

Council Minutes June 11, 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 11th day of June, 2019 with the following members present:

Jim Griffin	Mayor
Michael Boyter	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
Russell Hines	Building Official
Meg Jakubik	Strategic Services Manager
Joey Lankford	Deputy Fire Chief/Fire Marshal
Kenny Overstreet	Public Works Director
Paul Rosalez	Environmental Specialist
Cissy Sylo	Capital Projects Director
Charlenia Walsh	Special Events Assistant

WORK SESSION

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

- **Briefing on Phase Next site plan, construction phasing and multi-generational building/aquatics alternatives.**

Capital Projects Director Cissy Sylo stated this item is to seek Council direction on the schematic site plan, the multi-generational building, aquatics, and project phasing for the Phase Next project. She presented an overview of the project to date. A \$70,000,000 bond was approved by the voters and Council sold \$60,000,000 of those bonds for the project. A consultant team was hired to start the design and it was determined that certain projects originally envisioned as part of the project had to be deferred, including tennis courts, an amphitheater, a skate park and \$4,500,000 for the outdoor aquatics. The budget was set at \$18,000,000 for the outdoor park, \$32,000,000 for the outdoor swimming pool and multi-

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generational center, and \$10,000,000 for soft costs. She stated the original budget developed by Kimley-Horn did not include escalation and the site was under-parked.

Lenny Hughes with Halff Associates presented an overview of the stakeholder meetings and survey. He stated that based on the results of the meetings, the community's preferred outdoor park amenities were covered picnic areas, covered playgrounds, restrooms, shade trees, a special events area and walking trails. Based on the survey, the most important park amenities were walking trails, restrooms, and an outdoor family aquatic center. Overall, the highest priorities were restrooms, walking trails, playgrounds, pavilions/picnic sites, an outdoor family aquatic center and special events area. Medium priorities included baseball fields, soccer/lacrosse/multi-purpose fields, concession stands at the athletic fields, and outdoor basketball and tennis courts. Further, there were preferences for 275-foot baseball fields over the smaller fields in the original plan to allow for greater flexibility, three baseball fields instead of four to allow for adequate parking, an increase in the buffer/separation for the multi-generational center on the west side of the park, a diversity of recreation and amenities, multi-use pavilions, and a "wow" factor.

Mr. Hughes presented an overview of site concept scenario options, including features, positives, negatives and estimated costs of each, ranging from \$26,000,000 to \$29,000,000. He presented two refined site concepts that would reduce the costs to meet the \$20,000,000 budget and which could be set up for future phasing.

There was discussion on adjusting the baseball fields to the west to reduce the cost of a retaining wall on Forest Ridge Drive and Harwood Road; combining elements of the different options; the footprint of the center and potential cost savings on changing its orientation; moving the entrance to the park to Lincolnshire Drive; maintenance of the grass baseball fields and the positives and negatives of using artificial turf; oval basketball courts; multiple pavilion areas; parking; the retaining wall; how the \$20,000,000 figure for the budget was arrived at; sources of revenue from the outdoor amenities; the impact of removing the baseball fields; and cost recovery.

Mayor Griffin adjourned the Work Session at 6:22 p.m.

EXECUTIVE SESSION

- a) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1 Whisperwood Center Addition.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Plaza Center Addition Lot AR 1A and Bedford Plaza Addition 1989H Blk. A Lot 4B1.

Executive Session was not held.

REGULAR SESSION

The Regular Session began at 6:30 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION

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Mayor Griffin 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 Father's Day event at Splash on June 16, 2019; the HEB Reads Community Challenge going through July 31, 2019; and the annual 4thFest event at the Boys Ranch Park on July 4, 2019.

OPEN FORUM

Tom Burnett, 2253 Bedford Circle, Bedford – Mr. Burnett signed up to speak on Item #6. He stated he attended every meeting on the Phase Next project and many knew they would not get everything they wanted in the project. He argued the plan could be seen as ill-conceived by City leadership and it never had the full support of Council and the citizens, passing by 67 votes. He felt the project was not a popular and City leadership did not have a clear mandate. He stated the plan exceeds the scope with which City management was tasked and asked how it has gotten to this point and how much money had been spent without having a plan with which to move forward. He felt City management made a presentation designed to make the Council look like the "bad guys" and place them in a position of having to delete services, features and amenities. He stated many feel City management should have presented a plan to budget, then supplied Council with a supplemental list of items, including their costs, based on citizen preference. He stated the citizens only approved \$70,000,000 and the City could not afford to borrow more money, as it had to borrow money to hire new public safety personnel, buy new fire equipment, and repair infrastructure. He was concerned that some in City management and leadership were planning to borrow money in a way that circumvents the voters to build a new city hall ahead of other critical needs. He believed the recent property tax cap imposed by the state would affect the City's ability to fund basic needs and improvements. He felt Council should have management return to the drawing board and that additions and improvement could be made to existing facilities, such as the Boys Boys Ranch Activity Center. He argued if the park was closed for a single-phase construction, the City would lose revenue and staff as people find other locations for their activities, and the City may not get them back. He felt the phased approach to the construction to be the best way to go. He asserted moving forward, based on how Council decided to give the citizens the most for their money and expectations, will be the starting point for blame and would factor into re-elections for the next couple of years.

Tom Culbert, 1925 Charleston Drive, Bedford – Mr. Culbert signed up to speak on Item #6. He discussed the attendance at recent dances at the Senior Center and bingo. He felt the current Senior Center should be left in place instead of a new one being included as part of the multi-generational center.

Dana Walter, 2508 Lakeview Drive, Bedford – Ms. Walter signed up to speak on Item #6. She was concerned the multi-generational center was getting closer to her property line but after looking at the plans and talking to staff, it has been moved further east. She stated those living on Lakeview Drive will be most impacted by the park and asked Council to try to keep the center further to the east, so it is not as disruptive to those residents.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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Motioned by Councilmember Boyter, seconded by Councilmember Sartor, to approve the following item by consent: 1

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

1. **Consider approval of the following City Council minutes:**
 - a) **May 28, 2019 regular meeting**

This item was approved by consent.

PERSONS TO BE HEARD

2. **The following individuals have requested to speak to the Council tonight under Persons to be Heard:**
 - a) **Doug Deere, 2008 Memphis, Bedford, Texas 76022 - Requests to speak to Council regarding the lack of follow up on code violations.**

Doug Deere, 2008 Memphis, Bedford – Mr. Deere stated he was seeking clarification on what is and is not acceptable in Bedford. He stated over that last several months, he has seen no action from Code Compliance on an issue at an address on Anne Street, and wanted to discuss with Council what he perceives as a lax response and harassment from Code. He presented information on Code issues at the Anne Street address, including dilapidated vehicles and car parts in the driveway and the yard. He discussed email communications with the Code supervisor regarding the Anne Street property and one on Dora Street, and stated as of the Council meeting, nothing had really changed. He stated the afternoon after signing up to speak at the meeting, he was visited by the Code supervisor and given a notice of violation for overhanging tree limbs. He further stated he was asked to give his name, Social Security number and phone number and wanted it on record that he will hold the City accountable for what happens to his information. He felt he is being harassed for making complaints. He discussed properties throughout the City that are in violation of the ordinance on overhanging tree limbs. There was discussion on City policies, Code's response to Mr. Deere, staffing in Code Compliance, the City's Strategic Plan and Code Compliance issues.

- b) **Sal Caruso, 148 Ravenswood, Bedford, Texas 76022 - Requests to speak to Council regarding the Community Affairs Commission subcommittee format.**

Sal Caruso, 148 Ravenswood, Bedford – Mr. Caruso stated the Community Affairs Commission felt it no longer needed the City Expo or the Faith Based Organizations subcommittees. He proposed subcommittees be added for block parties and the residential and business awards. There was discussion on the necessary ordinance change being brought to Council at the next meeting.

NEW BUSINESS

3. **Consider an ordinance amending Chapter 118 "Utilities," Article IV "Water Resource Management," Division 2, Section 118-114(b) "Drought Contingency Plan" to adopt the current plan, as attached hereto as Exhibit A and is incorporated herein by reference to the City of Bedford Code of Ordinances, and amending Chapter 118 "Utilities," Article IV "Water Resource Management," Division 3, Section 118-115(b) "Water Conservation Plan" to adopt the current plan, as attached hereto as Exhibit B and is incorporated herein by reference to the City of Bedford Code of Ordinances;**

providing a severability clause; providing a penalty clause; and declaring an effective date.

Public Works Director Kenny Overstreet stated in 2007, the state required all cities that had at least 3,000 utility connections to develop water conservation and drought contingency plans, which are then required to be updated every five years, and this item is to update those plans. Environmental Specialist Paul Rosalez stated the City's plans are based off those of the Tarrant Regional Water District (TRWD) and the Trinity River Authority (TRA) and includes all the elements required by the Texas Commission on Environmental Quality (TCEQ). Copies have been sent to TCEQ and Texas Water Development Board for review. He presented information on the purpose of the plans, the TRWD service area and system capacity, the TRA water supply, the storage capacity of the four reservoirs that supply water to Tarrant County, population projections for the Bedford to 2060, the three stages of drought, the drought impact on Texas surface water, and additional water conservation methods. There was discussion on updates to the plans and the codification of City codes. In response to questions from Council, Mr. Rosalez stated the goal for each drought stage is a 20 percent reduction in water usage. He discussed restrictions put in place during each of the drought stages and stated Code would be involved in dealing with habitual offenders of the ordinance. Regarding public outreach classes, he estimated 50 percent of attendees are Bedford residents, and stated the classes are advertised through social media, the City website and outreach events. The only watering restriction currently in place is no watering being allowed between 10:00 a.m. and 6:00 p.m. There was discussion on a comprehensive review of City ordinances.

Motioned by Councilmember Cogan, seconded by Councilmember Culver, to approve an ordinance amending Chapter 118 "Utilities," Article IV "Water Resource Management," Division 2, Section 118-114(b) "Drought Contingency Plan" to adopt the current plan, as attached hereto as Exhibit A and is incorporated herein by reference to the City of Bedford Code of Ordinances, and amending Chapter 118 "Utilities," Article IV "Water Resource Management," Division 3, Section 118-115(b) "Water Conservation Plan" to adopt the current plan, as attached hereto as Exhibit B and is incorporated herein by reference to the City of Bedford Code of Ordinances; providing a severability clause; providing a penalty clause; and declaring an effective date.

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

4. 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 stated an update to the schedule of fees related to the building permit fees, including separating residential and commercial permits, was necessary due to recent state legislation. Further, staff is requesting updates to the fees for the wedding packages at the Old Bedford School (OBS), and adding fees related to the new "Library of Things" program. In response to questions from Council, Building Official Russell Hines stated House Bill 852 no longer allows permitting for residential improvements under a valuation method; however, permitting could be done under a different method such as square footage. Staff moved the valuations into a square footage method and he stated the surrounding cities are doing the same type of fee structure, and the actual fees are all similar. Mr. Hines discussed how the fees were calculated and confirmed the purpose of the fee structure is to cover costs. In response to questions from Council regarding the OBS fees, Special Events Assistant Charlenia Walsh stated staff surveyed comparable historical wedding venues. The weekend package increased by \$100, and the weekday by \$25, and more items are incorporated into the

packages instead of being paid for separately. Mr. Hines confirmed that the commercial building permit fee structure is adequate.

Motioned by Councilmember Boyter, seconded by Councilmember Sabol, 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 7-0-0. Mayor Griffin declared the motion carried.

- 5. Consider a resolution authorizing the City Manager to execute a Construction Manager-at Risk contract with Steele & Freeman, Inc. of Fort Worth Texas, for pre-construction and estimating services for the new multi-generational building and park located at Boys Ranch Park, in the amount, not to exceed, Zero dollars and Zero cents (\$0.00).**

Ms. Sylo stated Council approved the construction manager-at risk (CMR) process for the Boys Ranch Phase Next project at their meeting on January 22, 2019. A two-step request for qualifications (RFQ) CMR process was advertised on March 10 and March 17, 2019, and all the information regarding the process was posted on the City's website for transparency. A non-mandatory meeting with all interested parties was held on March 18, 2019. The first step of the RFQ was due on April 22, 2019 and 14 timely submittals were received. A committee made up of herself, the City Manager, Assistant City Manager, Parks Superintendent and Jim Tharp with OWT Architects reviewed and ranked the submittals. The five finalists were then interviewed by the committee, which included Councilmember Fisher, on May 18, 2019. Steele & Freeman were selected by the interview panel as the most qualified firm in accordance with state law. She stated they have submitted no charge for construction pre-services fees. There was discussion on the Councilmember Fisher being part of the selection process and the phasing of the construction.

Motioned by Councilmember Fisher, seconded by Councilmember Sartor, to approve a resolution authorizing the City Manager to execute a Construction Manager-at Risk contract with Steele & Freeman, Inc. of Fort Worth Texas, for pre-construction and estimating services for the new multi-generational building and park located at Boys Ranch Park, in the amount, not to exceed, Zero dollars and Zero cents (\$0.00).

Motion carried 7-0-0. Mayor Griffin declared the motion carried.

- 6. Discussion and possible action regarding Site Plan Review of Boys Ranch Park - Phase Next (Park and Multi-Generational Center) including Site Concept Test Fit Options/Construction Phasing; Multi-Generational Building/Aquatics Options; Construction Budget; Draft Operations Assumptions Review; Final Arts and Entertainment Feasibility Report; and Recommendations for Next Steps.**

This item was discussed after Item #7.

Dennis Haar with Halff Associates presented information on construction phasing. He stated earlier in the year, they presented a three-phase construction schedule based on the original master plan; however, the increase to the size and change in location of the ballfields, has rendered the purpose of the three-phase schedule in keeping the recreation center and other facilities open unworkable. A two-phase schedule would allow facilities to remain open during construction; however, there would be additional mobilization, earthwork, and construction

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administration, a longer construction schedule of six months, and increased costs of approximately \$1,000,000 to \$1,500,000 over a single-phase schedule. The benefits of a single-phase schedule are a balanced site, a single mobilization, a reduced construction schedule, and cost savings; however, the entire site would have to be closed during construction. There was discussion on construction site security; construction phasing; savings from the single-phase construction; the impact of closing the park to City programming, ONSTAGE and Arts Council Northeast, including finding alternate space and accommodations, costs and partnering with neighboring cities, school districts or retail establishments; the timeframe for construction; the community's relationship with ONSTAGE; the overall budget of the Phase Next project; the amount of information received by Council for the meeting; the demolition of the ONSTAGE and Arts Council Northeast buildings; what the City is willing to do for ONSTAGE; and arts and culture in the community.

Jim Tharp with OWT Architects stated that based on the public meetings and survey, the highest priority indoor recreation facilities were aerobic classes, cardio equipment, child care, a jogging track, meeting/party rooms, a multi-generational lounge, multi-use courts, a café, strength training equipment, and yoga. The highest priority indoor aquatic facilities were a hot tub, slide, a lap and competition pool, learn-to-swim classes, a pool party room, resistance walking, and water exercise classes. The highest priority outdoor aquatic facilities included a competitive pool, interactive water play area, lazy river, lazy river with waves, waterslide, relaxing wet deck, a tot water play area and a wading pool. He stated their first goal was to design a floor plan to accommodate everybody's needs and desires. He presented an overview of two floor plan options for the center and aquatics, which cost approximately \$40,000,000 and \$41,000,000. He presented an overview of another floor plan option based on meeting the budget of \$32,000,000. He gave an overview of the outdoor aquatics concept, with a cost of approximately \$7,150,000 and stated it remained the same throughout all three options due to its revenue generation.

There was discussion on the costs of the different options presented to Council ranging from \$65,950,000 to \$85,650,000; changes made to the presentation materials from what was originally sent to Council; cost savings in moving the baseball fields further west; how the costs per feet were calculated; switching the locations of the baseball fields and the center; Council's likes and dislikes regarding amenities of the site and floor plan options; presenting Council a site plan that fits within the budget; the purpose of the \$10,000,000 set aside from the approved bonds; features of the outdoor aquatics concept; revenues and cost recovery; the cost and maintenance of the indoor aquatics; Council being made to look bad with the options presented; and finding ways to cut costs.

Duncan Webb with Webb Management Services, Incorporated, presented information on their arts and entertainment facilities needs assessment, including the case for new or improved facilities, positive and negative trends in the arts and how facilities respond to those trends, and the results of their findings regarding audience and user demand, facility supply, and community impact and benefits. Their recommendations are based on responding to current demand and to a regional opportunity, as well as additional investments to advance the goals and objectives of the community. Regarding ONSTAGE, Mr. Webb stated they are not an appropriate tenant for a multi-user performance space but instead, either their current building should be renovated or an existing space within the community found for them. He further recommended the City become financial partners with ONSTAGE on a capital campaign to finance the new space. Regarding the Old Bedford School, he recommended removing the addition to the building and replacing it with a multipurpose space at the rear of the building. Regarding the visual arts, he recommended including spaces for the arts and programming in the new multi-generational center. Regarding outdoor facilities, he recommended investing in infrastructure for events in

the Boys Ranch. Regarding public art, he recommended the City develop a public arts program. He further recommended partnering with the Hurst-Euless-Bedford Independent School District on developing a new multi-purpose performing arts center.

There was discussion on the requirements and square footage costs for a community arts theater and setting the overall budget for the Phase Next project.

7. Discussion regarding outdoor warning system. **This item requested by Councilmember Fisher.

This item was discussed prior to Item #6.

Councilmember Fisher requested this item be placed on the agenda for discussion. He discussed an incident where a siren mistakenly activated and requested there be a discussion on the nature of the failure and fixing the system moving forward. Fire Chief Sean Fay stated the siren at 3298 Brown Trail malfunctioned on June 4, 2019 and is currently the only siren in the City experiencing malfunctions. He presented an overview of the City's outdoor warning siren system, including its purpose, the number of sirens throughout the City, the staff authorized to activate the system, the decision-making process behind activating the system, and the system's technology. He stated there is no reason to believe the system was hacked or there is any significant exposure to being hacked. He believes the issue is the system has aging, malfunctioning hardware and the only way to ensure something like that does not happen again is to remove all the sirens; short of that, they could look at equipment replacement. He stated multiple cities and urban areas do not employ siren systems. He recommended staff explore other technologies and benchmark with other cities and come back to Council in the future with their findings, so they can make the best possible choice for a long-term solution. The siren on Brown Trail is now out of service and a mobile siren is active in its place. There was discussion on other systems and the function of the City emergency operations center.

8. Mayor/Council Member Reports

Councilmember Sartor challenged the rest of Council that they have one goal in mind which is to make the City better than when they got there.

9. Report on most recent meeting of the following Boards and Commissions:

✓ **Animal Shelter Advisory Board**

No report was given.

✓ **Beautification Commission**

No report was given.

✓ **Community Affairs Commission**

No report was given.

✓ **Cultural Commission**

No report was given.

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✓ **Library Advisory Board**

No report was given.

✓ **Parks and Recreation Board**

Councilmember Sartor reported the Board met and approved new playground equipment for Carousel Park. He stated five parks have now been upgraded with new quality facilities.

✓ **Teen Court Advisory Board**

No report was given.

10. City Manager/Staff Reports

No report was given.

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

Executive Session was not held.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 10:59 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary