chief Jeff Williams presented an overview of items to be funded with the resolution, including \$147,810 for the Police Department to finalize the renovations to Law Enforcement Center (LEC), restructuring the Public Service Officer unit, and Telestaff scheduling software. A further \$128,728 in funding would replace 40 desktop and 60 laptops with Dell products and utilizing an outside vendor to install the replacement computers. Chief Williams presented an update of renovations at the LEC.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve a resolution of the City of Bedford, Texas approving the American Rescue Plan Act Appropriation

Council Minutes April 26, 2022

Plan; and recognizing and appropriating expenditures within the Fiscal Year 2022 Coronavirus Local Fiscal Recovery Fund Budget.

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

10. Consider a resolution appointing members to Bedford's Citizen Boards and Commissions.

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

Planning and Zoning Commission

Bruce Emery, Place 1 – Unexpired term ending September 30, 2022 and full term ending September 30, 2024

Roger Gallenstein, Place 2 – Unexpired term ending September 30, 2023

Tom Jacobsen, Place 3 – Unexpired term ending September 30, 2023

Todd Carlson, Place 4 – Unexpired term ending September 30, 2023

Nichelle Dawkins, Place 5 – Unexpired term ending September 30, 2022 and full term ending September 30, 2024

Steve Otto, Place 6 – Unexpired term ending September 30, 2022 and full term ending September 30, 2024

Bryan Henderson, Place 7 – Unexpired term ending September 30, 2022 and full term ending September 30, 2024

Kate Barlow, Place 8 – Alternate – Unexpired term ending September 30, 2023

Danielle Stellrecht, Place 9 – Alternate – Unexpired term ending September 30, 2022 and full term ending September 30, 2024

Street Improvement Economic Development (4B)

Sue Schulz Place 1 – Unexpired term ending September 30, 2023

Duke Loper, Place 3 – Unexpired term ending September 30, 2022 and full term ending September 30, 2024

Zoning Board of Adjustment/Buildings and Standards Commission

Jesse Owens, Place 3 – Unexpired term ending December 31, 2022 and full term ending December 31, 2024

Randy Youngs, Place 4 – Unexpired term ending December 31, 2022 and full term ending December 31, 2024

Tom Bresnahan, Place 5 – Unexpired term ending December 31, 2023

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

11. Discussion and receive Council direction regarding changes to the City's Boards and Commissions.

City Secretary Michael Wells presented information regarding this item. He stated the subcommittee of Council tasked with reviewing the City's Boards and Commissions made several recommendations for changes and staff wanted to ensure the entire Council was of the consensus to make such changes prior to a formal ordinance being drafted. Changes included: limiting the terms of chairpersons to two, two-year terms, with clarification needed on whether it was to be cumulative or consecutive; the selection of the secretary by the staff liaison in conjunction with

Council Minutes April 26, 2022

the chairperson; deleting the Community Affairs Commission and renumbering the following sections; changing the number of meetings to six per year; changing the names of the respective bodies to “advisory boards”; changing the number of members of the Cultural Affairs Advisory Board to five; and other changes for consistency and current practices, including the handling of absentee members. Staff also requested direction on the subcommittees other recommendation to combine the Beautification Commission and the Parks and Recreation Advisory Board.

Council was of the consensus to table discussion on the items regarding the Community Affairs Commission and combining the Beautification Commission and the Parks and Recreation Advisory Board. Council was of the consensus to move forward on the remainder of the changes, with the chairperson terms being consecutive and adding another recommendation from the subcommittee to have the staff liaisons conduct the meetings.

12. Discussion and receive Council direction regarding the scope of the BRW Architects agreement to design the Performing Arts Center.

City Manager Jimmy Stathatos stated the City is at the point where the focus on the project needs to be narrowed down and a decision made in terms of scope so a professional services agreement and funding options can be presented to Council. Originally \$5,500,000 was set aside for the project; however, in looking at the City’s wants and needs, the budget would be exceeded. Mr. Stathatos stated there are different funding options that can help bridge the gap. He recommended taking a construction-manager-at-risk approach to the project.

Gary Johnson, the project manager, stated through feedback from the townhall meetings, there was some direction towards focusing on a performing arts center as opposed to a meeting space. He asked for direction on what was going to be budgeted for the project as part of the professional services agreement is based on the project’s cost. He discussed cost escalation and the increase in construction costs, and that delaying would mean less building for the money being spent.

Craig Reynolds with BRW Architects discussed the meetings with Council, staff, and the community. He asked for direction on how much the community wants to put forth towards the project in terms of budget, which would allow the programming for the facility to be further refined.

Mr. Stathatos asked Council if they were gravitating towards any of the three options or a variation of one. Staff would then bring back an agreement and funding options at the next meeting. There was discussion on the different options; input from the community about focusing on a performing arts center as opposed to a flexible space; landscaping and other enhancement opportunities for the site; making the site a destination; integration with Bedford Commons and the Library; increases in costs and the funding options to be presented at the next meeting; reducing some of the functionality of the building based on community feedback and reallocating the funding towards the performance space; and various aspects of the options, including meeting rooms and their capacities. Council was of the consensus for the \$10,000,000 option.

13. Mayor/Council Member Reports

No reports were given.

14. City Manager/Staff Reports

City Manager Jimmy Stathatos reported the item for the operations of The Center at Generations Park would be brought to the next Council meeting with the results of the Request for Proposal and a recommendation on whether the YMCA or the City would manage operations. He thanked

Council Minutes April 26, 2022

Chief Financial Officer Caryn Riggs for updating the City’s Purchasing Policy, which will be brought to Council at a future meeting.

EXECUTIVE SESSION

- a) 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 1**

Council convened into Executive Session pursuant to Texas Government Code 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 1, at 8:13 p.m.

Council reconvened from Executive Session at 8:30 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session

15. 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 8:30 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary