

Council Minutes August 9, 2022

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 9th day of August, 2022 with the following members present:

Michael Boyter	Mayor
Amy Sabol	Mayor Pro Tem
Dan Cogan	Councilmembers
Steve Farco	
Rob Gagliardi	
Rich Steves	

constituting a quorum.

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
Maria Redburn	Library Director
Cheryl Taylor	Public Works Director
Bill Walker	Fire Chief
Blake Williams	Purchasing Manager
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

Joseph Cartwright with Reimagine Men DFW gave the invocation.

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

- **Bike The Blue presentation**

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Stephane Culver with Bike the Blue presented information on the Bike the Blue program, which she stated supports public safety organizations by providing them with new or refurbished bikes. She discussed the history of the organization, and stated she found that bike patrols in smaller cities were having to buy their own bikes, uniforms, and accessories. She partnered with Trek Bikes to loan bikes to some jurisdictions, which she stated helped with morale, community policing, and apprehending suspects. Ms. Culver discussed the members of the board for Bike the Blue and acknowledgements they have received from the City of Fort Worth and the Tarrant County Sheriff's Office. She stated their next project after Bedford is for the Fort Worth Stockyards.

Joseph Romero with Bike the Blue stated it costs between \$3,000 to \$3,500 for the bikes, accessories, and training. He discussed ways citizens can get involved to help with the program. Rick Maxey with Bike the Blue discussed his reasons for joining the board, including that he respected and supported the Police Department. He stated the program helps enhance community relations, crime prevention and to lower crime rates, which ultimately helps with economic growth. He presented an overview of the program's key supporters.

Police Chief Jeff Williams discussed the formation of a bike patrol unit to assist with community outreach as well as enforcement. He stated when first discussing the bike patrol, it was determined that it would take several years to implement; however, through help from the community and Bike the Blue, it should be active within the next six months. Ms. Culver discussed the list of donors to the program and presented several bikes to the Police Department. Chief Williams stated the bikes would be deployed as part of normal patrols when call loads allow as well as at special events.

OPEN FORUM

Bob Cochrane, 2252 Bedford Circle, Bedford – Mr. Cochrane signed up to speak on Item #18. He stated he researched tree ordinances in neighboring cities and that there has been a lot of discussion on social media about trees lost as part of the construction at Generations Park and that may be lost as part of the Bedford Commons project. He felt that the fact that the City owns the Bedford Commons property and would therefore have more control is not necessarily reassuring to people. He further felt that developers use grading issues as an excuse to knock down trees and that building can be done without having to level everything.

PERSONS TO BE HEARD

- 1. The following individuals have requested to speak to the Council tonight under Persons to be Heard:**

- a) Halye Linn – requests to speak to Council regarding community relations.**

Ms. Linn discussed the case she brought against her former spouse to the Police Department in August 2019 and the subsequent investigation, where she felt that she was being treated with reluctance to help, disregard, and hostility. She discussed a meeting scheduled with the Mayor, the Police Department, and her legal advocate that was canceled but never rescheduled, emails sent to Council that were not responded to, and a complaint she made to the Texas Rangers regarding the Police Department. She discussed the complaint process through the City and her claim that a complaint against the Chief and the detective on her case being kept off the record. She asked who held the Police Chief and City Manager accountable and what Council was going

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to do about the situation. There was discussion on further reviewing this topic at a future meeting under a more proper agenda heading.

b) Dorothy McWhorter, 1600 Martha Drive, Bedford, Texas 76022 – requests to speak to Council regarding the City’s involvement in the Political Forum held August 1, 2022.

Ms. McWhorter discussed a political forum held at the Library on August 1, 2022. She stated the question she submitted was never asked, had never been submitted to the moderator, and had apparently been lost. She stated the following day one of the candidates requested that she read her question, which they then answered, and that she had not heard from the other candidate. She felt both candidates were robbed of the opportunity to explain their position on her question. Ms. McWhorter asserted other cards with good questions disappeared. She discussed correspondence between her and City staff about the City providing the Library free of charge and felt she and others whose cards disappeared did not have the opportunity to hear from the candidates and asked why a member of Council was the timekeeper for the forum if the City was supposed to be neutral. She stated she was not proponent of City itself holding such a forum but that there needs to be checks and balances, and a solution be found where people can come and know there is a level playing ground.

There was discussion on the League of Women Voters holding forums in previous years but stopping in 2018, the group that held the forum on August 1, 2022 and in 2019, the process for asking questions during the forum, the forum serving as a public service, and the policy for renting City facilities.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

Motioned by Councilmember Gagliardi, seconded by Mayor Pro Tem Sabol, to approve the following items by consent: 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12.

Motion approved 6-0-0. Mayor Boyter declared the motion carried.

**1. Consider approval of the following City Council minutes:
a) July 12, 2022 regular meeting**

This item was approved by consent.

2. Consider a resolution authorizing the City Manager to enter into a contract with the Hurst-Euless-Bedford Independent School District to provide three School Resource Officers for the 2022/2023 school year in the amount of \$255,970.74, paid for by the District.

This item was approved by consent.

3. Consider a resolution authorizing the City Manager, or his designee, to establish an annual requirements contract for the purchase of office supplies, furniture and other as-needed office-related goods, from Amazon Business, LLC, in an estimated amount of \$175,000 with the Texas Local Government Purchasing Cooperative, dba Omnia Public Sector.

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This item was approved by consent.

- 4. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the City of Denton, Texas for cooperative purchasing of goods, products, and/or services.**

This item was approved by consent.

- 5. Consider a resolution authorizing the City's participation in the Texas Department of Information Resources (DIR) Cooperative Purchasing Program (DIR CCP) for goods and services.**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to enter into an agreement with the National Cooperative Purchasing Alliance (NCPA).**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to enter into an agreement with Texas Health Physicians Group (THPG) for employee clinic services effective September 1, 2022.**

This item was approved by consent.

- 8. Receive the certified anticipated collection rate from the Tarrant County Tax Assessor Collector for the City of Bedford, Texas.**

No action was necessary on this item.

- 9. Receive the 2022 Ad Valorem Tax Roll from the Tarrant Appraisal District as certified by the Chief Appraiser Jeff Law.**

No action was necessary on this item.

- 10. Consider a resolution authorizing the City Manager to enter into a contract with Wendy Burgess, Tarrant County Tax Assessor-Collector and Tarrant County, for the assessment and collection services of ad valorem taxes levied by the City of Bedford; and providing an effective date.**

This item was approved by consent.

- 11. Consider a resolution designating the Tarrant County Tax Assessor-Collector as the designated officer to calculate the no-new-revenue tax rate and the voter-approval tax rate for the City of Bedford.**

This item was approved by consent.

- 12. Consider a resolution of the City of Bedford, Texas, awarding the successful bid and approving the sale of a 0.55197-acre parcel of vacant real property known as Lot 17R, Block 8, Kelmont Park Addition, an Addition to the City of Bedford, Tarrant County, Texas, and known locally as 1412 Donna Lane; and authorizing the City Manager to**

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execute a special warranty deed and any necessary instruments to convey title to the property to the bidder; and providing an effective date.

This item was approved by consent.

NEW BUSINESS

13. Consider a resolution authorizing the City Manager to enter into an agreement with AETNA for the City's employee medical and dental benefits effective October 1, 2022.

Human Resources Director Stephanie Ayers presented information regarding this item. She stated the City currently contracts with Aetna and Aetna Texas Health for medical insurance. The City's current loss ratio is 214 percent over the previous 12 months, while a good target ratio for a fully insured plan is around 85 percent. The reason for the City's loss ratio is due to one high-cost claimant who incurred over \$4,100,000 in claims over the previous 12 months; however, they are no longer on the City's plan, and, excluding them, the City's loss ratio would be at 76 percent.

Ms. Ayers stated the initial offer from Aetna was for a \$1,500,000, or 46.6 percent, increase; therefore, the City's broker recommended the going out to bid. Ms. Ayers presented an overview of the City's four current plans, being two co-pay plans and two High Deductible Health Plans (HDHP). She stated bids were received from four carriers, which was narrowed down to Aetna and Cigna as the others offered health maintenance organizations, which was felt not to be appropriate for the City's employees. Cigna offered plans that mirrored the current plans; however, those did not have out-of-network benefits. The best and final rates from Aetna after being informed that the aforementioned claimant was no longer on the City's plan was a 2.1 percent increase, or approximately \$67,000. Cigna offered a savings of 2.4 percent, or approximately \$78,000. There was discussion on caps on medical benefits for employees.

Regarding dental plans, Ms. Ayers stated the plans offered by the Aetna, the City's current vendor, and Cigna were the same. She stated Aetna offered a zero percent increase with a one-time holiday premium credit. Cigna offered a 12.2 percent decrease but only if bundled with medical insurance.

Ms. Ayers stated staff's recommendations is to remain with Aetna to keep the status quo with the medical and dental plans as not to disrupt the employees. She stated Aetna would also offer a \$25,000 credit to help pay for wellness initiatives. Further, staff recommends implementing a Flexible Savings Account (FSA) with the copay plans. She presented information on the City's vision plan through VSP, which is paid entirely through employee premiums. Staff is recommending a buy-up plan, which would have a higher allowance.

There was discussion regarding the medical plans and the FSA, including ensuring employees understand that the funds do not roll over year-to-year and the administration of the program. In response to questions from Council, Ms. Ayers stated that staff has not heard many complaints regarding the move to Aetna the previous year and that most employees use the HDHP, possibly due to the Health Savings Account benefits.

Motioned by Councilmember Gagliardi, seconded by Mayor Pro Tem Sabol, to approve a resolution authorizing the City Manager to enter into an agreement with AETNA for the City's employee medical and dental benefits effective October 1, 2022.

Motion approved 6-0-0. Mayor Boyter declared the motion carried.

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14. Consider a resolution authorizing the City Manager to enter into a contract with UKG, Nephele, and Schoox to provide an improved integrated Human Resources Information System/Payroll Processing System in the amount of \$132,000 for the first year and \$89,500 for subsequent years.

Ms. Ayers presented information regarding this item, which is to implement a new payroll system to help streamline processes for the Human Resources and Finance Departments, as well as enhance and simplify the employees' experience. She discussed issues with their current system, including poor customer support and errors. She stated staff demoed multiple systems, looking for one that could provide a comprehensive solution as opposed to the disjointed nature of the current systems, and narrowed it down to UKG. Ms. Ayers discussed the services provided by the UKG system, including document storage, automated on and offboarding, leave management, organizational charts, advanced reporting, disciplinary action tracking, an employee survey capability, automated performance management, and a dedicated support team. She stated implementing the new system would eliminate the need for additional staff as originally planned.

Jason Coppi with UKG stated the company was formed through a merger between Ultimate Software and Kronos. He discussed their single platform with all the functionalities as presented by Ms. Ayers, and that the City currently uses the module for time and attendance accrual. Mr. Coppi presented an overview of their user interface management as well as their enhanced support model and account team, consisting of himself as the local government account executive, an executive relationship manager, and a customer success consultant.

Ms. Ayers presented the cost summary for implementing the new system. She stated the annual cost of the UKG system is \$57,000, with learning management content through Schoox at \$31,700, and a one-time implementation charge of \$42,500, for a total first-year cost of \$132,000 and an annual cost of \$89,500. With the elimination of other software that would no longer be needed, the overall cost for the UKG system is \$29,000 over the current system. The implementation period would take approximately six to nine months. There was discussion on the virtual training on the system through Nephele.

Motioned by Councilmember Steves, seconded by Councilmember Gagliardi, to approve a resolution authorizing the City Manager to enter into a contract with UKG, Nephele, and Schoox to provide an improved integrated Human Resources Information System/Payroll Processing System in the amount of \$132,000 for the first year and \$89,500 for subsequent years.

Motion approved 6-0-0. Mayor Boyter declared the motion carried.

15. Consider a resolution authorizing the City Manager, or his designee, to execute a contract and all necessary documents related to the purchase of various types of furniture including office furniture, banquet furniture, and activity furniture for the new Center building from GL Seaman & Company through purchasing cooperatives or interlocal agreements in an amount not to exceed \$371,000.

Project Manager Gary Johnson presented information regarding this item. He stated GL Seaman was used by the Police Department for their recent renovations and were very satisfied with them. He was also satisfied with both GL Seaman's service and options. He felt that all the furniture would be in on time based on the lead times he has been given. They ordered 25 eight-foot laminate topped tables, that could be used with or without linens, and 200 chairs for the banquet room. He stated after the furniture is laid out, there could be the possibility of adding more tables and chairs.

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In response to questions from Council, Mr. Johnson stated the warranties for the furniture are 10 to 12 years based on heavy usage and that it would take six to 12 weeks for delivery. Mr. Stathatos stated the YMCA would be handling the rentals for The Center.

Motioned by Councilmember Gagliardi, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager, or his designee, to execute a contract and all necessary documents related to the purchase of various types of furniture including office furniture, banquet furniture, and activity furniture for the new Center building from GL Seaman & Company through purchasing cooperatives or interlocal agreements in an amount not to exceed \$371,000.

Motion approved 6-0-0. Mayor Boyter declared the motion carried.

16. 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 2022 Coronavirus Local Fiscal Recovery Fund Budget.

City Manager Jimmy Stathatos presented information regarding this item. He stated it was to purchase six solar lights for the Library green space for events in the amount of \$39,222. Utilizing solar lights would mean that trenching would not be necessary, and they can be installed and moved around by Parks staff. In response to a question from Council, Mr. Stathatos confirmed that the City has spent approximately \$5,300,000 in American Rescue Act Plan funds so far.

Motioned by Councilmember Cogan, seconded by Councilmember Gagliardi, 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 2022 Coronavirus Local Fiscal Recovery Fund Budget.

Motion approved 6-0-0. Mayor Boyter declared the motion carried.

17. Mayor/Council Member Reports

No reports were given.

18. City Manager/Staff Reports

a. Tree Preservation **Item requested by Councilmember Steves

Councilmember Steves stated he has talked with several residents concerned about developers ignoring tree surveys and site plans, such as a recent incident off Hospital Parkway, and asked that this item be added to see if the City's tree preservation ordinance needed to be improved. Mr. Stathatos discussed the City having more control over what happens at the City-owned Bedford Commons property as opposed to development on private property. He stated Bedford's ordinance was written prior to many cities adopting tree mitigation ordinances by which time the City had become mostly developed. What remains are infield projects that slip through the cracks as the codes are not applicable.

Assistant City Manager Andrea Roy discussed resident concerns regarding developers clear cutting sites, thereby losing mature trees and the character of an area; the removal of trees at Generations Park and what was replanted; and what is going to happen with the mature trees on the Bedford Commons property. She stated Bedford's tree preservation ordinance was developed in 1996 and is part of the City's subdivision regulations but has not been updated since that time.

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The ordinance does require a permit and fee to remove a tree. It further contains a list of protected trees that a developer would need to replace on a one-to-one ratio but only in the defined buildable area.

Ms. Roy discussed potential revisions to the ordinance, including modifying the definition of buildable area; rewarding developers for maintaining large trees; adjusting the ratio for replacing trees; further defining what the City desires as replacement for trees and how trees are protected; tightening what is allowed to happen within the perimeter of a tree; incentivizing developers for taking down undesirable trees; and establishing a tree/forestation replacement fund. She discussed the importance of striking a balance between protecting trees while allowing a site to still be developable.

There was discussion on updating the tree preservation ordinance. In response to questions from Council, Ms. Roy stated the ordinance does not specify whether it applies to City property. There was discussion regarding the removal of trees at Generations Park. Mr. Stathatos stated that 189 trees were removed, while 370 were planted, and 152 ornamental trees in 30-gallon containers would also be added. There was discussion on preserving trees on the Bedford Commons property and adding specifications for how the City is to maintain trees on its property. Council was of the consensus to move forward on updating the tree preservation ordinance.

There was discussion on prohibiting the planting of trees under utility lines; dead tree ordinances; contracting with an arborist to examine trees on City property on a case-by-case basis; the tree barrier for residents along the northwest section of Generations Park; the condition of the new trees and grass at Generations Park with the heat; and ensuring properties are in compliance with their landscape plans, including identifying properties that are out of compliance.

City Attorney Bryn Meredith stated municipalities have robust authority to regulate and mandate tree preservation requirements, and that one thing missing from Bedford's current ordinance is the assessment of a tree mitigation fee. He advised that the City is prohibited through regulations from rendering a property undevelopable, which would constitute a regulatory taking. Further, if the City assesses a tree mitigation fee, it would have to allow a developer to offset that fee with replanting trees on their property or elsewhere in the City. There was discussion on the limitation with enforcement on undeveloped property; the replacement of trees and landscaping after a natural disaster; landscape plans and a tree preservation ordinance being separate items; and the Bedford Commons conceptual plan.

EXECUTIVE SESSION

- a. Pursuant to Section 551.071. Consultation with City Attorney regarding a contract with A&M Construction and Utilities-Harwood Road Hurst City Limits to Bedfordshire Water System Improvements.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071. Consultation with City Attorney regarding a drainage issue and a contract with A&M Construction and Utilities-Harwood Road Hurst City Limits to Bedfordshire Water System Improvements, at 8:16 p.m.

Council reconvened from Executive Session at 8:28 p.m.

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

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

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ADJOURNMENT

Mayor Boyter adjourned the meeting at 8:30 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary