

Council Minutes January 10, 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 10th day of January, 2023 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
Wes Morrison	Community Development Manager
Bill Walker	Fire Chief
Jeff Williams	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

Mayor Pro Tem Amy Sabol gave the invocation.

PLEDGE OF ALLEGIANCE

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

OPEN FORUM

Nobody signed up to speak during Open Forum.

COUNCIL RECOGNITION

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- **Proclamation recognizing and honoring former Fire Chief Mike Haney.**

Mayor Boyter read a proclamation recognizing and honoring former Fire Chief Mike Haney. Members of Chief Haney's family accepted the proclamation.

CONSIDER APPROVAL OF ITEMS BY CONSENT

City Manager Jimmy Stathatos presented an overview of items on the consent agenda. Mayor Boyter requested the vote on Item #10 in the minutes from the December 13, 2022 regular meeting be amended to read 6-0-0 as Councilmember Gagliardi had left the dais during the vote. There was discussion on members of Council not being allowed to vote by proxy.

Motioned by Councilmember Dawkins, seconded by Councilmember Cogan, to approve the following items by consent with the aforementioned adjustment to the minutes: 1 and 2.

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

1. **Consider approval of the following City Council minutes:**
 - a) **December 13, 2022 regular meeting**

This item as amended was approved by consent

2. **Consider a resolution authorizing the City Manager or his designee to execute a professional services contract with Armstrong Forensic Laboratory, Inc. for drug analysis and laboratory testing services in an estimated amount of \$95,000.**

This item was approved by consent.

PERSONS TO BE HEARD

3. **The following individuals have requested to speak to the Council tonight under Persons to be Heard:**
 - a) **Betsy Dobelbower, 1700 Municipal Court, Apt. 2027, Bedford, Texas 76021 – Requests to speak to Council regarding the Bedford Commons Project.**

Ms. Dobelbower was not in attendance at the meeting.

- b) **Keith Walter, 2508 Lakeview Drive, Bedford Texas 76021 - Requests to speak to Council regarding the park formerly known as the Bedford boys ranch and the new performance arts center.**

Keith Walter, 2508 Lakeview Drive – Mr. Walter stated he was concerned about a sewer system failure at several homes downhill from The Center the day after the soft opening. He was told by a City crew leader responding to the failure that The Center's sewage system was tied into residential sewer system and that the failure was due to two-inch plumbing pipe in the sewer line. He heard during the planning stage for the project that the lines leading from The Center to the main sewage line would have to be upgraded. He stated the sewer system was designed for houses, not 90,000 square foot buildings. Mr. Walter stated the project is no longer ahead of schedule and that it is unknown if it is still under budget, and asked the following questions about The Center: if the current sewage system was studied to ensure it could handle the new recreation

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center and if it was part of the architect's original design; if any City official was ever told the sewer system needed to be upgraded to handle The Center and if yes, what they were told would be the outcome of not upgrading the system; if not upgrading the system was one of the ways the project was able to be under budget; and why the City was in such a rush to open The Center before it was completed.

Mr. Walter discussed the performing arts center and asked the following questions: what the annual operating budget would be for the facility; how much the City would charge for use of the facility and if it would be financially self-sustaining; if the City had any organizations that would be able to afford to rent the facility on a regular basis without discounts or subsidies; if the City would give discounts and subsidies to preferred businesses on a short or long-term basis if there is a low interest in renting the facility; and who would have operational control of the facility.

Mr. Walter discussed his concerns regarding the historical nature of the Old Bedford School (OBS) property and asked the following questions: if the City had applied for the necessary permits and permission from the federal government to use federal funds to finance the project; if the City had received any grants or other funding from federal, state, or county governments for the OBS; and if there was a chance the OBS could lose its designation as an historical site. Mr. Walter felt the City had greater needs than a performing arts center, including infrastructure and other City facilities.

In response to Mr. Walter, City Manager Jimmy Stathatos stated the project was under budget and ahead of schedule, with the substantial completion date in the contract being October. He explained the City does not have individual sewer systems and therefore, The Center is not on a "residential" sewer system. He discussed the sewer issue cited by Mr. Walter and stated the piece of pipe could have come from The Center but that the issue had nothing to do with discharge from, or utilization of, The Center. Mr. Stathatos explained every public and private project in the City is required to have civil engineering performed and that the sewer system was designed to be at maximum capacity. He stated the reasoning behind contracting with the YMCA to manage the facility was that it saves the City over \$600,000 a year and that the rates are less expensive than if the City was operating it.

Regarding the performing arts center, Mr. Stathatos stated it is unknown what the final footprint of the facility will be, that staff is working with other performing arts centers regarding their costs and cost recovery, and that he is recommending the facility be managed internally. He further stated any improvements to the site would have no bearing on its historical designation.

There was discussion on the condition of City facilities, including the Law Enforcement Center and City Hall. Mr. Stathatos stated there was nothing preventing the City from working on a performing arts center while also addressing other facility needs, including a potential senior center. He stated the only cost cutting for Generations Park was at the beginning of the project when tennis courts and a skate park were eliminated. There was further discussion regarding the sewer system, including its design, water pressure issues at Mr. Walter's residence, and whether The Center has had any plumbing issues.

NEW BUSINESS

- 4. Public hearing and consider an ordinance to rezone the property described as Lot D Block 2 International Square Addition, from Planned Unit Development to Planned Unit Development/Specific Use Permit/Church. The property is generally located approximately 270 feet north of W. Pipeline Road, approximately 280 feet west of Forest**

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Ridge Drive, and is more commonly known as 807 Forest Ridge Drive, Unit 106. (SUP-22-3)

Community Development Manager Wes Morrison presented information regarding this item. The building is approximately 15,000 square-foot, and the applicant is requesting to use just under 2,000 square feet for the church space. The applicant is not planning on any exterior changes. Mr. Morrison presented an overview of the surrounding uses and stated staff did not receive any responses to the legally required notices. He stated the Planning and Zoning Commission did not have any concerns and unanimously recommended approval of this item.

Mayor Boyter opened the public hearing at 6:53 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 6:54 p.m.

Motioned by Councilmember Gagliardi, seconded by Councilmember Steves, to approve an ordinance to rezone the property described as Lot D Block 2 International Square Addition, from Planned Unit Development to Planned Unit Development/Specific Use Permit/Church. The property is generally located approximately 270 feet north of W. Pipeline Road, approximately 280 feet west of Forest Ridge Drive, and is more commonly known as 807 Forest Ridge Drive, Unit 106. (SUP-22-3)

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

5. Consider a resolution of the City Council of the City of Bedford, Texas determining that retail sales of cowhide products shall be classified as “Book, Stationery, News Stand, Souvenir, Gift, and Novelty Shops,” pursuant To Chapter 3. “Permitted Uses,” Section 3.3 “Classification of New and Unlisted Uses” of the City of Bedford Zoning Ordinance.

Mr. Morrison presented information regarding this item. He stated staff received an application from a business owner wanting to do retail sales primarily of cowhide products, which does not fit into any of the specific land use definitions in the City’s Zoning Ordinance. He explained the Zoning Ordinance has a process by which staff can make a recommendation to the Planning and Zoning Commission to classify the use under one of the existing land use definitions., who then can make a final recommendation to the City Council. Mr. Morrison stated staff provided two land use options to the Commission, which are “Book, stationery, news stand, souvenir, gift and novelty shops,” which the Commission ultimately recommended, and “Household Furnishings and Fixture Stores.” In response to a question from Council, Mr. Morrison stated cowhide furniture was not included in the applicant’s list of items they would sell.

Motioned by Councilmember Farco, seconded by Councilmember Gagliardi, to approve a resolution of the City Council of the City of Bedford, Texas determining that retail sales of cowhide products shall be classified as “Book, Stationery, News Stand, Souvenir, Gift, and Novelty Shops,” pursuant To Chapter 3. “Permitted Uses,” Section 3.3 “Classification of New and Unlisted Uses” of the City of Bedford Zoning Ordinance.

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

6. Consider a resolution authorizing the City Manager or his designee to negotiate and execute a contract for asbestos abatement services with 1Priority Environmental in an

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estimated amount of \$100,000 for work to be performed at 205 and 209 N. Industrial Blvd.

Assistant City Manager Andrea Roy presented information regarding this item, which is for the asbestos abatement related to the demolition of 205 and 209 North Industrial Boulevard that the City purchased in December of 2021 for a redevelopment project. She stated the estimated amount is \$100,00 and that staff would come back to Council if the work falls outside that parameter. In response to questions from Council, Ms. Roy stated the cost would be paid from the City's Special Projects Fund. The desired start date for demolition is April 1, and it should take approximately two months for completion. There was discussion on the possibility of the final cost being greater than what was estimated.

Motioned by Councilmember Gagliardi, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager or his designee to negotiate and execute a contract for asbestos abatement services with 1Priority Environmental in an estimated amount of \$100,000 for work to be performed at 205 and 209 N. Industrial Blvd.

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

7. Consider a resolution authorizing the City Manager or his designee to negotiate and execute a contract for demolition services with Midwest Wrecking Co. in an estimated amount of \$350,000 for work to be performed at 205 and 209 N. Industrial Blvd.

Ms. Roy presented information regarding this item, which is for the actual demolition of the building. She stated staff is comfortable with the Midwest Wrecking, and that they were the most thorough and economical of the bid responses. In response to questions from Council, Ms. Roy stated the bids ranged from approximately \$100,000 to \$200,000 for the asbestos abatement and from approximately \$250,000 to \$700,000 for the demolition.

Motioned by Councilmember Cogan, seconded by Councilmember Dawkins, to approve a resolution authorizing the City Manager or his designee to negotiate and execute a contract for demolition services with Midwest Wrecking Co. in an estimated amount of \$350,000 for work to be performed at 205 and 209 N. Industrial Blvd.

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

Ms. Roy presented an update on the Campus West project. She stated the developer has examined the necessary infrastructure improvements and vetted the sewer capacity. Staff recently received conceptual architectural renderings of the anchor facility and is working with the developer on a term sheet to show the level of incentives the City can provide through the Tax Increment Reinvestment Zone funding.

8. Mayor/Council Member Reports

Councilmember Farco reported that Animal Control staff and the Animal Shelter Advisory Board wanted to thank people who made donations to the Animal Shelter over the holidays.

9. City Manager/Staff Reports

City Manager Jimmy Stathatos reported the grand opening for The Center is scheduled for January 21, 2023. He discussed having certain departmental reports and updates during his reports on future agendas.

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EXECUTIVE SESSION

- a) **Pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property – land 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 – land acquisition for recreation purposes, at 7:10 p.m.

Council reconvened from Executive Session at 7:16 p.m.

10. 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 7:17 p.m.

ATTEST:

Michael Boyter, Mayor

Michael Wells, City Secretary