

Council Minutes July 28, 2020

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 7:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 28th day of July, 2020 with the following members present:

Michael Boyter	Mayor
Tom Burnett	Councilmembers
Dan Cogan	
Ruth Culver	
Rob Gagliardi	
Amy Sabol	
Rusty Sartor	

constituting a quorum.

Staff present included:

Cliff Blackwell	Interim City Manager
Stan Lowry (via telephone)	City Attorney
Michael Wells	City Secretary
Jeff Gibson	Police Chief
Don Henderson	Parks Superintendent
Meg Jakubik	Strategic Services Manager
Andrew Kloefkorn	Neighborhood Services Manager
Joey Lankford	Deputy Fire Chief/Fire Marshal
Kenny Overstreet	Public Works Director
Kelly Snook	Interim Capital Projects Director
Bill Syblon	Development Director

WORK SESSION

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

- **Update from staff on the Phase Next Park tenant relocation of Onstage, Trinity Arts Guild, and Clubhouse for Special Needs, as well as an update on the asbestos abatement, building demolition, and starting date for breaking ground. **This item requested by Councilmember Burnett.**

Jim Tharp with Oxley Williams Tharp Architects (OWT) presented the timeline of the Phase Next project to date. Addie Lutz with OWT presented the final interior finishes as voted on by Council. Interim Capital Projects Director Kelly Snook stated an auction of City property was held on July 1, 2020, and the tenants received letters in June informing them of the July 31 move-out date. The first two weeks in August will be spent salvaging items in the buildings that need to be kept. The asbestos abatement work should be completed by the end of August or beginning of September, after which the Police and Fire Departments will hold training in those buildings.

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Dennis Haar with Halff Associates stated the 100 percent plans will be submitted to the City for review on August 7, 2020, as well as to Steele & Freeman for their estimate of the guaranteed maximum price (GMP), which would go to Council for approval. There was discussion on value engineering opportunities. Brian Hennington with Steele & Freeman stated once the drawings are received, they would get those drawings to their subcontractors and work on the GMP. He discussed mobilization for construction, including obtaining the necessary building permits and legal paperwork, and stated it would take approximately one to two weeks to mobilize on site.

There was discussion on the budget for the project. Ms. Snook stated construction manager-at risk process allows the contractor to be involved in the review of the plans and the ability to provide cost estimates at a very early stage. She has received cost estimates from the subcontractors for audio/visual, fitness equipment and furniture, and is waiting on estimates for information technology and exterior furniture around the aquatics. She believes the project would not be over budget. There was discussion on interest on the bonds; the storage building as part of the project; the timeframe for the asbestos abatement; public safety training in the buildings; and the relocation of a gas line, which has been completed by Atmos at no cost to the City. Ms. Snook stated the park would be turned over to the contractor in mid-October and there would be additional fees to move up the construction schedule. She stated the storage building would be a 180-day project and staff would remove and store everything by the time the park is turned over to the contractor. Interim City Manager Cliff Blackwell stated there is a plan to rent some containers close to the site for materials currently in the Boys Ranch Activity Center. Mr. Hennington stated barricades would go up after the two-week time frame he discussed previously. He further stated the drawings would require permit review between the time they are submitted to Steele & Freeman and the GMP being presented to Council; however, the permit review would run side-by-side with bidding. Ms. Snook stated the project is still on the schedule agreed upon the previous December.

Mr. Blackwell stated he is meeting with the communications team to formulate a plan on communicating with the public on the progress of the project. In response to questions from Council, Mr. Blackwell stated approximately \$3,100,000 in interest has been earned on the bonds to date, and about that amount has already been spent on the project. Ms. Snook estimated the cost of furniture, fixtures and equipment to be under \$4,000,000. There was discussion on determining the pricing, alternate bids, and the impact of COVID-19 on the bids from subcontractors; the materials currently stored in the BRAC and the recent auction; the potential for additional interest on the bonds; the total budget for the project; the process for closing the park and facilities; the operating costs for the park; Recreation staff and a possible relocation to a store front; and Council receiving the project schedule, information on the earnings from the auction, and the communications plan.

- **Presentation and discussion on an agreement offer by Motorola Solutions, Inc. for the replacement of the City's fleet of radio equipment in the amount of \$1,849,254.29.**

Fire Chief Sean Fay stated the City would have to make significant purchases to replace the City's radio fleet within the next two years. He presented an overview of the radio system, including infrastructure and end user hardware, which consists of portable and mobile radios as well as consolettes. He discussed the City's partnership with other area cities in the Northeast Tarrant County Trunk Radio Consortium (NETCO). He stated most of the radio fleet was purchased in 2011, and the fleet consists of a variety of different generations and models of radios. Radio replacement has not been part of the capital equipment replacement program because the City has used funding through the Tarrant County 911 District assistance program

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to turn over part of the radio inventory and has found money in the City's budget to replace hardware that has aged out. The 911 District changed their policy whereby radio purchases are no longer an allowable expense. Further, Motorola made an end of product life announcement for many of the City's radios, which means all radios in the fleet would reach their end-of-life stage soon. He discussed the life cycle of radio hardware, which is generally eight to ten years. Staff previously decided to develop a replacement strategy and to add radio replacement to the capital replacement program. Chief Fay discussed Motorola's cancellation notification, which informs users that a particular model would be discontinued and replaced with a newer model, and parts, service and support would be guaranteed for a maximum of five years. He discussed the needs of the City and stated 100 percent of the fleet is within the five-year cancellation notice, 34 percent has exceeded the end-of-support date, and the rest will reach their end-of-support date in 2022 and 2023.

Chief Fay presented information on Motorola's offer, which is to replace all end-user inventory at once, including accessories, and includes programming and installation costs, as well as a five-year comprehensive warranty. The offer is a five-year, lease-to-purchase financing agreement, with no interest nor payment for 18 months, and a 90-day product delivery. Casey Moore with Motorola presented information on the existing fleet and their end-of-life dates, a management plan for replacing radios, radio frequencies, and the overall radio system.

There was discussion on Motorola's performance, their radio system infrastructure, and their proposal; cost recovery on selling the current radios on the secondary market or at auction; the need for dual band radios; and aging infrastructure and capital expenditure forecasting. Chief Fay stated the current radios are safe, but Council's choices are to take Motorola's offer or develop a replacement strategy. He further stated radios need to be part of the equipment replacement program no matter what Council chooses to do. Deputy Fire Chief/Fire Marshal Joey Lankford stated the City generally has not purchased extended warranties but uses a maintenance contract with the City of North Richland Hills for repairing radios. There was discussion on strategically planning for equipment replacement, including radios; incrementally replacing radios; the need for Parks and Public Works employees to have radios; the annual contracts for participation in NETCO and the maintenance contract with North Richland Hills; and allocating radios that have not reached end-of-support to non-public safety employees. Mr. Lankford stated Motorola's offer would represent a savings of 42 percent.

Mayor Boyter adjourned the Work Session at 7:15 p.m.

REGULAR SESSION

The Regular Session began at 7:30 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Councilmember Sartor gave the invocation.

PLEDGE OF ALLEGIANCE

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

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OPEN FORUM

Nobody signed up to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Culver, seconded by Councilmember Burnett, 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) **July 13, 2020 executive session**
 - b) **July 14, 2020 regular session**

This item was approved by consent.

NEW BUSINESS

2. **Consider an ordinance amending Chapter 54, "Environment" of the City of Bedford Code of Ordinances by amending Sections 54-67 through 54-68, providing for a penalty clause; providing for a repealing clause; providing for a severability clause; and declaring an effective date.**

Development Director Bill Syblon presented information on this item, which are amendments to the Nuisance Ordinance. He stated this was the result of the Council meeting on June 23, 2020 where staff was tasked to come back to Council with amendments to further define issues out in the field that might help the Neighborhood Services Division. There was discussion on issues related to code; Council and staff meeting to comprehensively address code issues; and tabling this item. Council was of the consensus to meet in Work Session on August 10, 2020 at 6:30 p.m. for a comprehensive discussion on code enforcement, to include policies and procedures in code enforcement, how they conduct business, how they do training, how they enforce the laws at hand, and a review of codes and ordinances that govern their actions.

Motioned by Councilmember Cogan, seconded by Councilmember Sabol, to table an ordinance amending Chapter 54, "Environment" of the City of Bedford Code of Ordinances by amending Sections 54-67 through 54-68, providing for a penalty clause; providing for a repealing clause; providing for a severability clause; and declaring an effective date.

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

3. **Consider a resolution authorizing the Interim City Manager to purchase a Community Service Maintenance Storage Building, in the amount of \$241,680, through the BuyBoard Cooperative Purchasing Program.**

Ms. Snook presented information on this item, which is to purchase a storage building through the BuyBoard Cooperative Purchasing Program to house equipment currently at the BRAC. She stated the price includes the building, site preparation and grading, a concrete slab, a concrete driveway, installation, electric work, and a performance bond. A small amount of funding is needed for a security system with a monitoring service. There was discussion on the

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appropriateness of the building being part of the Phase Next project; the Police Department golfcart that would also be stored in the building; the storage needs for Recreation and Special Events staff; the building being 5,400 square feet; and securing of the building. Ms. Snook stated the building would have insulation but no HVAC. She further stated only three trees would be removed for the building. There was discussion on the color of the building, including having it blend in with the nearby Post Office building and trees; and the possibility of adding additional landscaping or fencing with screening around the building.

Motioned by Councilmember Gagliardi, seconded by Councilmember Burnett, to approve a resolution authorizing the Interim City Manager to purchase a Community Service Maintenance Storage Building, in the amount of \$241,680, through the BuyBoard Cooperative Purchasing Program.

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

4. Consider a resolution authorizing the Interim City Manager to enter into an agreement with Custard Construction Services, in the amount of \$60,572.36, utilizing the Texas Interlocal Purchasing System (TIPS), for the abatement of Asbestos Containing Material (ACM) in the six structures to be demolished at Generations Park.

Ms. Snook presented information regarding this item. She stated the qualified lowest bid was Custard Construction Services at \$60,572.36, and that they are qualified through the Texas Interlocal Purchasing System. There was discussion on the difference in pricing of the four bids received. Ms. Snook stated she was only required to get one bid; however, the bid came in so high she asked for additional proposals.

Motioned by Councilmember Culver, seconded by Councilmember Burnett, to approve a resolution authorizing the Interim City Manager to enter into an agreement with Custard Construction Services, in the amount of \$60,572.36, utilizing the Texas Interlocal Purchasing System (TIPS), for the abatement of Asbestos Containing Material (ACM) in the six structures to be demolished at Generations Park.

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

5. Consider a resolution authorizing the Interim City Manager to enter into an agreement with Ark Contracting Services, LLC, in the amount of \$475,948, for the Brookwood Hills Stream and Sanitary Sewer Rehabilitation project.

Public Works Director Kenny Overstreet presented information regarding this item, which is to contract with Ark Contracting Services for stream repairs in the Brookwood Hills area. He presented a timeline for the project going back to 2015. He stated the contract is 120 calendar days, and there is a \$500 a day penalty for exceeding the timeline. Ark Contracting has done previous sanitary sewer and drainage projects in Bedford, along with projects in other cities. In response to questions from Council, he stated once the contract is signed, a pre-construction meeting would be scheduled, and letters sent to all residents that back up to the creek regarding the project. He estimated the start of the project to be 45 to 60 days out. There was discussion on the different bid amounts; the details of the project; sending detailed information on the project to the neighborhood, including the timeline; the reasons for delays on the project; funding for the project from 2011 bonds; and including the bid advertisements in the agenda packets going to Council moving forward.

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Motioned by Councilmember Sabol, seconded by Councilmember Cogan, to approve a resolution authorizing the Interim City Manager to enter into an agreement with Ark Contracting Services, LLC, in the amount of \$475,948, for the Brookwood Hills Stream and Sanitary Sewer Rehabilitation project.

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

EXECUTIVE SESSION

- a) Pursuant to Section 551.074, personnel matters - City Manager search.**
- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Block 2, Lot 1, Bedford Baptist Temple Sub.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.074, personnel matters – City Manager search and Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Block 2, Lot 1, Bedford Baptist Temple Sub., at 9:01 p.m.

Council reconvened from Executive Session at 9:35 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

6. Mayor/Council Member Reports

Mayor Boyter reported the Council is well into discussions with possible city managers and hopes in the coming days and weeks to make an exciting announcement on the City's future.

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

✓ Community Affairs Commission

Councilmember Sabol reported the Commission discussed doing a Facebook Live event where the Mayor would interview people.

✓ Cultural Commission

Councilmember Gagliardi reported the Commission will have exciting items coming in the future.

8. City Manager/Staff Reports

a) Report on efforts to support Bedford businesses.

This item was presented prior to the Executive Session.

Mr. Syblon presented an overview of the City's efforts on supporting Bedford businesses. These include banners on the City's website linking to the Support Bedford Business Facebook page, Development Services, dining options, and a business resource page; a coupon program; staff handing out the Governor's Open Texas brochures to businesses; providing masks and signs to businesses; a "We're Open" social media campaign; a relaxation of sign restrictions; promoting the Hurst-Eules-Bedford Chamber of Commerce lunch mobs; promoting the Tarrant County small business grant program; a "Shop Bedford" shirt giveaway and raffle program; sharing business information on the Nextdoor app; and providing thermometers to at-risk facilities and day care centers. He discussed other possible programs, including a grant program using the

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City's Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for businesses that were ineligible for the Tarrant County grant. There was discussion on linking to businesses from the City's website and staying in contact with businesses. Strategic Services Manager Meg Jakubik reported on the Community Affairs Commission's efforts on the coupon program.

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

No action was taken as a result of the Executive Session.

ADJOURNMENT

Mayor Boyter adjourned the meeting at 9:39 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary