

Council Minutes September 8, 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 8th day of September, 2020 with the following members present:

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

constituting a quorum.

Councilmember Sartor arrived at approximately 8:00 p.m.

Staff present included:

Cliff Blackwell	Interim City Manager
Stan Lowry (via videoconference)	City Attorney
Michael Wells	City Secretary
Stephanie Ayers	Human Resources Director
Sean Fay	Fire Chief
Wendy Hartnett	Special Events Manager
Meg Jakubik	Strategic Services Manager
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.

- **Discussion regarding options for the Solid Waste and Recycling Agreements with Republic Services.**

Strategic Services Manager Meg Jakubik stated the current contracts for solid waste and recycling with Republic Services expire at the end of the year. Jerri Harwell with Republic Services presented a comparison of Bedford's contracts with those of the cities of Hurst and Euless. She recommended making the solid waste and recycling services one contract as opposed to two separate contracts as they are currently. She discussed money Republic Services contributes to the City; the number of roll off containers the City receives for events; the number of times residents can utilize the landfill; performance bonds; the percentage of revenue; the current rates; and franchise fees. She stated Republic Services cannot renew their contract at the current rates unless something were to be cut. She proposed an increase of \$1.80 a month per resident for both solid waste and recycling services combined, and a ten

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percent increase on commercial and industrial accounts. She stated the new contract would have a term of five years. There was discussion on initiating contract negotiations with Republic Services or going out to bid; issues with recycling, including contamination and protecting the airspace at the landfill; the current number of solid waste and recycling routes in the City; competitors to Republic Services; the money contributed by Republic for household hazardous waste vouchers, advertising, and the Beautification Commission; the service provided by Republic Services; the number of industrial accounts in Bedford; reducing the performance bond; and statistics on residential usage of the landfill.

- **Discussion on the capital equipment replacement schedule and subsequent funding strategies.**

Fire Chief Sean Fay presented information on the Capital Equipment Replacement Program, which covers the Information Technology, Police, Fire, Public Works, and Community Services Departments. It is a rolling five-year view plan and is reviewed annually through the budget process. He presented information regarding the Outdoor Warning Sirens (OWS) and stated there are ten fixed site units and one mobile unit. The estimated replacement costs are \$35,000 to \$50,000 each, or \$385,000 to \$550,000 total. The difference in replacement costs are due to multiple feature options for the new units. He discussed increased maintenance for the aging siren fleet and recommended replacing one or two units per year. In response to questions from Council, he stated a market analysis would need to be performed to determine the estimated life span of the new sirens, and the current fleet ranges from approximately 15 to 30 years old.

Chief Fay presented information on Self Contained Breathing Apparatus (SCBA), which are required personal protective equipment (PPE) for firefighting. The current fleet was purchased in 2015 and has an estimated life span of 15 years. The estimated replacement costs are \$520,000 and he recommended replacing the fleet all at once by 2030. Chief Fay presented information on radio equipment, totaling approximately 400 units, with a significant percentage of the fleet expiring within the next two years. He stated Council was supportive of a tiered replacement approach. The total cost for replacing the fleet is approximately \$1,800,000.

Chief Fay presented information on the Department's Emergency Apparatus Replacement Schedule, which includes fire trucks, fire engines, medic units/ambulances, a mobile command post, and EMS 15, which are scheduled to be replaced on a rotating schedule. There was discussion on an ambulance replacement scheduled in the upcoming fiscal year. Chief Fay stated other equipment replacement items include physical fitness equipment, cardiac defibrillators, rescue tools, thermal imaging cameras, PPE extractors and dryers, replacement of public automatic defibrillators, replacement of fire station furniture, and training room improvements. There was discussion regarding the reasons for replacing the mobile command unit and its usage and setting aside funds for capital equipment expenditures.

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

Mayor Boyter stated this item is a follow up from a previous Council meeting when Councilmember Sabol invited people to give their perspective on what should be taken into consideration as Council pursues a performing arts/conference center, as well as a systematic way to get the best use from City facilities. He discussed the possibility of a former church facility on Bedford Road. Councilmember Sabol stated Patrick Badjeck with InterNet Hospitality Group took a tour of the Old Bedford School (OBS), and who stated it would be foolish if the City does not do something with this property as opposed to the site on Bedford Road. Mr. Badjeck, appearing via videoconference, stated the church building was not a good location but

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he liked how easy it was to get to the OBS and felt that was the site where the facility needed to be. He felt the auditorium and meeting rooms were big advantages at the OBS but that what was missing was the other facility to tie into the OBS. He discussed the possibility of programming a hotel at the site. Mayor Boyter presented an overview of the history of this item, including the \$5,500,000 set aside from the Phase Next bond package for arts and entertainment and a previous proposal for a facility at the OBS with which Council was unhappy. Mr. Badjeck stated he has three architects that would design the facility at no cost. He gave these architects the budget and stated it needed to hold 300 people at a minimum in banquet set up, along with ancillary meeting facilities, to which they stated the facility would need to be ideally between 5,000 to 7,500 square feet in size. He recommended scheduling separate tours of the OBS with the architects. Mr. Badjeck stated with the OBS, he sees getting two facilities for the price of one and the potential for a hotel, along with a connection to the Bedford Commons. There was discussion on giving the architects what Council wanted in the facility for them to come back with a plan; incorporating arts and culture in the facility; and what would generate money for the City.

Mayor Boyter adjourned the Work Session at 6:59 p.m.

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 – discussion on the Economic Development Program Agreement with Suns Field Development pursuant to Chapter 380 of the Texas Local Government Code. *Item requested by Mayor Boyter
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations – update on all Economic Development Program agreements pursuant to Chapter 380 of the Texas Local Government Code. *Item requested by Mayor Boyter
- d) Pursuant to Section 551.074, personnel matters – evaluation of the Interim City Manager.

Council convened into Executive Session pursuant to Texas Government Code 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2, Lot 1, Bedford Baptist Temple Sub; Section 551.087, deliberation regarding economic development negotiations – discussion on the Economic Development Program Agreement with Suns Field Development pursuant to Chapter 380 of the Texas Local Government Code Section 551.087, deliberation regarding economic development negotiations – update on all Economic Development Program agreements pursuant to Chapter 380 of the Texas Local Government Code; and Section 551.074, personnel matters – evaluation of the Interim City Manager, at 6:59 p.m.

Council reconvened from Executive Session at 7:11 p.m. Council will convene again into Executive Session at the end of the Regular Session.

REGULAR SESSION

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

CALL TO ORDER/GENERAL COMMENTS

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Mayor Boyter called the meeting to order.

INVOCATION

Councilmember Sabol gave the invocation.

PLEDGE OF ALLEGIANCE

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

OPEN FORUM

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 Gagliardi, to approve the following items by consent: 1 and 2.

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

1. **Consider approval of the following City Council minutes:**
 - a) **August 24, 2020 regular session**

This item was approved by consent.

2. **Consider a resolution authorizing the Interim City Manager to amend the current contract with Dr. Sharon Malone, M.D. and Questcare Medical Services to provide medical control services for the City of Bedford's emergency medical operations in the amount of \$67,500 through September 30, 2023.**

This item was approved by consent.

PERSONS TO BE HEARD

3. **The following individual has requested to speak to the Council tonight under Persons to be Heard:**
 - a) **Celeste Wilson, 908 Crestview Drive, Bedford, Texas 76021 – Request to speak to Council regarding Generations Park and the baseball fields.**

Ms. Wilson was unable to attend the meeting.

NEW BUSINESS

4. **Consider an ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Bedford; providing for**

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increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; providing for participation of the City in the supplemental death benefits fund of the Texas Municipal Retirement System, to provide certain in-service death benefits for employees of the City and, establishing an effective date.

Human Resources Director Stephanie Ayers presented information regarding this item, which are additions to the Texas Municipal Retirement System (TMRS) discussed during the budget work session. There would be annually repeating 50 percent Updated Service Credits, an adhoc 70 percent annuity to retirees based on the Consumer Price Index, and a supplemental death benefit for active employees at one-time their base income. She stated during the budget work session, the discussion was to do the Updated Service Credits on a one-time basis; however, doing it on a repeating basis would lower the contribution rate from 16.25 percent to 15.81 percent. Staff recommends putting in the 16.25 percent approved in the budget so the retirement plan can become fully funded sooner. There was discussion on the history of the City being in TMRS; the approximately \$1,300,000 impact on the current budget for implementing these additions; the effective date of the following January 1; the following item regarding Restricted Prior Service Credits; and waiting on this item and the next until the new City Manager has an opportunity to review them.

The motion and vote on this item took place after Item #14.

Motioned by Councilmember Burnett, seconded by Councilmember Culver, to table an ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Bedford; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; providing for participation of the City in the supplemental death benefits fund of the Texas Municipal Retirement System, to provide certain in-service death benefits for employees of the City and, establishing an effective date.

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

5. Consider an ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Restricted Prior Service Credit" to employees who are members of the system for service previously performed for various other public entities for which they have not received credited service; and establishing an effective date.

This item was discussed during the previous item.

The motion and vote on this item took place after Item #14.

Motioned by Councilmember Culver, seconded by Councilmember Burnett, to table an ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Restricted Prior Service Credit" to employees who are members of the system for service previously performed for various other public entities for which they have not received credited service; and establishing an effective date.

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

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6. Consider a resolution authorizing the Interim City Manager to enter into a service agreement with Baker Tilly to perform an efficiency study.

Ms. Ayers presented information regarding this item. She stated the two options for an efficiency study are an overall assessment of the City, followed by selecting the areas that would benefit most from a more thorough look or selecting specific departments. She asked Council to determine a not-to-exceed figure to put towards a study. There was discussion, including with David Eisenlohr with Baker Tilly, on different options and costs, working with the new City Manager to determine the best way to spend the budgeted amount, instituting a culture of periodic independent assessments, and the purpose of the study.

Councilmember Sabol motioned to approve a resolution authorizing the Interim City Manager to enter into a service agreement with Baker Tilly to perform an efficiency study between the period of October 1, 2020 to September 30, 2021 in an amount not to exceed \$70,000.

There was further discussion on the structure and terms of the agreement, the scope of services, and waiting on the new City Manager to start prior to approving the agreement.

Councilmember Sabol amended her motion, seconded by Councilmember Burnett, to approve a resolution authorizing the Interim City Manager to enter into a service agreement with Baker Tilly to perform an efficiency study between the period of October 1, 2020 to September 30, 2021 in an amount not to exceed \$75,000.

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

7. Consider a resolution authorizing the Interim City Manager to purchase equipment to enable firefighters and paramedics to respond more safely and efficiently to incidents involving COVID-19, from Stryker Medical as a sole-source vendor, and through the U.S. General Services Administration's Disaster Purchasing Program, in an amount not to exceed \$129,118.

Chief Fay presented information regarding this item. He stated staff is proposing three reset kits for the ambulance units whereby equipment would be combined and stored at each fire station to replace contaminated equipment, allowing ambulances to be put back into service more quickly. This item is for three LIFEPAK 15 cardiac defibrillators/monitors, which are the most expensive pieces for the reset kits. These items are eligible for Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding per Tarrant County. This purchase would reduce the capital expenditure on these items discussed during the work session from four units to one. This item has also been approved by the City's Finance Department and the U.S. General Services Administration. There was discussion on the impact of this purchase on the time to decontaminate ambulances, the use of CARES Act funding, and maintenance for items.

Motioned by Councilmember Gagliardi, seconded by Councilmember Sartor, to approve a resolution authorizing the Interim City Manager to purchase equipment to enable firefighters and paramedics to respond more safely and efficiently to incidents involving COVID-19, from Stryker Medical as a sole-source vendor, and through the U.S. General Services Administration's Disaster Purchasing Program, in an amount not to exceed \$129,118.

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

8. Consider a resolution approving the Cultural Commission Strategic Plan for fiscal

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years 2021 through 2024.

This item was discussed after Item #9.

There was discussion on this item being discussed during a work session and working with Councilmember Gagliardi and Wendy Hartnett to refine the plan, including the use of City staff and removing language about the previous fiscal year and web management.

Motioned by Councilmember Burnett, seconded by Councilmember Culver, to table a resolution approving the Cultural Commission Strategic Plan for fiscal years 2021 through 2024.

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

9. Consider a resolution authorizing the Cultural Commission to paint a mural on the Roy Savage Pool building wall.

Cultural Commission Chairperson Tom Jacobsen and Cultural Commission Member Josh Santillan presented information regarding this item. It would be a community-based project, with the theme being a fish tank. The mural was approved by the Parks and Recreation Board. Mr. Santillan discussed potential donors and stated it would take approximately two to three days to complete everything, with the community doing a lot of the painting and the artists following-up with refinements.

There was discussion on children participating on the project; Council receiving a more polished design before approval; the Commission's new subcommittees; discussing this and the other two Cultural Commission items at a work session; the process for determining the design of the mural; engaging with mural artists; possible conflicts of interest with Commission members working on the mural; the dimensions of the mural; and incorporating the mural with the future Miracle Park. There was further discussion on tabling this and the other two Cultural Commission items until they can be discussed at a work session. Council was of the consensus that the Commission present a more polished design for the mural.

Motioned by Councilmember Sartor, seconded by Councilmember Culver, to table a resolution authorizing the Cultural Commission to paint a mural on the Roy Savage Pool building wall.

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

10. Consider a resolution approving a Signal Box Art Project to promote arts and culture.

There was discussion on the proposed artwork on the box; incorporating a theme; whether the proposed artwork would configure correctly onto the boxes; using more of a photographic approach; and increasing the funding and the number of boxes for the project.

Motioned by Councilmember Gagliardi, seconded by Councilmember Culver, to table a resolution approving a Signal Box Art Project to promote arts and culture.

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

11. Consider a resolution authorizing the Interim City Manager to enter into a contract with CMJ Engineering, Inc. for Construction Materials Testing (CMT) services in an amount not to exceed \$460,190.80.

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Interim Capital Projects Director Kelli Snook presented information regarding this item. She stated staff is recommending CMJ Engineering as they have done the geotechnical work on Generations Park. The contract covers all testing and site observation of the project and is a third-party contract meaning CMJ Engineering does not work for the contractor but for the City. The cost estimate is the same as was presented to Council during the previous meeting. She stated this item is not part of the contracts for construction or design and that it is important to have a third-party inspector.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve a resolution authorizing the Interim City Manager to enter into a contract with CMJ Engineering, Inc. for Construction Materials Testing (CMT) services in an amount not to exceed \$460,190.80.

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

EXECUTIVE SESSION

Council convened into Executive Session pursuant to Texas Government Code 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2, Lot 1, Bedford Baptist Temple Sub; Section 551.087, deliberation regarding economic development negotiations – discussion on the Economic Development Program Agreement with Suns Field Development pursuant to Chapter 380 of the Texas Local Government Code Section 551.087, deliberation regarding economic development negotiations – update on all Economic Development Program agreements pursuant to Chapter 380 of the Texas Local Government Code; and Section 551.074, personnel matters – evaluation of the Interim City Manager, at 9:40 p.m.

Council reconvened from Executive Session at 11:16 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

12. Mayor/Council Member Reports

No reports were given.

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

✓ Animal Shelter Advisory Board

Councilmember Culver reported the Board presented statistics for the previous quarter. She stated the Board will be coming to the Council with a list of needs.

✓ Beautification Commission

Mayor Boyter reported a workday will be planned within the next two weeks.

✓ Cultural Commission

Councilmember Gagliardi reported the Commission will be discussing murals and signal box wraps at their next meeting.

✓ Parks and Recreation Board

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Mr. Blackwell stated there will be discussion on gatherings at the next Council work session.

14. City Manager/Staff Reports

This item was moved prior to the second Executive Session.

Interim City Manager Cliff Blackwell read a letter from Renee DeLorge with the Clubhouse for Special Needs, thanking Christian Baker, Daniel Leslie, Nick Hines and Taylor Ingram with the Parks Division for assistance in moving a swing set to their current location.

a. Update on Phase Next costs.

Ms. Snook presented an update on the costs for the Phase Next project. She stated the contractor received 194 bids from subcontractors on the architectural work and 174 bids from subcontractors on the site work. The project is now under budget based on the preliminary bids at approximately \$59,153,000 and the contractor is now vetting the subcontractors. There was discussion on the number of subcontractors that will work on the project; the bidding process; determining how the project is under budget; the 20 percent contingency built into the budget; and the storage building, including the possibility of security fencing and screening, and its inclusion in the contract with Half Associates. Ms. Snook stated the Fire Marshal is not requiring security gates, and there would be a widened, hardened sidewalk for the Fire Department to access the back of the building.

b. Update on Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding.

Interim City Manager Cliff Blackwell stated the City received \$2,656,550 in CARES funding in advance through Tarrant County, and the City must ensure the money being spent is justified under the CARES Act. To date, \$885,376 has been spent of the funding. Mr. Blackwell presented an overview of the different categories under which the City has spent the funding. Certain staff time can be reimbursed through the Federal Emergency Management Agency (FEMA), and the CARES funding can be used to fund the match for the FEMA reimbursement. The match of approximately \$98,000, along with the defibrillators approved earlier in the meeting, will be included in the CARES funding spent, for a total of approximately \$1,100,000. There was discussion on the amount of reimbursement from FEMA, budgetary impacts, and whether CARES funding could be used for a grant program.

Mr. Blackwell presented an update on the financial projections and stated as of August 31, there is \$34,126,313 of revenue collected versus \$29,202,015 in expenditures. The total projected revenue for the fiscal year is approximately \$35,900,000 with expenditures at approximately \$34,400,000, for a surplus of approximately \$1,500,000.

15. 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 approximately 11:20 p.m.

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Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary