

Council Minutes August 22, 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 22nd day of August, 2023 with the following members present:

Michael Boyter
Amy Sabol
Dan Cogan
Nichelle D. Dawkins
Steve Farco
Rob Gagliardi
Rich Steves

Mayor
Mayor Pro Tem
Councilmembers

constituting a quorum.

Jimmy Stathatos
Caryn Riggs
Andrea Roy
Bryn Meredith
Michael Wells
Meg Jakubik
Brady Olsen
Jeff Williams

City Manager
Assistant City Manager
Assistant City Manager
City Attorney
City Secretary
Strategic Services Manager
Finance Director
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 the 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.

COUNCIL RECOGNITION

- **Proclamation recognizing the HEB ISD Council of PTAs on their 50th anniversary.**

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Mayor Boyter read a proclamation recognizing the HEB ISD Council of PTAs on their 50th anniversary. Heather Peery, the president of the HEB ISD Council of PTAs, accepted the proclamation.

PRESENTATIONS

- **Presentation on the Quarterly Investment Report for the Fiscal 3rd Quarter ending June 30, 2023.**

Assistant City Manager Caryn Riggs stated the City's investment portfolio decreased by 5.9 percent from the same time the previous year due to spending on capital projects. She discussed the City taking advantage of interest rates and locking in rates at up to five percent for three years.

Tim Pinion with Valley View Consulting, the City's investment advisors, presented the investment report for the third quarter of Fiscal Year 2023. He discussed a transition in the City's portfolio, with securities increasing from approximately \$29.5 million to \$40 million since the end of the previous quarter as the City looks to lock in rates for longer periods of time. The average yield increased by approximately 0.84 percent since the end of the previous quarter. The interest earnings for the quarter were approximately \$684,000, for total earnings of approximately \$2.3 million for the year. Mr. Pinion discussed the 5.8 percent overall return for the City's portfolio compared to benchmark yields, which showed the City's portfolio catching up as the benchmark yields begin to stabilize. He further discussed Treasury yield curves, which showed that rates are likely to decline, which he stated was a good reason to lock up funds. Mr. Pinion presented market highlights, including a decline in the rate of inflation; rate adjustments by the Federal Reserve; the current interest rate environment; the market's estimation of potential action by the Federal Reserve on interest rates; stability in the growth of the Gross Domestic Product; strong employment numbers; and a decrease in the median price of housing due to increased mortgage rates. He discussed the City's investment strategy, including laddering maturities and locking in interest rates.

- **Third Quarter Financial Report.**

Strategic Services Manager Meg Jakubik presented a financial report on the third 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. She stated the Fire Department is the only department whose expenditures are above projections due to deployments, which will eventually be reimbursed by the state. There was discussion on the reimbursement process and how the funds would be accounted. Ms. Jakubik discussed the Tourism Fund, including that revenues are strong despite three hotels currently being delinquent on submitting their Hotel/Motel Occupancy Tax; the expenses for the Old Bedford School the previous year; and that the expenditures for the Beats and Eats festival will come out of the fund. She presented information on the Water and Sewer Fund, including the impact on revenues from the lack of rain in August, the Stormwater Fund, and the Street Improvement Economic Development Corporation. She presented further information on American Rescue Plan Act (ARPA) funding.

PUBLIC COMMENTS

Nobody signed up to speak during Public Comments.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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City Manager Jimmy Stathatos presented an overview of the items on the consent agenda. Councilmember Steves requested Item #3 be removed from the consent agenda.

Motioned by Mayor Pro Tem Sabol, seconded by Councilmember Steves, to approve the following items by consent: 1,2,4,5, and 6.

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

**1. Consider approval of the following City Council minutes:
a) August 8, 2023 regular meeting**

This item was approved by consent.

2. Consider a resolution approving the City of Bedford Investment Policy.

This item was approved by consent.

3. Consider a resolution approving updates to the City of Bedford's Purchasing Policy.

This item was removed from the consent agenda.

Assistant City Manager Caryn Riggs presented information regarding this item. She stated Purchasing Manager Blake Williams updated the policy and that its purpose is to ensure the City is following state law and that the proper controls are in place when it comes to purchasing items. In response to questions from Council, Ms. Riggs stated she was unaware of any situation where the City is not following state law. There was discussion on problems in a neighboring city regarding purchasing due to the lack of proper controls. In response to further questions from Council, Ms. Riggs stated an employee would submit a request for a purchasing card when they are hired, which must be a function of their job and would require approval by herself or the Finance Director. She confirmed that purchases on the cards are limited to \$3,000. Ms. Riggs further stated employees must detail the purpose of any purchase and submit an itemized receipt as part of their expense report at the end of each month. Purchase cards are deactivated when an employee leaves the City. Ms. Riggs explained that the same process for purchasing cards applies to department heads and that Council's expenses are reviewed by the Ethics Commission. She further explained that purchased equipment would go into the City's inventory or fixed asset list based on its value.

Motioned by Councilmember Steves, seconded by Councilmember Gagliardi, to approve a resolution approving updates to the City of Bedford's Purchasing Policy.

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

4. Consider a resolution of the City Council of the City of Bedford, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2023 Rate Review Mechanism filing.

This item was approved by consent.

5. Consider a resolution authorizing the City Manager or his designee to enter into an agreement with Curtco, Inc., utilizing the City of Grand Prairie's contract for pavement crack and joint sealing services, through the Master Interlocal Cooperative Purchasing

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Agreement, in an estimated amount of \$150,000, for the 2024 Crack and Joint Sealing Program.

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager or his designee to utilize the City of Grand Prairie's contract with Reynolds Asphalt and Construction Company in an estimated amount of \$2,400,000 for the 2024 Pavement Resurfacing Services Project through a Master Interlocal Cooperative Purchasing Agreement.**

This item was approved by consent.

NEW BUSINESS

- 7. Call a public hearing on the proposed FY 2023-2024 budget to be held on September 12, 2023 at 6:00 p.m. in the City Hall Council Chambers.**

Motioned by Councilmember Cogan, seconded by Councilmember Farco, to call a public hearing on the proposed FY 2023-2024 budget to be held on September 12, 2023 at 6:00 p.m. in the City Hall Council Chambers.

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

- 8. Consider a proposed tax rate and set the public hearing on the proposed tax rate, if required.**

Strategic Services Manager Meg Jakubik presented information regarding this item. She stated staff is recommending the Voter-Approved Tax Rate of \$0.495726 per \$100 valuation, the same as the current tax rate. She stated this item is to set the highest rate Council would consider at the meeting on September 12, 2023.

Motioned by Councilmember Cogan, seconded by Councilmember Gagliardi, to consider a tax rate of \$0.495726 per \$100 assessed valuation to be voted on the September 12, 2023 agenda, and schedule a public hearing to discuss the tax rate on Tuesday, September 12, 2023 at 6:00 p.m. at Bedford City Hall.

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

- 9. Consider a resolution authorizing the City Manager or his designee to enter into a professional services agreement with Teague Nall & Perkins, Inc. (TNP) in the amount of \$191,000 for the design of the 49th Year Community Development Block Grant (CDBG) Phyllis Street – Water, Sewer, and Paving Improvements Project (Brown Trail to East of Dora Street).**

Public Works Director Cheryl Taylor presented information regarding this item. She stated the City submitted a formal application to Tarrant County in January, and a public hearing was held and a resolution to seek the grant funding was approved on March 14. Tarrant County sent an allocation letter for \$160,000 and the consultant selection was completed in May, with Teague Nall & Perkins being chosen. The scope of the project would include the removal of approximately 3,900 square yards of asphalt pavement and the reconstruction of six-inch reinforced concrete pavement, new curbs, gutters, driveways, and utility adjustments. Other improvements include

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1,300 linear feet of water line and 200 linear feet of sewer line. Construction is anticipated to begin in the summer of 2024.

In response to questions from Council, Ms. Taylor stated the next steps are to bid the project, which then goes back to Tarrant County for construction. She explained that this project includes water and sanitary sewer improvements, unlike the previous CDBG project for Walter Street, which only included reconstruction of the street.

Motioned by Councilmember Gagliardi, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager or his designee to enter into a professional services agreement with Teague Nall & Perkins, Inc. (TNP) in the amount of \$191,000 for the design of the 49th Year Community Development Block Grant (CDBG) Phyllis Street – Water, Sewer, and Paving Improvements Project (Brown Trail to East of Dora Street).

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

10. Consider a resolution authorizing the City Manager or his designee to enter into a contract with SYB Construction Company, Inc. in an estimated amount of \$4,832,283.25 for the SWIFT 21-09 Joiner Acres Addition (Russell Lane) and SWIFT 21-13 Bell Manor Units 1-5 and Forest Ridge No. 2 Addition Water and Sewer Improvements Project.

Ms. Taylor presented information regarding this item. She stated it combines two projects, which includes over 1,600 linear feet of water pipe and over 3,500 linear feet of sanitary sewer pipe, plus related appurtenances. She explained many of the water and sewer lines being replaced have been in service since the early 1960s. The design has been submitted to the Texas Water Development Board (TWDB) for approval for construction utilizing State Water Implementation Fund for Texas (SWIFT) funds. Ms. Taylor stated four bids were received and Westwood Professional Services, the design engineer for the project, reviewed the bid tabulations and an evaluation committee was assembled to rank the submittals and determine the best value of bids, with SYB Construction Company receiving the highest score. The water line improvements would be paid from the 2017 SWIFT certificates of obligation and the sewer line improvements would be paid from the 2019 Certificates of Obligation. The contract time for the project is 300 calendar days, and construction is anticipated to begin in October and be completed by the following fall. Ms. Taylor stated the streets affected streets will be considered for improvement after the utility construction and have already been programmed into the Street Improvement Economic Development Corporation's Capital Improvement Plan.

There was discussion on replacement of the pavement on the streets after the utility improvements and the use of the SWIFT funds.

Motioned by Councilmember Gagliardi, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager or his designee to enter into a contract with SYB Construction Company, Inc. in an estimated amount of \$4,832,283.25 for the SWIFT 21-09 Joiner Acres Addition (Russell Lane) and SWIFT 21-13 Bell Manor Units 1-5 and Forest Ridge No. 2 Addition Water and Sewer Improvements Project.

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

11. Consider a resolution authorizing the City Manager or his designee to negotiate and enter into a contract with Freese and Nichols, Inc. in an estimated amount of \$450,000 for the preparation of a Drainage Master Plan.

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Ms. Taylor stated there was a stormwater utility fee increase in 2021 to fund previously identified projects. She further stated the City contracted with Freese and Nichols, Inc. (FNI) in 2022 for a needs assessment to provide a framework and narrow the scope for a full drainage master plan. The primary focus of the assessment was to determine the current condition of the City's drainage system and Ms. Taylor presented an overview of the assessment. She stated a preliminary list of priority capital improvement plan (CIP) projects was developed and the consultant determined the need for a comprehensive, City-wide drainage master plan.

Scott Hubley with FNI presented an overview of the need assessment. He stated the drainage system study was identified as part of the presentation in 2021 regarding the increase to the stormwater utility fee. The needs assessment included data collection, a screening level drainage assessment, interviews with staff, a preliminary project list based on current projects, and strategy development for the drainage master plan.

Bethany Fleitman with FNI presented an overview of the high-level screening assessment, which evaluated potential flooding and drainage concerns in both a 100-year and a five-year storm. She stated from the screening assessment as well as citizen complaints and work orders received by the City, they developed a list of known project areas, which were ranked based on such things as life-safety, property damage, and infrastructure renewal. She stated channel improvements to Sulphur Branch ranked highest on the list. Finally, one-page project summaries of the preliminary capital needs were developed to help guide future decisions.

Mr. Hubley presented an overview list of for the development of the drainage master plan, including project management, a stormwater fee audit, developing a storm history database, assessing pipe conditions, a geomorphic investigation, and a drainage analysis, which would all be put into a CIP. In response to a question from Council, Mr. Hubley explained that the stormwater fee audit is not looking at the fee structure itself, but determining if the City is collecting everything it is authorized to collect. He stated the proposed schedule for the project is approximately 18 months. He recommended moving forward with the design of the Sulphur Branch channel improvements that is already in the budget, and which was affected by the State Highway 183 construction.

Motioned by Councilmember Dawkins, seconded by Councilmember Farco, to approve a resolution authorizing the City Manager or his designee to negotiate and enter into a contract with Freese and Nichols, Inc. in an estimated amount of \$450,000 for the preparation of a Drainage Master Plan.

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

12. Discussion and action regarding the appointment of the Mayor Pro Tem, Board and Commission Liaisons, and Members of Committees, Foundations, and Corporations.

Mayor Pro Tem Sabol recommended Councilmember Cogan to serve as Mayor Pro Tem. There was discussion on Councilmembers attending local events.

Existing liaisons remained appointed to Boards and Commissions as listed below without notation and newly appointed positions and liaisons are underlined.

Animal Shelter Advisory Board: Councilmember Farco
Beautification Advisory Board: Councilmember Dawkins
Cultural Arts Advisory Board: Mayor Pro Tem Sabol

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Library Advisory Board: Councilmember Cogan

Parks and Recreation Advisory Board: Councilmember Steves

Trinity River Authority: Councilmember Steves

Audit Committee: Mayor Boyter, Councilmember Gagliardi, Mayor Pro Tem Sabol

Industrial Development Authority: Councilmember Gagliardi, Councilmember Cogan, Mayor Pro Tem Sabol

Economic Development Foundation: Councilmember Farco

Street Improvement Economic Development Corporation: Councilmember Cogan, Councilmember Farco, Councilmember Dawkins, Mayor Pro Tem Sabol

Investment Committee: Mayor Pro Tem Sabol

Health Facilities Development Corporation: Councilmember Cogan, Mayor Pro Tem Sabol, Councilmember Gagliardi

Motioned by Councilmember Dawkins, seconded by Mayor Pro Tem Sabol, to approve Councilmember Cogan as Mayor Pro Tem and the list of Board and Commission Liaisons and members of Committees, Foundations, and Corporations as presented.

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

13. Discussion and receive Council direction regarding Boards and Commissions.

Councilmember Dawkins discussed the dissolution of the original senior advisory board in 2014 and her discussions with Councilmember Steves about the need for a senior advisory board, not only for the new senior center but for addressing senior needs. She discussed her research of senior advisory boards in other cities, and consistent with Bedford's other advisory boards, she recommended they meet six times a year and be made up of seven members of the public to serve two-year terms. She further recommended their purpose be as follows: to act as liaison for all senior residents in the City and advise the City Council and staff on ways to enrich and enhance the health and quality of life of seniors in the community; to solicit input and act as public forum for issues that affect seniors in the community; to provide advice based on input received in order improve the programs, policies, and services provided to seniors; and to identify barriers of access to seniors in City programs and services. Councilmember Dawkins stated having a senior center will give seniors another opportunity to engage in similar activities as those offered at the YMCA and the board can help stay connected with activities at the YMCA as well as other organizations. Council was of the consensus to move forward on staff drafting an ordinance to establish a senior advisory board.

There was discussion on a Charter Review Commission, including the Charter provision requiring Council to discuss appointing such a Commission five years after a change to the Charter and the possibility of changing the timeframe; the opportunity to hold a Charter election in May; the size of the Charter Review Commission and the possibility of changing the number of members; that charter elections cannot be called more frequently than every two years; the possibility of having Council Members serving on the Commission; Council giving clear direction to the Commission about what to review in the Charter; and Council recommending changes to the Charter without appointing a Commission. Council was of the consensus to examine shortening the time frame for discussing the appoint of a Commission to three years after a change to the Charter.

Councilmember Dawkins discussed a possible tenant advisory board based on complaints on social media from tenants having a hard time getting action from apartment management. There was discussion on developing a resource guide of what tenants should do when they have issues;

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changes in code enforcement for apartment complexes; holding an apartment complex town hall; and communications staff producing a video on tenant rights.

There was discussion on the senior center members appointing members to the senior advisory board, wanting a wide variety of seniors throughout the community, and extending the deadline for applications.

14. Mayor/Council Member Reports

Councilmember Dawkins reported the Beautification Advisory Board met the previous Monday and decided to reschedule the fall sweep to November 4 due to the heat.

Councilmember Gagliardi reported he attended the Hurst-Euless-Bedford Independent School District (HEB ISD) community meeting, where there was discussion on things that affect communities. He stated there was discussion on low-cost daycare used by school districts, which might help City employees, and the possibility of allowing the children of employees to attend HEB ISD schools. He further reported that he had fun at the pop art event the previous weekend, and that the event has been extended to Saturday.

Councilmember Sabol reported on the pop art event, and stated staff worked very hard on the event.

15. City Manager/Staff Reports

City Manager Jimmy Stathatos stated Bedford was one of five finalists for City Hall Selfie Day and encouraged people to vote for Bedford.

EXECUTIVE SESSION

- a) **Pursuant to Section 551.072 (2) Consultation with Attorney – regarding Article II of Chapter 26 of the Bedford Code of Ordinances**
- b) **Pursuant to Section 551.074. to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees – City Manager Annual Review**

Council convened into Executive Session pursuant to Section 551.072 (2) Consultation with Attorney – regarding Article II of Chapter 26 of the Bedford Code of Ordinances and Section 551.074. to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, including deliberation regarding the following officers or employees – City Manager Annual Review, at 7:48 p.m.

Council reconvened from Executive Session at 9:35 p.m.

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

Motioned by Councilmember Gagliardi, seconded by Councilmember Dawkins, to approve the changes to the City Manager's employment agreement, as discussed in Executive Session.

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

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ADJOURNMENT

Mayor Boyter adjourned the meeting at 9:36 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary