

Council Minutes May 10, 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 10th day of May, 2022 with the following members present:

Michael Boyter
Amy Sabol
Dan Cogan
Ruth Culver
Rich Steves

Mayor
Mayor Pro Tem
Councilmembers

constituting a quorum.

Councilmember Gagliardi was absent from the meeting.

Staff present included:

Jimmy Stathatos
Bryn Meredith
Michael Wells
Meg Jakubik
Gary Johnson
Andrea Roy
Bill Walker

City Manager
City Attorney
City Secretary
Strategic Services Manager
Projects Manager
Development Director
Fire 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

Mark Lasch with Concordia Lutheran Church 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 week of May 15-21, 2022, as National Public Works Week in the City of Bedford.**

Council Minutes May 10, 2022

Mayor Boyter read a proclamation recognizing the week of May 15-21, 2022, as National Public Works Week in the City of Bedford. Operations Manager David Smyth, Office Manager Staci Cervini, Street and Drainage Superintendent Chris Techau, Utility Superintendent Elijah Dorminy, Fleet Manager Joe Grasmick, and Construction Manager Clark Davis accepted the proclamation.

- **Proclamation recognizing the week of May 15-21, 2022, as Emergency Medical Services Week in the City of Bedford.**

Mayor Boyter read a proclamation recognizing the week of May 15-21, 2022, as National Public Works Week in the City of Bedford. Division Chief of EMS George Smithwick accepted the proclamation.

- **Recognition of the City of Bedford's 26th Consecutive Distinguished Budget Presentation Award.**

Mayor Boyter presented Strategic Services Manager Meg Jakubik with the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

PRESENTATIONS

- **Second Quarter Financial Report.**

Strategic Services Manager Meg Jakubik presented a financial report on the second quarter of the City's fiscal year. She presented information on the General Fund, including a comparison of actual and budgeted revenues and expenditures, which shows sales tax ahead of the budgeted pace. She stated franchise fees appearing to be behind the previous year are due to an accounting practice on when franchise revenues are recorded. Charges for service increased, with a bulk coming from ambulance fees, and an increase in Development expenditures is due to a land purchase. She presented a comparison of revenues and expenditures from Fiscal Year 2021 and 2022, with an increase in public safety due first quarter salary dollars the previous year being paid through Coronavirus Aid, Relief, and Economic Security Act (CARES) funding. She presented information on the Water and Sewer Fund, including three-year histories of revenue and expenditures, and discussed the impact of cyclical payments made to the Trinity River Authority on expenditures. She presented information on other funds, including Tourism, Stormwater, and the Street Improvement Economic Development Corporation (SIEDC). She stated Tourism is recovering from the effects of the pandemic, and expenses are up due to facility improvements at the Old Bedford School. There was discussion on accounting for American Rescue Plan Act funds; the suspension of water late fees during the pandemic; the hotel/motel occupancy tax; the Administrative Non-Departmental line item; and sales tax revenue for the upcoming budget.

OPEN FORUM

Tom Culbert, 1925 Charleston Drive, Bedford – Mr. Culbert signed up to speak on item #10. He discussed the dates of events in the current edition of the Bedford Connection.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

Motioned by Councilmember Culver, seconded by Mayor Pro Tem Sabol, to approve the following

Council Minutes May 10, 2022

items by consent: 1, 2, 3, 4, and 5.

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

1. **Consider approval of the following City Council minutes:**
 - a) **April 19, 2022 board and commission interviews**
 - b) **April 26, 2022 regular meeting**

This item was approved by consent.

2. **Consider an ordinance authorizing amendments to the adopted annual budget of the City of Bedford, Texas for the fiscal period of October 1, 2021 through September 30, 2022; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.**

This item was approved by consent.

3. **Consider a resolution appointing a member to the Street Improvement Economic Development Corporation Board.**

This item was approved by consent.

4. **Consider an ordinance amending Chapter 2 – Administration, Article IV. – Boards, Commissions and Committees of the City of Bedford Code of Ordinances.**

This item was approved by consent.

5. **Consider assignment of the executed Chapter 380 Incentive Agreement between the City of Bedford and Calculated Risk Bedford, LP (formerly DFVHD Partners, LP - Texas Harley-Davidson), to NOCR Bedford, LLC.**

This item was approved by consent.

PERSONS TO BE HEARD

6. **The following individual has requested to speak to the Council tonight under Persons to be Heard:**
 - a) **Keith Walter, 2508 Lakeview Drive, Bedford, TX 76021 – requests to speak to Council regarding charter violations.**

Mr. Walter was not available to attend the Council meeting. Mayor Boyter stated Mr. Walter was gracious enough to discuss his concerns with the Mayor about recent events in the City.

NEW BUSINESS

7. **Public hearing and consider an ordinance amending Chapter 3 of Appendix B of the City of Bedford Zoning Ordinance by amending Section 3.2.C(7)x regarding the definition of a Tobacco Product Store. (PZ-AMEND-2022-500004)**

Council Minutes May 10, 2022

Development Director Andrea Roy presented information regarding this item. She stated there is currently an exemption in the definition of Tobacco Shops in the Zoning Ordinance for uses that have more than 50 percent of their sales in food as well as gasoline. This exemption would essentially allow a convenience store to act as a tobacco shop without a specific use permit (SUP). The amendment would require a business operating like a tobacco shop to get a SUP, with an exemption for gas stations. There was discussion on future amendments to the Smoking Ordinance and ventilation requirements in other cities for businesses that allow smoking. Mayor Boyter opened the public hearing at 6:31 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 6:32 p.m.

Motioned by Councilmember Steves, seconded by Councilmember Cogan, to approve an ordinance amending Chapter 3 of Appendix B of the City of Bedford Zoning Ordinance by amending Section 3.2.C(7)x regarding the definition of a Tobacco Product Store. (PZ-AMEND-2022-500004)

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

- 8. Consider a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with Old Town Development, LLC, the named master developer for the Bedford Commons mixed-use project, outlining the parameters under which Old Town Development and the City of Bedford will proceed with development of the project.**

Ms. Roy presented information regarding this item. She stated the Memorandum of Understanding would outline the roles of both the City and Old Town Development, and would allow the City to begin setting meetings, fine tune site plans, engage with potential users, and dedicate Old Town Development staff to the project. She stated any actual contracts would come back to Council for approval.

Motioned by Councilmember Culver, seconded by Councilmember Steves, to approve a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with Old Town Development, LLC, the named master developer for the Bedford Commons mixed-use project, outlining the parameters under which Old Town Development and the City of Bedford will proceed with development of the project.

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

- 9. Consider a resolution authorizing the City Manager to finalize and execute the management operating agreement for The Center at Generations Park with the YMCA of Metropolitan Fort Worth.**

City Manager Jimmy Stathatos presented information regarding this item. He stated the City issued a Request for Proposal as required by law and received one submittal. A decision needs to be made whether the City wants to operate The Center itself, partner with the YMCA, or look for other opportunities. He discussed public outreach regarding the process, including through social media.

Mr. Stathatos presented an overview of the primary deal points in the agreement. The YMCA would be responsible for staffing, including maintaining appropriate staffing levels; maintenance,

Council Minutes May 10, 2022

repairs, and janitorial/custodial service for the building; all utilities and associated costs; and maintaining the outdoor aquatics facility, including pool supplies and chemicals. He stated the City would have access to all pool records. Further deal points include that Bedford residents would receive a 20 percent membership fee discount; there would be senior citizen discounts and financial assistance for individuals that meet certain criteria; and there would be no initiation fee for Bedford residents at all, and none for non-residents during the first six months.

Mr. Stathatos stated the City would be responsible for paying the cost difference between total expenses and revenue, with the estimated amount for the first year not to exceed \$350,000; leasing the cardio equipment; equipment and furniture replacement; capital items and repairs; and groundskeeping and lawn care. He discussed a similar agreement between the YMCA and the City of Benbrook, including potential profits being reinvested back into the facility; the benefits of leasing equipment, including maintenance; and additional staff that would need to be hired to maintain the rest of Generations Park. Further deal points include an initial contract term of five years, with either party being able to terminate with a one-year notice; cobranding of the facility; that the City would have the right to use The Center for any purpose, free of charge, with 15 days' notice unless there is a conflict with scheduled programs that cannot be reasonably rearranged; that citizens would be able to serve on an advisory board; that Bedford residents would be allowed 10 guest day passes per year and non-residents three guest day passes per year; and the event hall would be available the first and third Monday for senior dances.

Mr. Stathatos answered common questions regarding management of The Center, including that the YMCA would only operate The Center, not the park or ballfields; that the City would still offer senior programming at the Old Bedford School, supplementing the senior programming offered at The Center; and that the YMCA would not be responsible for planning or conducting the City's special events.

Mr. Stathatos stated the estimated costs savings by contracting with the YMCA is approximately \$600,000, which could pay for six new firefighters or police officers, surface treatment of eight miles of residential streets, mill and overlay of nearly two miles of residential streets, or two new ambulances. He discussed reasons for partnering with the YMCA, including costs savings, lower rates for residents, and more classes included in the cost of membership. He presented an overview of operational costs. The Boys Ranch Activity Center operated at a deficit of \$566,217 in its last year, or \$2,113 per membership. The pro-forma developed by the City's consultant showed that the City would operate The Center at a deficit of over \$905,000, or \$390 per membership based on a projected 2,325 members. With the YMCA partnership, the deficit would be \$472,000, or \$205 per membership, based on a projected 2,300 members.

There was discussion on the hours of operations for the indoor aquatics, including that they coincide with the hours of the facility but would stay open later for events such as birthday parties; establishing a sinking fund to pay for capital improvements and adjustments for inflation; surveying adjoining cities on membership dues and programming; the possibility of the City subsidizing the rates further; the amenities that would be offered at The Center; that seniors do not need to be a YMCA member to participate in the dances; and ensuring that equipment is ordered in time.

Motioned by Councilmember Cogan, seconded by Councilmember Steves, to approve a resolution authorizing the City Manager to finalize and execute the management operating agreement for The Center at Generations Park with the YMCA of Metropolitan Fort Worth.

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

Council Minutes May 10, 2022

10. Consider a resolution authorizing the City Manager to finalize and execute a professional services agreement with Brown Reynolds Watford, Architects Inc. (BRW) in an amount not to exceed \$1,280,500 to design and oversee construction of a Performing Arts Center on the property of the Old Bedford School.

Projects Manager Gary Johnson presented information regarding this item. He stated Council agreed to allocate \$10,000,000 for the project at their previous meeting and based on that amount, BRW developed a plan for a 200-seat theater, 250-seat banquet hall, and other amenities. The agreement with BRW includes up to four visits of other venues, from which a better-defined plan can be formulated.

There was discussion on the fee by associated with the agreement. Mr. Stathatos presented options for potential revenue sources to pay for the Performing Arts Center, besides the \$5,500,000 already set aside. These include savings from the Generations Park project, American Rescue Plan Act funds, expanding the Tax Increment Reinvestment Zone district, and/or General Fund monies. He confirmed that all the scenarios would mean that taxes would not need to be increased.

Motioned by Mayor Pro Tem Sabol, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager to finalize and execute a professional services agreement with Brown Reynolds Watford, Architects Inc. (BRW) in an amount not to exceed \$1,280,500 to design and oversee construction of a Performing Arts Center on the property of the Old Bedford School.

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

11. Discussion regarding Community Affairs Commission, Parks and Recreation Advisory Board, and Beautification Commission.

There was discussion on dissolving the Community Affairs Commission, including there being staff now in place for events previously done by the Commission; other volunteer opportunities for the Commission members; establishing a feeder system for running for Council; the Boards and Commissions being refreshed and evolving; new opportunities for resident involvement; and the Commission's accomplishments. Council was of the consensus to dissolve the Community Affairs Commission.

There was discussion on merging the Parks and Recreation Advisory Board and the Beautification Commission, assisting the staff liaison to the two bodies, and incorporating them into new activities in the City, including at Generations Park. Council was of the consensus for the Parks and Recreation Advisory Board and Beautification Commission to remain separate and the possibility of altering their functions.

12. Mayor/Council Member Reports

Councilmember Culver stated that it was her last Council meeting as Steve Farco would be sworn in at a special meeting and thanked everybody. Mayor Boyter discussed the time commitment to serve on Council and thanked Councilmember Culver, including for her assistance with zoning and code issues.

13. City Manager/Staff Reports

City Manager Jimmy Stathatos reported that there will not be a Council meeting on May 24. He discussed the items Council approved earlier in the evening. He reported the citizen survey was

Council Minutes May 10, 2022

completed and will be presented at a future Council meeting. A strategic planning session with the new Council will be scheduled for June. He discussed the Parks and Trails Master Plan process, including public input, and stated that the number one item requested by residents were shade structures for parks and that he would be presenting ideas for grants in the future. He reported that Harwood Road would be paved during the week.

EXECUTIVE SESSION

a) Pursuant to Section 551.071. Consultation with City Attorney regarding confidentiality of public information.

Council convened into Executive Session pursuant to Texas Government Code Section 551.071. Consultation with City Attorney regarding confidentiality of public information, at 7:24 p.m.

Council reconvened from Executive Session at 7:51 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

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

Mayor Boyter stated that it was brought to Council's attention that a City of Bedford's body cam recording was released publicly. The recording contains information that is confidential by law, and if the release is criminally negligent, it constitutes a Class A misdemeanor. He asked that the City Manager report the release to appropriate law enforcement to be investigated.

ADJOURNMENT

Mayor Boyter adjourned the meeting at 7:52 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary