

Council Minutes August 24, 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 24th day of August, 2020 with the following members present:

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

constituting a quorum.

Staff present included:

Cliff Blackwell	Interim City Manager
Matt Butler (via videoconference)	City Attorney
Michael Wells	City Secretary
Stephanie Ayers	Human Resources Director
Sean Fay	Fire Chief
Jeff Gibson	Police Chief
Meg Jakubik	Strategic Services Manager
Kenny Overstreet (via videoconference)	Public Works Director
Maria Redburn (via videoconference)	Library Director
Kelly Snook	Interim Capital Projects Director
Bill Syblon	Development Director
Brian TenEyck	Recreation Manager

WORK SESSION

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

• **Presentation by David Pettit Economic Development.**

Brian Moore with GFF Planning reviewed Council's feedback regarding Bedford Commons from the July 14, 2020 work session, including making it a place unique in the area, a local destination, well-programmed and multi-functional, and experiential and aspirational; making it distinguishable from other sites; and having a strong connectedness to the surrounding neighborhood. Regarding programmatic elements, there was feedback about multi-use venues, both indoors and outdoors; sheltered pavilions; restaurants with outdoor shaded spillover space; food trucks; a splash pad; tree shade; trellis and canopy shade; festoon lighting; a small amphitheater; a permanent wall surface for projecting movies; green space; a kids area; pedestrian walks; and an artificial turf area. He discussed walkability and the natural topography of the site and displayed an iteration of the Bedford Commons showing the programmatic

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elements included. There was discussion on the number of townhomes and their orientation on the site; the elements that drive people to the Press Café in Fort Worth and Klyde Warren Park in Dallas; the programmatic elements in Bedford Commons; technology; programming in the open spaces; connectivity with other areas in the City, including Generations Park and the Old Bedford School; rebranding the project; access to the townhomes; the shared wall between townhomes; who the stores and the programmed events would attract, including people outside the City; the topography of the area, including for an amphitheater; the attractiveness of the project to developers; the type of tenants that would be attracted to the restaurant and retail spaces; adding outdoor seating at the Library; and the price range for the townhomes.

David Pettit with David Pettit Economic Development discussed the creation process for a Tax Increment Reinvestment Zone (TIRZ), including establishing the boundaries of the TIRZ, performing a taxable value analysis, developing a cashflow model, and preparing a TIRZ project and financing plan. He discussed the potential boundaries of the TIRZ and stated if the boundaries are established during the current calendar year, the TIRZ base will be the values as of January 1, 2020. He advised including parcels prime for an increase in taxable value, including vacant parcels that could accommodate new development, parcels with opportunities for redevelopment, and parcels that are currently tax exempt that could become taxable. He further advised excluding parcels that could see a decrease in value and discussed a high risk of loss in taxable value of income producing properties from 2020 to 2021 due to COVID-19. He stated contiguous and non-contiguous properties can be added or removed through an amendment to the boundaries of the TIRZ by action of the Council. There was discussion on the next steps in the process.

- **Discussion on recreation storefront option at 209 Harwood Road in Bedford.**

Recreation Manager Brian TenEyck presented an option for a recreation storefront at 209 Harwood Road. He stated the storefront will allow the Recreation Division to keep its membership base intact and continue engaging the residents, which will aide in marketing for the Center at Generations Park. It would further lessen the load of programming at the Old Bedford School and provide the Division an opportunity to develop a successful business model and market plan for the Center. He discussed the layout of the proposed storefront; the hours of operation; membership fees, which would be the same as those at the Boys Ranch Activity Center (BRAC); the schedule of classes; upfront costs for workout and weight equipment; staffing and schedules; ongoing expenditures for staffing and rent; initial capital expenses for upgrading the site; and a revenue plan.

There was discussion on the terms of the lease; rent, including an option to include the cost of construction; the City's responsibility regarding maintenance; the number of members expected to visit the storefront and the number of class attendees; the storefront serving as a bridge to the Center; presales for the Center; the location of the storefront; holding events in the parking lot and partnering with neighboring businesses; the square footage of the location; the budget for cleaning supplies and maintenance; equipment being brought in from the BRAC and Senior Center; social distancing requirements for the location and the impact on the number of attendees; staffing; revenue, expenditures, and the return on investment of approximately ten percent; using the funding to create a reserve for the expected shortfall in the first year of the Center; the current budget for the Recreation Division and the Senior Center; services and activities for non-members and the community as a whole; having a presale center on the grounds of the OBS; the new workout equipment being given to the Fire Department or traded in after the storefront is no longer needed; the impact of COVID-19 on gyms and recreation;

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revisiting the storefront plan in the next budget year; refunding memberships; storage space for equipment; and increasing memberships for the Center.

- **Update on Covid-19 pandemic; impacts, planning, and future considerations.**

Fire Chief Sean Fay stated the three goals for the pandemic continue to be life safety, continuance of services, and fiscal sustainability. He gave an overview of the timeline and events from March 13, 2020 to the present. He stated since the previous update on June 17, 2020, staff continues to conduct weekly virtual Emergency Operations Center (EOC) meetings, additional Designated Infection Control Officers (DICOs) were trained and certified, and an EOC safety task force was created to evaluate workplace safety. Further, a contract tracing program was developed, all-employee work directives were issued, which included the mandatory use of face coverings and to allow for employee isolated workspaces whereby employees could remove their face coverings.

Chief Fay stated the counties were given direction by the state at the beginning of August regarding how positive COVID-19 cases were counted, which lead to a higher case count. The county also informed the City of backlogged cases. He provided case count statistics for Tarrant County and Bedford, including from the previous two briefings, and stated there has been a flattening of the numbers over the previous two weeks. He felt there would be case load increases after Labor Day and when schools go back into full session. Chief Fay presented information on the impact to City services, including small, isolated employee case outbreaks from which everyone has recovered. Other workplaces received modifications for improved safety. He discussed operational contingency planning, including development of the continuation of operations plans, employee directives, and a contract tracing program. Future considerations include monitoring the situation once schools reopen. There was discussion on hospital bed and ventilator capacity and providing an update on Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

- **Follow-up discussion on viability plans for a meeting/entertainment venue(s).**

This item was not discussed and will be put on the agenda for the meeting on September 8, 2020.

REGULAR SESSION

The Regular Session began at approximately 8:30 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Mayor Boyter gave the invocation.

PLEDGE OF ALLEGIANCE

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

OPEN FORUM

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Nobody signed up to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Interim City Manager Cliff Blackwell presented an overview of the items on the consent agenda.

Motioned by Councilmember Burnett, seconded by Councilmember Sabol, to approve the following items by consent: 1 and 2.

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

- 1. Consider approval of the following City Council minutes:**
 - a) August 1, 2020 work session**
 - b) August 3, 2020 special session**
 - c) August 10, 2020 work session**
 - d) August 11, 2020 regular session**
 - e) August 17, 2020 special session**

This item was approved by consent.

- 2. Consider a resolution of the City Council of Bedford, Texas authorizing the submission of a HOME Investment Partnership Program grant application to the HOME Homeowners Rehabilitation Program administered by the Community Development and Housing Division of Tarrant County, Texas; and agreeing to meet all match contribution requirements for the expenditures under the Tarrant County HOME Investment Partnership Program for program year 2020.**

This item was approved by consent.

NEW BUSINESS

- 3. Consider an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2020 through September 30, 2021; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.**

Strategic Services Manager Meg Jakubik presented information on the annual budget. She discussed the City's budget policy cycle, the City's tax rate history, trends in General Fund revenue and expenditures, and a five-year forecast, which shows the City's fund balance never dropping below the 20 percent reserve requirement. She further discussed economic conditions, including sales tax. She presented information on the revenues by fund, expenditures by department and classification of all funds, and revenues and expenditures from the General Fund. She presented information on the Debt Service Fund, including a debt service schedule and the annual funding requirements. She presented information on the Water and Sewer Fund, including the current rates and projections from the Trinity River Authority (TRA). She presented various water and wastewater decision packages as discussed during the August 1, 2020 budget work session. She further presented information on the Stormwater Fund, including current rates and various decision packages.

Ms. Jakubik presented information on the tax rate calculations, with the current tax rate being \$0.569000 per \$100 valuation, the no-new-revenue rate being \$0.562799, the voter-approved

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rate being \$0.571968, and the maximum tax rate to be considered and the one used in the proposed budget being \$0.569000. A comparison with the previous year's tax rate shows a 3.8 percent decrease in the debt component, and a 1.9 percent increase in the maintenance and operations component. She presented an overview of the overlapping tax rate with other entities, the impact of the tax rate on the tax bill for the average resident, which at the proposed rate is approximately \$41.00, and a breakdown of the monthly cost allocation for City services.

Ms. Jakubik presented an overview of changes made by the Council to the proposed budget at their special session held on August 3, 2020 as follows: costs savings from premium reductions and position freezes at \$482,460; division reallocations at \$401,968; two percent pay grade adjustments at \$400,377; cancer screening for firefighters at an ongoing cost of \$10,000; Texas Municipal Retirement System benefit expansion at \$1,320,460; a new perimeter fence and gates at the Law Enforcement Center at \$220,000; and Plymovent systems at Fire Stations 1 and 2 at \$110,000. She stated there was an amendment to the original exhibit for the ordinance to include the additional expenditures for the new City Manager, reducing the surplus in the General Fund to approximately \$40,000. The five-year forecasting model shows the reserve never dropping below the 20 percent requirement.

Motioned by Councilmember Culver, seconded by Councilmember Burnett, to approve an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2020 through September 30, 2021; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.

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

4. Consider a resolution to ratify the property tax increase as reflected in the FY 2020-2021 City of Bedford Program of Services (Budget).

Ms. Jakubik stated this is a procedural vote required by the Texas Local Government Code because there is an increase in property tax revenue reflected in the approved budget based on the anticipated tax rate and is over the no-new-revenue rate. In response to questions from Council, she stated the amount of the increase is 3.08 percent and confirmed it is due to the increase in property values.

Motioned by Councilmember Sabol, seconded by Councilmember Burnett, to approve a resolution to ratify the property tax increase as reflected in the FY 2020-2021 City of Bedford Program of Services (Budget).

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

5. Consider an ordinance levying taxes for the Tax Year 2020 for the City of Bedford, Texas; establishing the Ad Valorem Tax Rate of _____ per one hundred dollars valuation; providing for the apportionment of taxes for interest and sinking and for general operating needs; providing penalties and interest for delinquent taxes; and providing an effective date.

Ms. Jakubik stated this item is the formal adoption of the tax rate, and at the maximum rate Council can consider of \$0.569 per \$100 valuation, the increase would be 1.1 percent as it looks at the maintenance and operations portion of the rate. On a home valued at \$100,000, it would effectively mean an increase of \$7.22 on the maintenance and operations portion of the rate.

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Motioned by Councilmember Sabol, seconded by Councilmember Burnett, that the property tax rate be increased by the adoption of a tax rate of \$0.569, which is effectively a 1.1 percent increase in the tax rate.

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

6. Consider a resolution of the City Council of the City of Bedford, Texas approving an Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with Northern Tool + Equipment Company, Inc.

Development Director Bill Syblon presented information regarding this item. He stated staff was made aware of a zoning application in the City of North Richland Hills that proposed a new site for Northern Tool + Equipment to accommodate the move of the store in Bedford to North Richland Hills. Staff worked with the Northern Tool corporate office to draft an incentive agreement to keep the store in Bedford. Northern Tool would make reasonable efforts to employ at least 25 people and ensure gross sales of at least \$2,500,000 for the first year of the agreement, and \$3,000,000 for the following four years. Bedford would in turn rebate the equivalent of the property tax collected for the next five years. In response to a question from Council, Interim City Manager Cliff Blackwell stated the store averages approximately \$90,000 in sales tax yearly.

Motioned by Councilmember Culver, seconded by Councilmember Burnett, to approve a resolution of the City Council of the City of Bedford, Texas approving an Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with Northern Tool + Equipment Company, Inc.

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

7. Consider a resolution authorizing the Interim City Manager to enter into a contract with A & M Construction and Utilities, Inc., in the amount of \$2,217,876.70, for the SWIFT-20-10 Harwood Road-Hurst City Limits to Bedfordshire Water System Improvements Project.

Public Works Director Kenny Overstreet presented information regarding this item. He stated most of the water lines on Harwood Road were installed in the 1970s. This project was prioritized to ensure adequate water supply for the future Generations Park. The Texas Water Development Board (TWDB) approved the project on June 5, 2020 utilizing State Water Implementation Fund for Texas (SWIFT) funds. He stated 12 bids were received for the project, with A&M Construction submitting the lowest qualified bid and Pacheco Koch recommended awarding the contract to A&M Construction. Mr. Overstreet gave an overview of the construction and materials for the project, other projects on which A&M Construction has worked in the City, and the history of the design work on the project, including work done by Pacheco Koch in an unsuccessful attempt for a grant from the North Texas Council of Governments. The timeline for the project is 420 calendar days and will start east at Bedfordshire and move west to the Hurst city limits. In response to questions from Council, Mr. Overstreet stated the estimated start date is January 2021 after the contract is reviewed by the TWDB and the funds are released.

Motioned by Councilmember Gagliardi, seconded by Councilmember Sartor, to approve a resolution authorizing the Interim City Manager to enter into a contract with A & M Construction

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and Utilities, Inc., in the amount of \$2,217,876.70, for the SWIFT-20-10 Harwood Road-Hurst City Limits to Bedfordshire Water System Improvements Project.

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

- 8. Consider a resolution authorizing funding, ratifying the expenditure, and authorizing the Interim City Manager to expend funds to Reynolds Asphalt and Gra-Tex Utilities, in the amount of \$55,225, for emergency water line and street repairs on Bedford Road due to a major water main break on July 29, 2020.**

Mr. Overstreet presented a summary of the discussion on the water main break from the meeting on August 11, 2020. Gra-Tex Utilities made the water main repairs at a total cost of \$15,520 and Reynolds Asphalt made the asphalt pavement repairs at a total cost of \$39,705. Funding for these repairs would come from the Utility Repair Fund and the SIEDC Fund. Other expenses include pipes and couplings loaned by the cities of Dallas and Fort Worth, which will be paid from the Water Distribution Maintenance Fund once the invoices are received. The estimated cost for those parts is approximately \$7,800.

Motioned by Councilmember Gagliardi, seconded by Councilmember Burnett, to approve a resolution authorizing funding, ratifying the expenditure, and authorizing the Interim City Manager to expend funds to Reynolds Asphalt and Gra-Tex Utilities, in the amount of \$55,225, for emergency water line and street repairs on Bedford Road due to a major water main break on July 29, 2020.

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

9. Mayor/Council Member Reports

No reports were given.

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

No reports were given.

11. City Manager/Staff Reports

a. Presentation on certain policies adopted by the Bedford Police Department.

Police Chief Jeff Gibson presented an update on Police Department policies. He stated the policies were updated since they were discussed by Council in June. He discussed a state and national campaign dealing with eight policies that law enforcement agencies should consider or put into practice, including de-escalation techniques; a duty to intervene; bans on chokeholds and strangulations; warning shots before shooting; exhausting all alternatives before shooting; bans on shooting at moving vehicles; a use-of-force continuum; and comprehensive force reporting. Chief Gibson cited specific sections in the Police Department policies that reference those criteria. He stated the use-of-force continuum had previously been spread out amongst different policies and procedures but was consolidated in one. He discussed the software used to review and update the policies, including that they are constantly reviewed by law enforcement attorneys, and stated officers are consistently trained on the policies.

b. Discussion regarding Generations Park monument signage.

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c.

Interim Capital Projects Director Kelly Snook presented drawings of monument signage at the entrance of Generations Park and in front of the Center. She stated the Generations Park sign would match that of the historic sign at the pedestrian entrance either by reusing stone from the buildings if possible or a similar looking stone. There was discussion on smaller signage at the other entrances to the park; and the location of the Generations Park sign, including its proximity to the historic sign and moving it up the hill on Forest Ridge Drive. There was further discussion on the historic sign, including adding "Generations Park" and the possibility of relocating it; replacing the electronic sign on Harwood Road; and removing the current marquee sign. Staff was directed to bring this item back based on feedback from Council.

d. Report on Phase Next cost estimate.

Ms. Snook reported on a cost estimate of the Phase Next project. She stated the information provided to Council was based on the 50 percent construction drawing submittal and shows to be approximately \$1,245,000 over budget. She stated the 100 percent construction drawings were received on August 10, 2020 and a budget and estimate review with Steele & Freeman, the architects, and Halff Associates was held on August 20, 2020. She discussed a budget item for escalation, which is an assumption that costs are going to increase from the start of design to the time of bidding and was felt unnecessary due to COVID-19. She stated a pre-bid meeting was held at the BRAC on August 21, 2020 hosted by Steele & Freeman, and over 100 subcontractors were in attendance. Further, there are over 200 subcontractors interested in the architecture work and over 150 interested in the site work. She stated the bids for the architecture work and site work are due on September 1 and September 3, 2020 respectively. She expects the guaranteed maximum price to be submitted by September 15, 2020. She felt confident there will be the needed savings to bring the project in line with budget but if not, things can be done that would only be noticeable to those designing the project, or items could be selected as an alternate.

e. Report on efficiency study options and pricing.

Human Resources Director Stephanie Ayers presented an overview of options and pricing for an organizational efficiency study from Baker Tilly. The first option is for a high-level assessment of the entire organization at a cost of approximately \$60,000, of which 30 to 35 percent would be for the assessment phase of the City, and the remainder would be used on a more thorough analysis of particular departments. The second option would be to look at individual departments, with the costs based on the size of the departments. There was discussion on advantages of an efficiency study, including assessing departments on a regular basis; the different options; the departments on which to focus, including the Police Department; and holding off on an assessment for the new city manager. Staff was directed to bring back a contract with a not-to-exceed amount at the meeting on September 8, 2020.

EXECUTIVE SESSION

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2, Lot 1, Bedford Baptist Temple Sub.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Park Place Meadow Block 1 Lot 4R1A.

Council convened into Executive Session pursuant to Texas Government Code Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Block 2, Lot 1,

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Bedford Baptist Temple Sub. and Section 551.087, deliberation regarding economic development negotiations relative to Park Place Meadow Block 1 Lot 4R1A, at 9:58 p.m.

Council reconvened from Executive Session at approximately 10:20 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

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

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

ADJOURNMENT

Mayor Boyter adjourned the meeting at 10:22 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary