

Council Minutes June 13, 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 13th day of June, 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.

Jimmy Stathatos	City Manager
Caryn Riggs	Assistant City Manager
Andrea Roy	Assistant City Manager
Cara White	City Attorney
Michael Wells	City Secretary
Wes Morrison	Community Development Manager
Brady Olsen	Finance Director
Cheryl Taylor	Public Works Director
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

Reverend Dan Coleman with Pentecostal Church of God gave the invocation.

PLEDGE OF ALLEGIANCE

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

INAUGURATION OF NEWLY ELECTED OFFICIALS

- **Administer Statement of Elected Officer and Oath of Office to newly elected Council Member Place 6 and presentation of the Certificate of Election.**

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City Secretary Michael Wells administered the Statement of Elected Official and Oath of Office to newly elected Council Member Rob Gagliardi, Place 6. Mayor Boyter presented Councilmember Steves with the Certificate of Election.

PRESENTATIONS

- **Presentation on the Quarterly Investment Report for the Fiscal 2nd Quarter ending March 31, 2023.**

Assistant City Manager Caryn Riggs stated the City's investment portfolio decreased from approximately \$113,000,000 from the same time the previous year to approximately \$102,000,000 due to payments for large capital projects such as Phase Next. She discussed taking advantages of changes in the market and laddering investments to lock in interest rates for the long term.

Tim Pinion with Valley View Consulting, the City's investment advisors, presented the investment report for the second quarter of Fiscal Year 2023. The City Funds increased by approximately \$5,000,000 from the previous quarter, which he stated was typical for the time of year with incoming property taxes. The State Water Implementation Funds for Texas funds remained basically unchanged. The average yield increased by approximately 0.75 percent since the end of the previous quarter and the interest earnings for the quarter were \$943,000. Mr. Pinion discussed the City's portfolio compared to benchmark yields; Treasury yield curves; the current inflation rate of 6.4 percent; interest rate increases by the Federal Reserve as well as anticipated interest rate adjustments in the future; and interest rates for CDs and treasuries/agencies. Mr. Pinion presented market highlights, including the Gross Domestic Product for the fourth quarter and anticipated subdued growth in 2023 and 2024; a strong unemployment rate; increased inflation measures; and a decrease in home prices coupled with an increase in the 30-year mortgage rate. He discussed the City's investment strategy, including laddering maturities and locking in interest rates. There was discussion on the City's strategy of being more aggressive and smarter to maximize interest returns.

- **Second Quarter Financial Report.**

Finance Director Brady Olsen presented a financial report on the second quarter of the City's fiscal year. He 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 property taxes being close to the budgeted amount for the year, sales tax being four percent over the previous year, and that most departments are at the 50 percent mark for expenditures. He explained the expenditures for the Development Department include the purchase of the Campus West property. Mr., Olsen presented information on the Water and Sewer Fund, including three-year histories of revenue and expenditures, and explained the City made a payment to the Trinity River Authority (TRA) earlier than normal so the expenditures look higher but overall operations are in line with expectations. He presented information on the Tourism Fund and stated there are significant payments missing from three hotels, which the City is actively pursuing. He presented information on other funds, including Stormwater, the Street Improvement Economic Development Corporation, which shows slight reduction in expenditures, and what has been spent in American Rescue Plan Act (ARPA) funding.

In response to questions from Council, Mr. Olsen stated the payment made to the TRA was based on when they billed the City. There was discussion on the hotels that are delinquent in their payments and when the ARPA funds must be spent. Mr. Olsen discussed an accounting

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adjustment for sales tax that would be reflected in the third quarter report. In response to a question from Council, Assistant City Manager Caryn Riggs explained that a discrepancy in Miscellaneous revenue was due to a one-time credit from the City's insurance company being charged there. The credit was subsequently allocated to the City's departments based on their health insurance expenditures and will be reflected in the next quarter's report.

PUBLIC COMMENTS

Tom Culbert, 1925 Charleston Drive, Bedford, Texas – Mr. Culbert signed up to speak on Item #7. He discussed the dates of events in the Bedford Connection.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

Motioned by Councilmember Cogan, seconded by Councilmember Gagliardi, to approve the following item by consent: 1.

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

- 1. Consider approval of the following City Council minutes:**
 - a) May 23, 2023 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) Timothy Sturm, 900 Glenda Drive, Bedford, Texas 76022 – Timothy Sturm, 900 Glenda Drive, Bedford, Texas 76022 – Requests to speak to Council regarding the sign ordinance and its recent enforcement in his particular case, which resulted in the required removal of a sign advertising the rehoming of puppies from his residence.**

Timothy Sturm, 900 Glenda Drive, Bedford – Mr. Sturm stated the community uses and values signs for various purposes, including school pride, public safety messages, supporting social causes, and advertising legitimate personal endeavors. He stated they are an important medium to communicate, express, and engage with each other and wider audiences. He felt the current sign ordinance seems to inhibit such engagement and was concerned that it appears to determine the legality of signs based on their content, which he felt was at odds with the Constitutional right to freedom of expression. Mr. Sturm stated the fundamental purpose of any ordinance is to provide guidelines that help maintain harmony and promote growth within a community. He further stated an ordinance that fails to represent a community's evolving needs may inadvertently stifle such harmony and growth and felt the sign ordinance was such an example.

Mr. Sturm discussed his experience of a sign on his property to aid in re-homing puppies and stated that though he felt the sign caused no harm and received substantial community support, it was deemed illegal under the current ordinance. He questioned the ordinance's purpose and alignment with the community's values and needs. He further discussed and cited examples of what he felt were apparent discrepancies in how the ordinance is enforced, including for college

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and sports signs, raising awareness of child abuse, public safety, and a construction trailer with branding at the Campus West property. He felt that the sign ordinance was overly strict, citing the absence of thriving sign companies and a high rate of failure among recent ones. He further felt easing restrictions could help stimulate local business activity and contribute to the economic vitality of Bedford. He felt there was a potential misalignment of the ordinance with daily practices and community ethos and did not reflect the community's needs or values. Mr. Sturm discussed signs as communication tools, and being used to bolster community spirit, raise awareness about pressing issues, and aid in personal endeavors. He proposed rewriting the sign ordinance to be more balanced, inclusive, and clear, and that allows residents to freely express themselves. He recommended Council consider the resources provided by the International Sign Association, which offers guidance and resources for local governments to help draft compliant and legal sign ordinances.

There was discussion regarding the City's process of reviewing all its ordinances and the Comprehensive Master Plan.

NEW BUSINESS

- 3. Public hearing and consider a resolution approving a site plan to renovate the drive-through and parking area for an existing Starbucks facility in accordance with the Heavy Commercial Zoning District and with the Master Highway Corridor Overlay District Development Standards. The property is generally located on the south side of Airport Freeway, approximately 260 feet east of Central Drive, commonly known as 2200 Airport Freeway. (SITE-23-1)**

Community Development Manager Wes Morrison presented information regarding this item, which is for the Starbucks on Airport Freeway. He stated the property was zoned for Starbucks in 2005 and has gone through some plats but no major renovations or updates since that time. The applicant recently approached staff regarding an internal remodel, and staff discussed with them issues related to traffic and circulation. Mr. Morrison explained any change to a site plan for property in the Master Highway Corridor Overlay District requires Council approval. He stated the biggest change to the site plan is a reorganization of the drive-through, with the entrance being from the rear of the property and a curb with landscaping screening the drive-through from parking. The Planning and Zoning Commission recommended approval of this item and there were no responses to the legally required notices. In response to a question from Council, Mr. Morrison stated there were no concerns by the Commission expressed at their meeting.

Mayor Boyter opened the public hearing at 6:38 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 6:39 p.m.

Motioned by Councilmember Farco, seconded by Councilmember Gagliardi, to approve a resolution approving a site plan to renovate the drive-through and parking area for an existing Starbucks facility in accordance with the Heavy Commercial Zoning District and with the Master Highway Corridor Overlay District Development Standards. The property is generally located on the south side of Airport Freeway, approximately 260 feet east of Central Drive, commonly known as 2200 Airport Freeway. (SITE-23-1)

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

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- 4. Consider a resolution approving and authorizing publication of notice of intention to issue certificates of obligation, Series 2023a, in the principal amount not to exceed \$17,000,000, for the purpose of paying for street, parks/greenspace, fire-fighting facility, renovation to an existing animal shelter, and water/sewer improvements.**

Finance Director Bracy Olsen presented information regarding this item, which is to provide notice to the public that the City is considering issuing debt. He stated there is no anticipated impact to the City's water rates or property tax rates with the issuance of the debt. He explained any project funded by the Certificates of Obligation would have to go individually to Council, at which time there would be more details and better cost estimates for those projects.

Motioned by Councilmember Gagliardi, seconded by Councilmember Cogan, to approve a resolution approving and authorizing publication of notice of intention to issue certificates of obligation, Series 2023a, in the principal amount not to exceed \$17,000,000, for the purpose of paying for street, parks/greenspace, fire-fighting facility, renovation to an existing animal shelter, and water/sewer improvements.

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

- 5. Consider a resolution authorizing the City Manager or his designee to utilize the City of North Richland Hill's contract with Double D Contracting and Garrett Shields Infrastructure, through the Master Interlocal Cooperative Purchasing Agreement, in an estimated amount of \$750,000, for the 2023/2024 Concrete Sidewalk, Accessibility Ramps, Concrete Street Panels, Driveway, and Curb and Gutter Reconstruction at Various Locations Project.**

Public Works Director Cheryl Taylor presented information regarding this item. She stated the interlocal agreement allows for the addition of two more concrete contractors to the street program in order to be more proactive and complete projects in a timely manner. In response to questions from Council, Ms. Taylor stated the City repairs sidewalks in front of residences at no cost to the residents, which is unusual for cities. She stated staff is looking at extending the sidewalk along Bedford Road, east of FM 157.

Motioned by Councilmember Dawkins, seconded by Councilmember Steves, to approve a resolution authorizing the City Manager or his designee to utilize the City of North Richland Hill's contract with Double D Contracting and Garrett Shields Infrastructure, through the Master Interlocal Cooperative Purchasing Agreement, in an estimated amount of \$750,000, for the 2023/2024 Concrete Sidewalk, Accessibility Ramps, Concrete Street Panels, Driveway, and Curb and Gutter Reconstruction at Various Locations Project.

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 professional services agreement with McAdams in an estimated amount of \$28,000 for conceptual engineering services associated with the proposed location of the Central Fire Station and Training Facility at 2130 and 2140 L. Don Dodson Drive.**

Assistant City Manager Andrea Roy presented information regarding this item. She stated it is to approve an engineering contract to lay out the preliminary design on the seven-acre site, and to specifically determine what can and cannot be built on the site, including a potential new central fire station and training facility. In response to questions from Council, Ms. Roy stated the results

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of the contract would be a conceptual layout and confirmation of any major concerns for the property, including relocation of utilities or lack of service. She discussed that part of the property is in the floodplain and there is also the presence of a 50-foot pipeline easement on which structures cannot be built. She stated the process should take approximately two months and that options would be presented to Council in the future. She further stated the location is not good for retail and there has been some interest in it for individual office suites.

Motioned by Councilmember Gagliardi, seconded by Councilmember Farco, to approve a resolution authorizing the City Manager or his designee to negotiate and execute a professional services agreement with McAdams in an estimated amount of \$28,000 for conceptual engineering services associated with the proposed location of the Central Fire Station and Training Facility at 2130 and 2140 L. Don Dodson Drive.

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

7. Discussion regarding an Advisory Board for Seniors and an Advisory Board for YMCA/Bedford. **This item requested by Councilmember Dawkins.

Councilmember Dawkins stated that as part of the Council's Strategic Plan, there was agreement on providing additional opportunities for volunteering, including reinstating the senior citizen advisory board. She discussed citizen interest in volunteering for boards and commissions as well as the citizen's academy. She further discussed an advisory board to allow residents a better say with what happens at The Center.

City Manager Jimmy Stathatos stated there is an advisory board as part of the agreement for The Center and that Council would make four nominations to serve on the board. He further stated there will be an update on the Strategic Plan at the next Council meeting as well as a possible strategic planning session in the fall, at which time the senior citizen advisory board could be further discussed. There was discussion regarding encouraging involvement in the City.

8. Mayor/Council Member Reports

No reports were given.

9. City Manager/Staff Reports **a) Department Update**

City Manager Jimmy Stathatos recognized Communications staff Molly Fox, Abby Aldrich, and Tim Randall, for winning eight awards from the Texas Association of Municipal Information Officers.

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

Executive Session was not held.

ADJOURNMENT

Mayor Boyter adjourned the meeting at 7:00 p.m.

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Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary