

**Council Minutes August 25, 2015**

**STATE OF TEXAS           §**

**COUNTY OF TARRANT   §**

**CITY OF BEDFORD       §**

**The City Council of the City of Bedford, Texas, met in Work Session at 6:00 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 25th day of August, 2015 with the following members present:**

Jim Griffin	Mayor
Ray Champney	Council Members
Steve Farco	
Roger Fisher	
Dave Gebhart	
Rusty Sartor	
Roy W. Turner	

constituting a quorum.

Staff present included:

Roger Gibson	City Manager
Kelli Agan	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Administrative Services Director
Gary Clopton	Information Technology Manager
Natalie Foster	Marketing Specialist
Les Hawkins	Interim Police Chief
Tom Hoover	Public Works Director
Meg Jakubik	Strategic Services Manager
Jill McAdams	Human Resources Director
Maria Redburn	Library Director
Emilio Sanchez	Planning Manager
James Tindell	Fire Chief

**COUNCIL CHAMBER WORK SESSION**

Mayor Griffin called the Work Session to order at 6:00 p.m.

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed placing the following items on consent: 5, 10, 11, 12 and 13.

In answer to a question from Council regarding Item #12, Public Works Director Tom Hoover stated that the City used Tarrant County's contract with Reynolds Asphalt and the costs would have been much greater if the City had gone out on its own.

Human Resources Director Jill McAdams presented information regarding Item #13, which is for a special events compensation policy. BluesFest and FourthFest are the two primary special events that require a lot of additional staff. Throughout the years, depending on the availability of funds in the Tourism Fund, employees were paid in multiple ways. It was decided to take the best practices that the City has found over the years and put them in a policy as part of the employee handbook in order for

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the employees to know what the expectation is for compensation.

- **An update on the State Water Implementation Fund for Texas (SWIFT).**

Mr. Hoover stated that the City applied to the State for funds under SWIFT, which set aside \$800M, a certain portion of which had to be used for conservation. The City applied using a unique view that replacing failing, deteriorating and leaking water pipes is in fact a conservation measure. The City was the first in the State to take this approach and Texas Water Development Board approved the application. The approved funding is up to \$90M, which will essentially replace 75 percent of water mains in the City that are over 50 years of age or are of a deteriorated nature. The closing is around November 4 and there is a 45-day timeframe for the City to tell the State that debt is going to be issued to pay back the low interest loan. The consultant projected that if the City partakes of all \$90M over the next 20 years, there would be savings of approximately \$20M in payments on interest. There are several shovel-ready projects, the first of which is Automated Meter Reading (AMR), as well as five projects designed by the City's engineering consultant Dick Perkins. The first mains to be replaced would be in the western and southern halves of the City due to the age of the system. There was discussion that State Representative Stickland was very complimentary of Assistant City Manager Kelli Agan and staff for these efforts. In answer to questions from Council, Mr. Hoover stated that the AMR installation would include software, adjustments to meter boxes and infrastructure improvements; that staff has been installing smart meters and that the contractor will install transponders on those existing meters; that the meter reading system at which staff is looking would be run through cell phones; that it will take more than a year to install smart meters through the entire City; that software will be installed that works with the City's Logos software; that the software would not be able to control the City's irrigation valves; that the first installment of the loan is for \$30M and would be followed by three installments of \$20M; that the City would have as long as ten years to use the loans and can ask for an extension; that the interest rate on the loan would be a half point better than the City could get based on its bond rating; and that the smart meters are 98 to 99 percent efficient for the first ten years and would have potential savings of three to five percent. There was discussion on potential benefits to homeowners.

Mayor Griffin adjourned the Work Session at approximately 6:15 p.m.

### **EXECUTIVE SESSION**

**To convene in the conference room, if time permits, in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:**

**a) Pursuant to Section 551.074, personnel matters - City Manager Contract.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.074, personnel matters - City Manager Contract, at 6:16 p.m.

Council reconvened from Executive Session at 6:30 p.m.

Any necessary action to be taken as a result of the Executive Session will occur during the Regular Session of the Bedford City Council Meeting.

### **REGULAR SESSION**

The Regular Session began at 6:36 p.m.

### **CALL TO ORDER/GENERAL COMMENTS**

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Mayor Griffin called the meeting to order.

### **INVOCATION**

Councilmember Turner gave the invocation.

### **PLEDGE OF ALLEGIANCE**

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

### **ANNOUNCEMENTS/UPCOMING EVENTS**

Marketing Specialist Natalie Foster reported that the Pet Health Fair will be held on Saturday at the Boys Ranch Activity Center from 9:00 a.m. to 12:00 p.m. Local groomers, trainers, boarders and veterinarians will be brought in to showcase what the community has to offer, and there will be giveaways and raffles. BluesFest will be held September 4 through September 6 and tickets are still available. On Friday, there will be the Second Annual Backyard Barbecue Society contest. Gates open at 2:00 p.m. on Saturday and Sunday and musical acts will include Delbert McClinton and Buddy Guy. Barbecue events will include the People's Choice Award and the Kansas City Barbecue sanctioned competition. To celebrate the Old Bedford School turning 100 years old in September, there will be a two-day centennial event, starting on Saturday, September 9 with a reception to meet former students from 3:00 p.m. to 6:00 p.m. On Sunday starting at 4:00 p.m., there will be live music, a historical scavenger hunt, a car show, photo booths, and cake, followed by a theatrical firework display.

### **OPEN FORUM**

Nobody chose to speak during Open Forum.

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

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 5, 10, 11, 12 and 13.

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

### **COUNCIL RECOGNITION**

#### **1. Employee Service Recognition**

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

Mark Miller, Police Department - 5 years of service  
Scott Williamson, Police Department - 5 years of service  
Butch Lindsey, Police Department - 30 years of service

#### **2. Recognition of Public Services Officer Debra Turek and IT Specialist III Billy Mason for the City Manager's Service Award.**

Public Services Officer Debra Turek was recognized with the City Manager's Service Award for her excellent customer service in assisting an elderly resident. IT Specialist III Billy Mason was recognized for the City Manager's Service Award for delaying his vacation in order to help restore the City's primary server.

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### 3. Proclamation recognizing August 2, 2015 as Emily Becka Day in the City of Bedford.

Mayor Griffin read a proclamation recognizing August 2, 2015 as Emily Becka Day in the City of Bedford. Ms. Becka accepted the proclamation. Ms. Becka presented Council with \$1,100 to be used for waste disposal stands along the trails.

### 4. Proclamation declaring September 17 – 23, 2015 as Constitution Week in the City of Bedford.

Mayor Griffin read a proclamation declaring September 17 – 23, 2015 as Constitution Week in the City of Bedford. Barbara Collier, Chairman of the Constitution Week Committee of the Captain Nathaniel Mills Chapter of the Daughters of the American Revolution, accepted the proclamation.

### APPROVAL OF THE MINUTES

#### 5. Consider approval of the following City Council minutes:

- a) August 7, 2015 budget work session
- b) August 11, 2015 regular session

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) Anthony Collier, 808 Helen Drive, Bedford, Texas 76022 – Request to speak to the Council regarding Ordinance 924 relating to incompatible design.

Mr. Collier withdrew his request to speak.

- b) Cheryl Williams, 3913 Lacebark Lane, Bedford, Texas 76021 – Request to speak to the Council regarding the Presumptive Disability Law in Texas.

Cheryl Williams, 3913 Lacebark Lane, Bedford – Ms. Williams stated she is wife of a Bedford fireman, the sister-in-law of another, and a tax payer. In regards to a report on Channel 11 on August 13 regarding a Bedford fireman, she stated that she is saddened that he has to fight for his life and have ongoing cancer treatments, while protecting the City. She asked what can be done going forward. She stated that she wanted to bring awareness through early detection by offering firefighters a full CT body scan during their annual physicals. She discussed that cancer.org and other websites state that early detection is the best way to fight, treat and survive cancer. Firefighters are subjected to cancer-related toxins, including with the gear they wear and the exhaust from fire engines that other City employees do not encounter. She stated that there is a small level of radiation with the CT scans, so firefighters who choose not to have one could sign a waiver. She stated it would send a positive message to the firefighters if the City would approve funds for scans on an annual or biannual schedule. In her research, she found that Southlake offers scans on a biannual basis, while Arlington would allow them if the doctor finds something out of the ordinary during their physical. In regards to the associated costs with those types of tests, she stated that insurance premiums the City has to pay would rise even higher if there are City employees with serious illnesses. If a cancer is detected early and is removed, the cost of treatment is less than if it were discovered in its later stages. She asked that Council considers the information she presented and finds a way to make it happen, and that they owe it to the firefighters.

Mayor Griffin stated the City is blessed with the men and women in the organization as they contribute to the City's success, and that the City's culture has been shifting in a positive way. He recognized the difficult situation for the firefighter and his family as both his parents suffered from cancer. He stated that the process is outside the control of the Council and the City Manager's Office, and that he is

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confident the hearing examiner will weigh all of the facts and circumstances and arrive at the best solution. The City has a long history of donating leave time to an employee in need, once that employee completes the necessary paperwork. The City has been a member of the Texas Municipal League (TML) Risk Pool since 1988, which is the main entity for workers compensation claims and the City Manager has no role in the process. He further stated that staff is currently researching the health screening process.

### **NEW BUSINESS**

- 7. Public hearing and consider an ordinance to rezone Lot 2, Block 4, Airport Freeway Center Addition, located at 1327 Brown Trail Suite C, Bedford, Texas from (H) Heavy Commercial to (H/SUP) Heavy Commercial/Specific Use Permit, specific to Section 3.2.C(7)o, Secondhand, Rummage, and Used-Furniture Stores, allowing for Harley's Angels to operate a resale shop. The subject property is generally located south of Racquet Club Boulevard and west of Brown Trail. (Z-281)**

Planning Manager Emilio Sanchez presented information regarding this item, which is a request for a zoning change for a Specific Use Permit to allow for a resale shop at 1327 Brown Trail Suite C. The Planning and Zoning Commission recommended approval of the zoning change at their July 23 meeting by a vote of 6-1, with the stipulation that no items for sale be displayed in the front of the building, the sidewalk or the parking lot.

Mayor Griffin opened the public hearing at 7:12 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:12 p.m.

In answer to a question from Council, Mr. Sanchez stated that they are a non-profit organization but that he is not aware of where the donations go or which charities.

Motioned by Councilmember Gebhart, seconded by Councilmember Champney, to approve an ordinance to rezone Lot 2, Block 4, Airport Freeway Center Addition, located at 1327 Brown Trail Suite C, Bedford, Texas from (H) Heavy Commercial to (H/SUP) Heavy Commercial/Specific Use Permit, specific to Section 3.2.C(7)o, Secondhand, Rummage, and Used-Furniture Stores, allowing for Harley's Angels to operate a resale shop. The subject property is generally located south of Racquet Club Boulevard and west of Brown Trail. (Z-281)

Motion approved 5-2-0. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Gebhart, Councilmember Sartor, Councilmember Champney and Councilmember Farco

Voting in opposition to the motion: Councilmember Turner and Councilmember Fisher

- 8. Public hearing on the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2015 through September 30, 2016; levying taxes for 2015 tax year.**

Strategic Services Manager Meg Jakubik presented information on the annual budget. She stated the budget strategy was to address Council goals and requests; maintenance needs; historical underfunding; fiscal responsibility; investments for human capital including hiring, retention, training and improving efficiencies and levels of service; and keeping an eye on the radar. Assumptions in building the budget include conservative sales tax growth; an employee compensation program of a four percent increase across the board and moving the pay grades for the first time in nine years; fee increases for the cost of providing services, including for water and sewer, multi-family inspections and recreation; and maintaining the current property tax rate. She stated that the City received the Platinum

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designation from the Texas Comptroller's Office, which recognizes entities that go above and beyond in providing financial transparency through their website. The City's population is estimated to be 49,054, with an untold number of visitors. She discussed the proposed operating budget of \$65,778,951 and the services provided by that budget, which for the average taxable home value of \$151,264 costs under \$750 a year.

Ms. Jakubik presented information regarding the proposed revenue and expenditures of several funds. The General Fund is virtually balanced, the Tourism Fund has a surplus, and the Water Fund has a surplus due to a placeholder amount to pay the debt service on the SWIFT loan. She stated that most of the remaining funds are a savings account to accumulate capital to pay cash for items. There was a slight decrease in both the Consumer Price Index (CPI) and the Municipal Cost Index (MCI), but that the MCI has averaged a yearly increase of 1.5 percent over the previous five years. In regards to buying power, a dollar in 2000 is now worth \$0.73 in 2015. A breakdown of revenue by sources shows that the largest portion is the General Fund, followed by the Water and Sewer Fund. On the expenditure side, the biggest piece is Public Works, followed by public safety. By class, the biggest expenditure is personnel followed by contractual services, which includes water purchases and sewer treatment that are direct costs.

Ms. Jakubik discussed the General Fund, which is the City's primary operating fund. The taxable value has reached a new high of \$3.193B. Changes in appraised values include quite a bit of new construction and there has been a total increase of 2.3 percent since the previous year; however, the average net taxable value actually decreased slightly. A history of the tax rate shows that when property values decreased, the rate increased, but that the City has been able to maintain a steady rate for three years. The largest piece of the overlapping tax rate is the School District, while the City's portion is just under 20 percent. Ms. Jakubik stated that the City's tax rate falls in the middle compared to that of other area cities, and that those same cities are apparently proposing to maintain their current tax rate. The effective tax rate, which is the rate that will generate the same amount of tax revenue on the same properties in both tax years is \$0.483674 per \$100 valuation, while the rollback rate is \$0.508643 per \$100 valuation. The rate used in the budget's revenue calculation is the current rate of \$0.494830 per \$100 valuation. The impact of the tax rate on the average taxable home value is a decrease of approximately five dollars for the year. She discussed a comparison with the tax rate for the previous year. The debt service portion of the rate was up the previous year due to the schedule for voter-approved debt, resulting in a decrease in the maintenance and operation (M&O) portion. The debt service has since evened out and for the proposed tax rate, the relationship between debt service and M&O is reversed. She discussed a per capita comparison with other cities including the number of employees per 1,000 population.

Ms. Jakubik discussed the Debt Service Fund, which is used to pay the General Fund portion of debt. A history going back to 2010 shows that the City generally retires more debt than it issues. The Water and Sewer Fund is an enterprise fund which is meant to pay for itself. The increase in the water rates the previous year were related to increased costs from the Trinity River Authority (TRA) for water purchases and sewer treatment. Costs from TRA are projected to increase every year over the next several years. This year, the costs for water purchases will increase from \$2.909 per 1,000 gallons to \$3.08 per 1,000 gallons, and sewer treatment will increase from \$2.226 per 1,000 gallons to \$2.380 per 1,000 gallons. The City asked a consultant to examine the rates to ensure that expenses were being appropriately accounted for and that the Fund was solvent. It was discovered that the water operations were subsidizing sewer operations. Staff is proposing an increase on the water volume rate commiserate with the increase from TRA at \$0.17 per 1,000 gallons, and a two percent increase on the water base rate for the debt service on the SWIFT loan. Staff is proposing an increase on sewer rates to adequately capture expenses on the sewer side, including a five percent increase on the base rate. On the sewer volume rate, there would be an increase of \$0.15 per 1,000 gallons for the increase from TRA and an increase of 15.4 percent for City operational costs. The fiscal impact on the average July bill is less than \$5.00 per month.

Ms. Jakubik presented information on Special Revenue Funds, highlights of which include technology updates such as timekeeping software, phone system upgrades, a new A/V system at the OBS; facility

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improvements such as Senior Center room partitions, flooring updates in the Library, repair work at SPLASH, and picnic tables at the OBS; and program enhancements such as a wayfinding plan for the Cultural District, Christmas decorations, and poles for advertising City events.

Mayor Griffin opened the public hearing at 7:32 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:32 p.m.

There was discussion on there not being a tax increase; pay grades not being raised in nine years and having to work harder to get on par with other cities; the budget covering what was initially thought to be a large increase in health insurance; per capita spending compared to benchmark cities, with Bedford having one of the lowest number of employees per 1,000 at 7.14; the quality and quantity of services the citizens receive; what is being done for the Boys Ranch Park, the tax rates of area cities; the City doing more with less; transparency; the budget process and seeing what the City needs for the future; budget line items for improvements to the Senior Center; and water rates not being increased to cover the increased costs of water purchases from TRA in previous years.

### **9. Public hearing to consider the proposed 2015 tax rate.**

Ms. Jakubik stated that the Local Government Code requires that the City hold two public hearings on the tax rate, with the second being the following week, if the Council adopts a rate above the effective rate. The current tax rate is \$0.494830 per \$100 valuation, the calculated effective tax rate is \$0.483674 per \$100 valuation, the rollback rate is \$0.508643 per \$100 valuation, and the rate used in calculations and which Council had set as its maximum not to exceed amount is the current tax rate.

There was discussion on uncertain economic times, thinking of long term needs and making difficult choices.

Mayor Griffin opened the public hearing at 7:44 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:44 p.m.

### **10. Consider a resolution authorizing the City Manager to amend an interlocal agreement with the City of Fort Worth for the collection and disposal of household hazardous waste for Bedford households at the permanent collection site from October 1, 2015 to September 30, 2016.**

This item was approved by consent.

### **11. Consider a resolution authorizing the City Manager to enter into a lease agreement with Planet Kidz, Inc. for the purpose of holding the Fun Time Live Program at the Boys Ranch Activity Center.**

This item was approved by consent.

### **12. Consider a resolution authorizing funding, ratifying the expenditure and authorizing the City Manager to contract with Reynolds Asphalt, TexOp Construction, L.P., Earth Haulers, Inc., RDO Rents, APAC Texas Inc., Gra-Tex Utilities, Inc., Atlas Utility Supply Company, the City of Arlington and Tarrant County Precinct 3 in the amount of \$80,126.85 for emergency water line and street repairs on Bedford Road due to a major water main break on June 26, 2015.**

This item was approved by consent.

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### **13. Consider a resolution authorizing the addition of a Special Events Compensation Policy to Section III (Compensation) of the Employee Handbook.**

This item was approved by consent.

### **14. Report on most recent meeting of the following Boards and Commissions:**

#### **✓ Animal Shelter Advisory Board - Councilmember Fisher**

Councilmember Fisher reported that the Pet Health Fair will be held on Saturday from 9:00 a.m. to 12:00 p.m. at the Boys Ranch Activity Center.

#### **✓ Beautification Commission - Councilmember Turner**

Councilmember Turner reported that he was unable to attend the Commission meeting on August 17. He complimented Chairperson Marty Geer for doing a fantastic job.

#### **✓ Community Affairs Commission - Councilmember Farco**

Councilmember Farco reported that the Commission met the previous Thursday and is preparing for the Residential Roundtable on September 17 and the next block party. He recognized Chairperson Roy Savage who was in attendance.

#### **✓ Cultural Commission - Councilmember Champney**

Councilmember Champney reported that Commission members met with the City Manager, the Mayor, staff and the City Attorney to receive clarification and to redirect where they were going. They were under the impression that a 501(c)(3) was needed to apply for the Cultural District designation but it turned out to not be necessary. The Commission is working diligently on the application and independently a 501(c)(3) will be formed called Friends of the Cultural Commission. He stated that what the Commission is doing is embracing assets the City already has including Onstage, Arts Council Northeast, the Boys Ranch, the Library, OBS, ArtsFest, BluesFest, and packaging them together in the Cultural District to have more visibility and create a greater sense of community.

#### **✓ Library Advisory Board - Councilmember Farco**

Councilmember Farco reported that the Board met the previous Wednesday and that the Library upgraded their technology during the month of August through an \$18,000 donation from the Library Foundation and a \$10,000 grant. Upgrades included 12 Apple computers with music and video editing capabilities, a smart table with early literacy software, and wireless printing from mobile devices.

#### **✓ Parks and Recreation Board - Councilmember Sartor**

No report was given.

#### **✓ Teen Court Advisory Board - Councilmember Gebhart**

Councilmember Gebhart reported that previous meeting was called off due to a lack of quorum and that a meeting has been called for September 3.

### **15. Council member Reports**

Councilmember Fisher stated that Council was elected to take citizens' praise and anger but that the group that takes the brunt of the anger is City staff. Many emails have been received regarding the lake portion of the Boys Ranch Park renovations concerning the wildlife. He stated that the City has followed all protocols and procedures as outlined by the Texas Department of Parks and Wildlife, which oversaw



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and approved the relocation efforts of fish and turtles. Staff has checked every single day since August 18 on wildlife including assisting turtles to safer locations and checking for fish that have died. The contractor, C. Green Scaping, has left water in the creeks and channels for ducks and turtles. It has always been planned for the island to be removed and every schematic included as part of the bond issuance never included an island. Prior to the trees being cut down, Parks and Wildlife and City staff took boats to the island to verify that there were no active egret populations. In an agreement with Parks and Wildlife, the City is not allowed to remove waterfowl due to a virus. One of the reasons for dredging the lake besides aesthetics was that the buildup of silt was endangering the wildlife. He stated the City is going above and beyond to protect every creature and follows every guideline of Parks and Wildlife.

Councilmember Gebhart stated that he will not be attending the second public hearing on the tax rate as he will be celebrating his 25th wedding anniversary.

### **16. City Manager/Staff Reports**

City Manager Roger Gibson thanked Harris HEB Hospital for donating 24 non-contact infrared thermometers to the fire services in Hurst, Euless and Bedford, enough so that each ambulance has two. These thermometers allow temperature readings from a distance to lower the risk of transmission of bodily fluids. He thanked Council on behalf of staff for their direction on what they thought was important, while allowing staff to convey the issues and concerns they felt needed attention.

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

Motioned by Councilmember Fisher, seconded by Councilmember Farco, to formalize a contract with City Manager Roger Gibson backdated to June 23 of this year.

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

### **ADJOURNMENT**

Mayor Griffin adjourned the meeting at 7:59 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary