

**Council Minutes March 14, 2023**

**STATE OF TEXAS §**

**COUNTY OF TARRANT §**

**CITY OF BEDFORD §**

**The City Council of the City of Bedford, Texas, met in Work Session at 5:45 p.m. in the Conference Room and in Regular Session at 6:00 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 14th day of March, 2023 with the following members present:**

Amy Sabol	Mayor Pro Tem
Nichelle D. Dawkins	Councilmembers
Steve Farco	
Rob Gagliardi	
Rich Steves	

constituting a quorum.

Mayor Boyter and Councilmember Cogan were absent from the meeting.

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
Mark Long	Parks and Recreation Director
Brady Olsen	Finance Director
Cheryl Taylor	Public Works Director
Blake Williams	Purchasing Manager
Jeff Williams	Police Chief

**WORK SESSION**

The Work Session began at 5:45 p.m.

• **Board and Commission interviews – Animal Shelter Advisory Board**

The City Council conducted an interview for the Animal Shelter Advisory Board.

**REGULAR SESSION**

The Regular Session began at 6:00 p.m.

**CALL TO ORDER/GENERAL COMMENTS**

Mayor Pro Tem Sabol called the meeting to order. She stated Mayor Boyter was not feeling well and that Councilmember Cogan was visiting family out of state.

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### **INVOCATION**

Councilmember Steves 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 March 2023 as American Red Cross Month in the City of Bedford.**

Mayor Pro Tem Sabol read a proclamation recognizing March 2023 as American Red Cross Month in the City of Bedford. Adolph Aguirre, the Executive Director of the DFW Metro West chapter of the American Red Cross, accepted the proclamation.

### **PRESENTATIONS**

- **Presentation on the Quarterly Investment Report for the Fiscal 1st Quarter ending December 31, 2022.**

Assistant City Manager Caryn Riggs stated the City's portfolio decreased from the same time the previous year due to payments for the Phase Next project. She discussed a certificate of deposit (CD) that was earning 0.35 percent interest and was reinvested at a 4.9 percent interest rate.

Tim Pinion with Valley View Consulting, the City's investment advisors, presented the investment report for the first quarter of Fiscal Year 2023. The overall portfolio decreased from approximately \$100,200,000 in September to \$97,600,000 in December. The average yield increased by more than one percent since the end of the previous quarter and Mr. Pinion projected that interest earnings for the City funds would be in excess of \$2,000,000 by the end of the fiscal year. He discussed the City's portfolio compared to benchmark yields; Treasury yield curves indicating that rates would decline at some point; the current inflation rate of 6.5 percent and its impact on the economy; previous and predicted interest rate adjustments by the Federal Reserve and its impact on the City's investment strategy; and interest rates for CDs and treasuries/agencies. Mr. Pinion presented information on market highlights, including increased employment, a stable unemployment rate, a slowdown in the growth of median home sale prices, and an increase in the average 30-year mortgage rate. He discussed the City's investment strategy, including laddering maturities with cash flow needs to adapt to the market. There was discussion on interest rates, employment and the market, inflation's impact on the economy, and laddering maturities based on cash flow projections.

- **First Quarter Financial Report.**

Strategic Services Manager Meg Jakubik presented a financial report on the first quarter of the City's fiscal year. She presented information on the General Fund, including a comparison of actual and budgeted revenues and expenditures, and a comparison of revenues and expenditures from Fiscal Year 2022 and 2023, which shows continued improvement in sales tax and that most departments are at the 25 percent spending mark. She presented information on the Water and Sewer Fund, including three-year histories of revenue and expenditures, and stated the new rates adopted as part of the budget process did not go into effect until January. She presented

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information on the Tourism Fund, which showed double the revenues from the previous year and a decrease in expenditures compared to the previous year due to the investment in improvements to the Old Bedford School. She presented information on other funds, including Stormwater, which showed the effect of the rate increase adopted one year previously, and the Street Improvement Economic Development Corporation, which continues to show strong revenue collections. She presented a breakdown of American Rescue Plan Act (ARPA) Funds by department, showing what has been spent and what is remaining in the budget.

In response to questions from Council, Ms. Jakubik stated that the ARPA funds report shows what has been allocated but not spent and that the purchase of the Campus West property is reflected in the Development Department's expenditures for the previous fiscal year.

### **PUBLIC COMMENTS**

Bob Cochrane, 2252 Bedford Circle, Bedford – Mr. Cochrane signed up to speak on Item #13. He stated that the fundraising efforts would be feasible and hoped it would be determined that at least \$500,000 could be raised. He further hoped that enough funds could be raised to build what Council originally approved.

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

City Manager Jimmy Stathatos presented an overview of items on the consent agenda. In response to questions from Council regarding Item #6, Purchasing Manager Blake Williams explained that an annual requirements contract would establish an estimated amount the City can use for purchases over that year.

Motioned by Councilmember Steves, seconded by Councilmember Gagliardi, to approve the following items by consent: 1, 2, 3, 4, 5, and 6.

Motion approved 5-0-0. Mayor Pro Tem Sabol declared the motion carried.

- 1. Consider approval of the following City Council minutes:**
  - a) February 14, 2023 regular meeting**
  - b) February 28, 2023 work session**

This item was approved by consent.

- 2. Consider an order cancelling the May 6, 2023 general election and declaring unopposed candidates for City Council Place 4 and Place 6 be elected to the office in accordance with provisions of Subchapter C of Chapter 2, Texas Election Code.**

This item was approved by consent.

- 3. Consider a resolution authorizing the City Manager to execute Global Opioid Settlement documents relating to the Allergan, Walmart, CVS, and Walgreens settlements and any future opioid settlements negotiated by the State Attorney General; authorizing the City Manager to transmit those documents to the Attorney General; and providing for an effective.**

This item was approved by consent.

- 4. Consider a resolution of the City of Bedford, Texas approving the American Rescue**

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**Plan Act Appropriation Plan; and recognizing and appropriating expenditures within the Fiscal Year 2023 Coronavirus Local Fiscal Recovery Fund budget for the purchase and installation of accessibility hardware for doors at City facilities with door control services from the Buyboard Purchasing Cooperative in an amount not to exceed \$27,145.**

This item was approved by consent.

- 5. Consider a resolution authorizing the consumption of alcoholic beverages at Generations Park at Boys Ranch during the Northeast Tarrant Lion's Club 0.4K Slacker Run, on Saturday, May 6, 2023.**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager or designee to establish an annual requirements contract for the purchase of audio-visual equipment, accessories and services, from B&H Foto and Electronics DBA B&H, in an estimated amount of \$80,000 through the Omnia Public Sector Purchasing Cooperative.**

This item was approved by consent.

### **PERSONS TO BE HEARD**

- 7. 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.**

Betsy Dobelbower, 1700 Municipal Court, Apt. 2027, Bedford - Ms. Dobelbower stated she wanted to address Council regarding the Bedford Commons development. She has been a resident for three years and lives across the street from where the development is to take place. She stated the City and developers plan on cutting down trees and displacing wildlife, including coyotes. She explained that the land provides shelter, food, and water the animals need to survive. Ms. Dobelbower felt the development would damage the coexisting habitat and residents would see more coyotes in their neighborhoods. She discussed a recent article in the Bedford Connection regarding coexisting with coyotes. She felt the development would be a tragedy and a mistake. Ms. Dobelbower stated the coyote is the most persecuted native carnivore in the United States and that management of coyotes is traditionally implemented from the federal government downwards through predator eradication programs. She felt that predator management programs should start from the community level with humane, socially acceptable, and ecologically sound methods for handling human-wildlife conflict. She urged Bedford and its residents to implement such a program and to leave the Bedford Commons land to the wildlife.

There was discussion regarding how long the Bedford Commons project has been in development, coyotes, and the City's role in wildlife management.

- b) Amy Benning, 2608 Meadow Green, Bedford, Texas 76021 – Requests to speak to Council regarding the YWCA being a part of the Boys Ranch and our fees being increased as a result and also the new circulation of City of Bedford employees in our neighborhood.**

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Ms. Benning was not in attendance at the meeting.

### **NEW BUSINESS**

- 8. Public hearing and consider an ordinance regarding a Planned Unit Development Amendment for a hotel development on Lot 3A1 and Lot 3B, Block 1 Bedford Forum Addition. The 1.21 acres site is located northeast of Forum Parkway and Airport Freeway and commonly known as 3029 Airport Freeway. (PUD-22-2)**

There was discussion on the need to table this item due to the absences on the Council.

Mayor Pro Tem Sabol opened the public hearing at 6:43 p.m.

Motioned by Councilmember Dawkins, seconded by Councilmember Gagliardi, to table the public hearing and consideration of an ordinance regarding a Planned Unit Development Amendment for a hotel development on Lot 3A1 and Lot 3B, Block 1 Bedford Forum Addition. The 1.21 acres site is located northeast of Forum Parkway and Airport Freeway and commonly known as 3029 Airport Freeway to the next Council meeting. (PUD-22-2)

Motion approved 5-0-0. Mayor Pro Tem Sabol declared the motion carried.

- 9. Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 49th Year Program for roadway improvements on Phyllis Street, from Brown Trail to east of Dora Street.**

Public Works Director Cheryl Taylor presented information regarding this item. The proposed project would include the removal and replacement of existing deteriorated asphalt pavement, curbs, and gutters along the length of the project limits and would tie into the existing concrete roadway. Most of the water and sanitary sewer lines installed in the 1960s have reached the end of their useful life and would be replaced with eight-inch lines. She stated 43 notices were mailed to the property owners within 200 feet of the project and staff has not received any responses. Tarrant County will review the applications in the spring and staff anticipates hearing back from them in the summer. Staff would then bring a professional services agreement for the design of Phyllis Street to Council for approval, with construction anticipated to start in the summer of 2024.

In response to questions from Council, Ms. Taylor stated the reason Phyllis Street was chosen is that it is eligible for the Community Development Block Grant (CDBG) program, and this project would be an opportunity to complete the concrete section of the roadway to Brown Trail. She stated it is unknown at this time how long construction would take and staff would have a better idea once the design is complete. Regarding previous issues with the CDBG project on Walter Street, Ms. Taylor stated the City would have flexibility on the selection of the contractor based on the submitted bids. There was discussion on the timeframes of the CDBG program and the scoring matrix for applications.

Mayor Pro Tem Sabol opened the public hearing at 6:50 p.m.

Nobody chose to speak during the public hearing.

Mayor Pro Tem Sabol closed the public hearing at 6:51 p.m.

Motioned by Councilmember Farco, seconded by Councilmember Gagliardi, to approve a resolution authorizing the City Manager to pursue grant funding from the Tarrant County

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Community Development Block Grant (CDBG) 49th Year Program for roadway improvements on Phyllis Street, from Brown Trail to east of Dora Street.

Motion approved 5-0-0. Mayor Pro Tem Sabol declared the motion carried.

**10. Consider a resolution authorizing the City Manager or his designee to enter into an agreement with JPMorgan Chase Bank, N.A. to provide depository and related banking services to the City of Bedford from May 1, 2023 through April 30, 2026, with an option for two one-year renewal options.**

Assistant City Manager Caryn Riggs presented information regarding this item. She stated the City is in the second year of the initial contract term with the current bank. Staff decided to examine what other bank depository services were available considering how rates were changing in the market. Staff, with the assistance of Valley View Consulting, issued a request for applications and received responses from six banks. After analyzing each of their rates and services, staff narrowed down the selection to Wells Fargo and JPMorgan Chase. The two banks then performed demonstrations of their on-line banking portals, with staff ultimately wanting to move forward with JP Morgan Chase. The agreement is for three years, with two optional one-year renewals.

Motioned by Councilmember Dawkins, seconded by Councilmember Gagliardi, to approve a resolution authorizing the City Manager or his designee to enter into an agreement with JPMorgan Chase Bank, N.A. to provide depository and related banking services to the City of Bedford from May 1, 2023 through April 30, 2026, with an option for two one-year renewal options.

Motion approved 5-0-0. Mayor Pro Tem Sabol declared the motion carried.

**11. Consider a resolution approving and authorizing publication of notice of intention to issue certificates of obligation, Series 2023, in the principal amount not to exceed \$4,700,000, for the purpose of paying for street, parks/greenspace and water/sewer improvements.**

Finance Director Brady Olsen presented information regarding this item. He stated it is the beginning of the process to fund the Campus West project and to inform the public that Council would consider the issuance of debt to fund the project.

Motioned by Councilmember Gagliardi, seconded by Councilmember Steves, to approve a resolution approving and authorizing publication of notice of intention to issue certificates of obligation, Series 2023, in the principal amount not to exceed \$4,700,000, for the purpose of paying for street, parks/greenspace and water/sewer improvements.

Motion approved 5-0-0. Mayor Pro Tem Sabol declared the motion carried.

**12. Consider a resolution authorizing the City Manager or his designee to execute a professional services contract with Promoter Line, Inc. for professional event production and planning services for the 2023 Signature Event in an estimated amount of \$340,050.**

Parks and Recreation Director Mark Long presented information regarding this item. He stated Council approved their strategic planning session goals in January, one of which is the development of a signature event. He explained that most festivals of the size and scope being envisioned take between eight to ten months to prepare, and staff is proposing the City's event to

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be held in six months' time. He discussed engaging with Promoter Line to help staff prepare the festival due to the timing, size, and scope of the event. Mr. Long stated they would provide five full-time staff members from the execution of contract to after the event. They have a great reputation in the industry for organizing events and are familiar with Bedford having overseen the previous BluesFest events in the early 2000s and assisting with 4thFest. Promoter Line would handle most aspects of the organization and managing the event, except for sponsorships, transportation, and manpower the day of the event. They would also secure and manage the logistics of the national act, as well as secondary acts. Mr. Long advised allowing Promoter Line to manage the funds for the event as it will allow them to use their preferred pricing with the vendors with whom they have relationships. He stated staff would meet regularly with Promoter Line to ensure everything is in line with the budget and that the necessary funds for the event were allocated in the Fiscal Year 2023 budget.

In response to questions from Council, Mr. Long stated that staff is working on the list of potential names for the event. He stated staff, including Public Safety and Parks and Recreation, would perform their normal duties during the event. He explained that the Police Department would be responsible for the event grounds and main gates but that a private security firm would handle security for the stage. Mr. Long proposed not charging a fee for the event to increase attendance and provide a service to the citizens. He explained there would be revenue from sponsorships, vendor fees, and a revenue split with the beverage company. He stated the fencing would be based on Texas Alcoholic Beverage Commission requirements for alcohol sales. Mr. Long hoped that attendance would be approximately 20,000 to 25,000 and stated staff is proposing a one-day event on Labor Day Saturday.

In response to further questions from Council, it was explained that previous BluesFest events had a budget of \$475,000, and that expenses were in line with what was budgeted. The same amount is in the current budget, and the proposed event is \$130,000 under what was approved by Council. There was discussion on what would happen if the event reached capacity and possible incentive packages for people staying in hotels. There was discussion on advertising with the hotels, not including a VIP section for the event, cost recovery, and the event as an investment.

Motioned by Councilmember Gagliardi, seconded by Councilmember Dawkins, to approve a resolution authorizing the City Manager or his designee to execute a professional services contract with Promoter Line, Inc. for professional event production and planning services for the 2023 Signature Event in an estimated amount of \$340,050.

Motion approved 5-0-0. Mayor Pro Tem Sabol declared the motion carried.

**13. 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 2023 Coronavirus Local Fiscal Recovery Fund budget and authorizing the City Manager or his designee to execute an agreement and all necessary documents related to the engagement of the Huddleston Group to assist the City with a feasibility study to determine the likelihood of a successful capital campaign to raise funds to contribute to the construction costs of the new performing arts center for a fee not to exceed \$48,250.**

City Manager Jimmy Stathatos presented information regarding this item. He stated Council set aside funding to construct a performing arts center (PAC); however, the cost of construction has increased due to supply chain issues and inflation. Staff feels there are enough revenue sources to provide a facility but there may be a desire for amenities that cannot be afforded due to the

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increase in those construction costs. He discussed if there is a way to bridge the gap between what the City wants and what it can afford with the PAC. Mr. Stathatos stated the item is to contract with The Huddleston Group for a feasibility study to see what the climate it is to raise revenue, with the goal being \$5,000,000. Mr. Stathatos stated The Huddleston Group would be able to get potential donors together and examine what potential funding is available so that recommendations can be made regarding what to keep and what to eliminate on the project. He stated the timeframe for the study would be approximately 60 to 75 days. He discussed changes that were made to the agreement from what was in the packet given to Council, including spreading out payments to The Huddleston Group and language regarding arbitration, liability, and indemnification. There was discussion on the interest in arts in schools compared to sports.

Motioned by Councilmember Gagliardi, seconded by Councilmember Steves, to approve 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 2023 Coronavirus Local Fiscal Recovery Fund budget and authorizing the City Manager or his designee to execute an agreement and all necessary documents related to the engagement of the Huddleston Group to assist the City with a feasibility study to determine the likelihood of a successful capital campaign to raise funds to contribute to the construction costs of the new performing arts center for a fee not to exceed \$48,250.

Motion approved 5-0-0. Mayor Pro Tem Sabol declared the motion carried.

### **14. Mayor/Council Member Reports**

Councilmember Dawkins reported the Beautification Advisory Board met on February 20. They discussed the recent Crud Cruiser event and finding more recycling opportunities for items that Republic Services is unable to pick up as well as more educational opportunities for residents. She further reported that Clean Up Bedford Day would be held April 15, 2023.

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

City Manager Jimmy Stathatos reported that there are 2,187 monthly paid units to the YMCA, representing almost 7,000 members, and that 6,322 of those members are residents. There were over 5,000 check-ins by seniors in February, an increase of 1,000 from January, and the average amount of weekday check-ins is 725.

### **EXECUTIVE SESSION**

- a) Pursuant to Section 551.087. Deliberation Regarding Economic Development Negotiations – 205, 209, and 401 North Industrial Boulevard.
- b) Pursuant to Section 551.071(b) Consultation with Attorney - Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC.
- c) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease, or value of real property, relative to the real property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford.

Council convened into Executive Session pursuant to Section 551.087 Deliberation Regarding Economic Development Negotiations – 205, 209, and 401 North Industrial Boulevard; Section 551.071(b) Consultation with Attorney - Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC; and Section 551.072, to deliberate the purchase, exchange, lease, or value of real property, relative to the real property located at 3009 Glenwood Court, also described as Lot 3, Block 2 of the CANTERBURY ADDITION, in the City of Bedford, at 7:25 p.m.



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Council reconvened from Executive Session at 7:35 p.m.

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

**Consider authorizing the City Manager to execute a Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC settling a dispute over franchise fees and PEG fees in the case styled City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, Case No. 6:10-cv-345-ADA-DTG.**

Motioned by Councilmember Dawkins, seconded by Councilmember Farco, to authorize the City Manager to execute a Settlement Agreement and Mutual Release with Spectrum Gulf Coast, LLC settling a dispute over franchise fees and PEG fees in the case styled City of Allen, Texas et al., v. Time Warner Cable Texas, LLC d/b/a Spectrum and Charter Communications, Case No. 6:10-cv-345-ADA-DTG.

Motion approved 5-0-0. Mayor Pro Tem Sabol declared the motion carried.

**ADJOURNMENT**

Mayor Pro Tem Sabol adjourned the meeting at 7:37 p.m.

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Michael Boyter, Mayor

ATTEST:

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Michael Wells, City Secretary