

Council Minutes September 10, 2019

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 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 10th day of September, 2019 with the following members present:

Michael Boyter	Mayor Pro Tem
Dan Cogan	Council Members
Ruth Culver	
Roger Fisher	
Amy Sabol	
Rusty Sartor	

constituting a quorum.

Mayor Griffin was absent from the meeting.

Staff present included:

Brian Bosshardt	City Manager
Cliff Blackwell	Assistant City Manager
Michael Wells	City Secretary
Stan Lowry	City Attorney
Stephanie Ayers	Human Resources Director
Sean Fay	Fire Chief
Natalie Foster	Public Information Officer
Jeff Gibson	Police Chief
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director
Kenny Overstreet	Public Works Director
Maria Redburn	Library Director
Brian TenEyck	Recreation Manager
Loquita Traylor	Customer Service Manager

WORK SESSION

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

• Receive a final report on the Automated Meter Reading System Project.

Public Works Director Kenny Overstreet and Customer Service Manager Loquita Traylor presented an overview of the Automated Meter Reading System Project, including the State Water Implementation Fund for Texas (SWIFT) program; initial research into automated meter reading; design of the project; contracts with King Engineering and Associates for design and Badger Meter for the meters; outreach to businesses and residents; project preparation; the various City departments involved in the project; construction; training; and benefits of the system. Mr. Overstreet stated construction started August 2017 and the last meter was installed in April 2019. The contract amount for the project was \$14,375,683.79 and the actual cost was

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\$13,415,847.16, for a savings of \$959,835.84. He stated the savings can be used on another SWIFT project, such as a water line replacement program.

In response to questions from Council, Mr. Overstreet stated meter bypasses in vault meters allow a business to still receive water while the meter is being worked on. The life expectancy of the new meters is 20 years compared to ten years for the old meters. While water sales have been down due to a wet spring and early summer, sewer averages have increased, and there has been an increase of approximately 20 percent in bill reads. There was discussion on the pass-through from the Trinity River Authority and staff's process in responding to meters that are not being read or have too much or too little water flow. In response to further questions from Council, Mr. Overstreet stated there is a two-year warranty on the installation work from the date of completion. The meters have a 10-year, 100 percent warranty, which is then prorated over the next ten years, while the end point has a 20-year warranty. He stated invoices are being sent to residents who damage their meters. The new meters do minimally improve water flow but do not affect water pressure, and staff has assisted residents in locating their private water shutoffs. Mr. Overstreet stated Bedford was the first city to complete a full Orion and Beacon combined system. He stated Badger and US Bronco, the installation subcontractor, worked together seamlessly. There was discussion on the number of crews installing meters and the numbers of meters that were changed out. Mr. Overstreet stated the endpoints were upgraded to 5G, for which the City was not charged by Badger.

Mayor Pro Tem Boyter adjourned the Work Session at 6:17 p.m.

EXECUTIVE SESSION

- a) **Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Texas Election Code. **This item requested by Councilmember Fisher.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Texas Election Code, at 6:17 p.m.

Council reconvened from Executive Session at 7:01 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

REGULAR SESSION

The Regular Session began at 7:05 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Pro Tem Boyter called the meeting to order.

INVOCATION

Councilmember Fisher gave the invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS/UPCOMING EVENTS

Public Information Officer Natalie Foster reported on upcoming events, including North Texas Giving Day on September 19, 2019, the Library's Medieval Faire on September 21, 2019, and the Crud Cruiser event at Meadow Park on September 28, 2019.

OPEN FORUM

Dave Gebhart, 625 Merrill Drive, Bedford – Mr. Gebhart signed up to speak on Item #12. He stated during the budget and tax rate hearings, a lot of people voiced support for a higher rate to support, in their opinion, enhanced services. He encouraged seniors who support the higher rate consider forsaking their senior tax freeze.

CONSIDER APPROVAL OF ITEMS BY CONSENT

City Manager Brian Bosshardt presented an overview of items on the consent agenda.

Motioned by Councilmember Cogan, seconded by Councilmember Sartor, to approve the following items by consent: 1, 2, 3, 4, 5, 6 and 7.

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

- 1. Consider approval of the following City Council minutes:
a) August 27, 2019 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 2019/20 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 to enter into a one-year lease agreement with the Bedford Euless Soccer Association for the purpose of conducting practices and games at the Stormie Jones Park and Boys Ranch soccer fields.**

This item was approved by consent.

- 4. Consider a resolution authorizing the City Manager to enter into a one-year lease agreement with Planet Kidz, Inc. for the purpose of holding the Fun Time Live Program at the Boys Ranch Activity Center.**

This item was approved by consent.

- 5. Consider a resolution authorizing the City Manager to enter into a one-year lease agreement with the DFW Tejanos Organization for the purpose of conducting practices and games at the Stormie Jones soccer fields.**

This item was approved by consent.

6. **Consider a resolution authorizing the City Manager to enter into a one-year lease agreement with the Bedford, Texas Airport Area YMCA for the purpose of conducting practices and games at Meadow Park.**

This item was approved by consent.

7. **Consider a resolution authorizing the adoption of the Hart Intercivic Verity System as the voting system to be used in all forms of voting in the City of Bedford.**

This item was approved by consent.

COUNCIL RECOGNITION

8. **Presentation of the Katie Savage Resident of the Year Award.**

Sal Caruso, Chairperson of the Community Affairs Commission, presented the Katie Savage Resident of the Year Award to Marty Geer.

9. **Recognition of top three Bedford readers for HEB Reads! by the Lions Club. Recognition will be followed by an HEB Reads! presentation.**

Kiera Elledge, the STEM and School Libraries Coordinator with the Hurst-Euless-Bedford Independent School District, presented an overview of HEB Reads! activities during the previous summer. She discussed the program's mission and goals; summer reading data from the schools, community members and the Hurst, Euless and Bedford libraries from 2018 to 2019; and changes to the program.

The Lions Club recognized the following as the top Bedford readers for HEB Reads!: Titeana Williams, Shady Brook Elementary, 17,560 minutes read; Juliana Gonzalez, Meadow Creek Elementary, 17,750 minutes read; and Thomas Triplett, Spring Garden Elementary, 24,302 minutes read.

10. **Recognition of the City of Bedford's 23rd Consecutive Distinguished Budget Presentation Award.**

Mayor Pro Tem Boyter presented Strategic Services Manager Meg Jakubik with the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

NEW BUSINESS

11. **Discussion regarding the appointment of a Deputy Mayor Pro Tem. **This item requested by Councilmember Roger Fisher.**

Council was of the consensus to move this item to after Item #19.

Councilmember Fisher stated he believes in good governance and with changes on the Council, there may be the need for a person elected amongst Council to serve in the absence of the Mayor Pro Tem, which is allowed by the Charter. He felt it prudent for the Council to nominate a Deputy Mayor Pro Tem to serve as required until a new Mayor is elected.

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Motioned by Councilmember Sartor, seconded by Councilmember Boyter, to nominate Councilmember Fisher as Deputy Mayor Pro Tem of Bedford, Texas.

Motion failed 3-3-0. Mayor Pro Tem Boyter declared the motion denied.

Voting in favor of the motion: Mayor Pro Tem Boyter, Councilmember Sartor, and Councilmember Fisher

Voting in opposition to the motion: Councilmember Cogan, Councilmember Sabol, and Councilmember Culver

Motioned by Councilmember Culver, seconded by Councilmember Cogan, to appoint as Deputy Mayor Pro Tem Councilmember Amy Sabol.

Motion approved 4-2-0. Mayor Pro Tem Boyter declared the motion carried.

Voting in favor of the motion: Mayor Pro Tem Boyter, Councilmember Cogan, Councilmember Sabol, and Councilmember Culver

Voting in opposition to the motion: Councilmember Sartor and Councilmember Fisher

12. Consider an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2019 through September 30, 2020; 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, sales tax history, revenues by fund, expenditures by department and classification, General Fund revenue and expenditures, and the impact of recent legislative changes. She presented information on the Debt Service Fund, including the annual funding requirements. She presented information on the Water and Sewer Fund, including current rates and projected increases from the Trinity River Authority (TRA). She stated staff proposes to pass-through those increases from TRA, which would be \$0.16 per 1,000 gallons on the water volume rate and \$0.01 per 1,000 gallons on the sewer volume rate, for an impact of approximately \$2.50 on the average summer water bill.

Ms. Jakubik presented information on the tax rate calculations, with the current tax rate being \$0.561862 per \$100 valuation, the effective rate being \$0.524732, the rollback rate, which was used for revenue calculations in the proposed budget, being \$0.543844, and the maximum rate to be considered being \$0.569000. A comparison with the previous year's tax rate shows a decrease of approximately 12 percent on the debt component, and various increases on the maintenance and operations component depending on the tax rate adopted by Council. She presented an overview of the overlapping tax rate with other entities, the impact of the tax rate on the average resident's tax bill, which varies from approximately \$4.00 a month to \$10.00 a month depending on the tax rate adopted by Council, and a breakdown of the monthly cost allocation for City services.

City Manager Brian Bosshardt discussed the decisions made by Council and the impact of those decisions on the City over the long term. He presented information on the City's tax rate history since 2010, the amount of tax money the City chose to forego in adopting tax rates below the rollback rates, and the needs of the organization. He further presented information on General Fund revenue and expenditures since 2007 and the needs addressed with the increased revenue from Council's adoption of a tax rate over rollback in FY 16-17. He presented

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various five-year forecasting models if Council adopted the maximum, rollback and effective tax and the impact of those rates on the City's revenues and reserves. He discussed assumptions built into the models, including increases in property valuations. He stated the City has a revenue problem, not an expenditure problem.

There was discussion on the City's reserve requirement; public safety, including staffing minimums and levels, call volumes, the step plan, personal protective equipment, and overtime; the impact of the property revenue cap; the impact of going to the effective tax rate; the reasoning behind employee raises, including competitiveness in the market; the state of the City's fleet and the Enterprise vehicle replacement program; the supplemental process; and defining wants versus needs.

Motioned by Councilmember Culver, seconded by Councilmember Sabol, to approve an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period October 1, 2019 through September 30, 2020, to include the post-workshop Exhibit A.

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

13. Consider a resolution to ratify the property tax increase as reflected in the FY 2019-2020 City of Bedford Program of Services (Budget).

Ms. Jakubik stated this item is a procedural requirement of House Bill 3195 to ratify the property tax revenue increase being incorporated into the budget.

Motioned by Councilmember Sabol, seconded by Councilmember Sartor, to approve a resolution to ratify the property tax increase as reflected in the FY 2019-2020 City of Bedford Program of Services (Budget).

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

14. Consider an ordinance levying taxes for the Tax Year 2019 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 final vote on the tax rate, which if Council approves the \$0.569000 per \$100 valuation rate as considered in the approved budget, would be an 8.4 percent increase in the rate. There was discussion on forecasting and the effect of tax rates on the future; and public safety, including staffing, calls for service and overtime.

Motioned by Councilmember Sartor, seconded by Councilmember Sabol, that the property tax rate be increased by the adoption of a tax rate of \$0.569000, which is effectively an 8.4 percent increase in the tax rate.

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

15. Consider an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance No. 18-3235; providing a repealing clause; providing a severability clause; and declaring an effective date.

Ms. Jakubik stated this item is the annual water rate adoption, which would be effective on water billed or after January 1, 2020 to coincide with the increase from the TRA. Staff will look at

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a comprehensive study on water, sewer and stormwater rates in the upcoming fiscal year. The water volume rate would increase by \$0.16, from \$4.08 per 1,000 gallons to \$4.24 per 1,000 gallons. There was discussion on the pass-through from the TRA.

Motioned by Councilmember Cogan, seconded by Councilmember Sabol, to approve an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance No. 18-3235; providing a repealing clause; providing a severability clause; and declaring an effective date.

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

16. Consider an ordinance amending the schedule of sewer rates by amendment of Section 1., Ordinance No. 18-3236; providing a repealing clause; providing a severability clause; and declaring an effective date.

Ms. Jakubik stated this item is the pass-through cost from the TRA on wastewater treatment. The sewer volume rate would increase \$0.01, from \$3.41 per 1,000 gallons to \$3.42 per 1,000 gallons.

Motioned by Councilmember Culver, seconded by Councilmember Sabol, to approve an ordinance amending the schedule of sewer rates by amendment of Section 1., Ordinance No. 18-3236; providing a repealing clause; providing a severability clause; and declaring an effective date.

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

17. Consider an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2019 Rate Review Mechanism filing.

Ms. Jakubik presented information regarding this item. She stated the City retains original jurisdiction over the Atmos rates, which means it has the the right to review revenue cost increases, cost recovery numbers, and increased revenue from Atmos. The City is part of coalition of cities, the Atmos Cities Steering Committee (ACSC), that works with attorneys and consultants to ensure the revenue increases from Atmos are fair and reasonable. This process is through a rate review mechanism, which the City feels is more favorable to residents. The ACSC negotiated with Atmos after their rate was filed in April to come to what is felt to be a fair resolution. If Council were not to approve this item, the City would have to negotiate directly with Atmos in front of the Railroad Commission.

Motioned by Councilmember Sartor, seconded by Councilmember Cogan, to approve an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2019 Rate Review Mechanism filing.

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

18. Consider a resolution authorizing the City Manager to enter into a contract with A & M Construction and Utilities, Inc., in the amount of \$1,621,415.00, for the SWIFT-18-08 Forest Ridge Addition and Bell Manor Units 3, 4, and 5 Water System Improvements Project.

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Public Works Director Kenny Overstreet stated A & M. Construction submitted the lowest qualified bids out of the 11 received. The company recently completed the SWIFT project on Brown Trail, and successfully completed two other water line projects in the City. This project would include the replacement of water mains, fire hydrants, water meter service lines, and water valves, as well as road repairs afterwards. There was discussion on the SWIFT funds. In response to questions from Council, Mr. Overstreet stated the contract contains two-year surety and maintenance bonds, and a higher limit on liability insurance.

Motioned by Councilmember Fisher, seconded by Councilmember Cogan, to approve a resolution authorizing the City Manager to enter into a contract with A & M Construction and Utilities, Inc., in the amount of \$1,621,415.00, for the SWIFT-18-08 Forest Ridge Addition and Bell Manor Units 3, 4, and 5 Water System Improvements Project.

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

19. Consider a resolution calling for the Special Election of City Officers for the City of Bedford, Texas for November 5, 2019; authorizing a joint contract election agreement and contract for election services with Tarrant County; and establishing the dates and times for early voting for such election.

City Secretary Michael Wells presented information regarding this item, which is to call a special election on November 5, 2019 to elect a person for the unexpired term of the mayor, due to the resignation of Mayor Jim Griffin to run for House District 92. He stated per Article 11, Section 11(c) of the Texas constitution, the election must be held within 120 days of the vacancy and pursuant to Section 201.052 of the Texas Election Code, the election must be held on the November 5 uniform election date. The filing period would be from September 11 through September 26, 2019. Early voting would run from October 21 through November 1, 2019, with the Bedford Public Library serving as the main early voting location in the City. He stated Tarrant County applied to the Secretary of State to implement a vote center program, and, if approved in time for the November election, voters could vote at any election day polling location on election day.

Motioned by Councilmember Fisher, seconded by Councilmember Culver, to approve a resolution calling for the Special Election of City Officers for the City of Bedford, Texas for November 5, 2019; authorizing a joint contract election agreement and contract for election services with Tarrant County; and establishing the dates and times for early voting for such election.

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

20. Mayor/Council Member Reports

a) Announcement from Councilmember Boyter.

Mayor Pro Tem Boyter thanked staff and the residents, and stated it was a privilege to serve as their Council member. He discussed the highs and lows of running for office and serving; the complexities of addressing the City's needs; Council's sense of duty; and the impact on him of the residents' encouragement and actions. He discussed growing up in the area and how Bedford was looked up to. He discussed challenges faced by the City, including streets in need of attention, neighborhoods in need of revitalization, land use challenges, increased demand on City services, and Phase Next and Bedford Commons. He stated due to the resident's support and encouragement, he decided to take the next step in serving the community. He resigned as

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Mayor Pro Tem and Councilmember Place 4 effective immediately and stated he will apply for and seek to fill the unexpired term of Mayor. He discussed what he would do if elected Mayor.

Mayor Pro Tem Boyter complemented Councilmember Sabol on the Arts DFW function at Central Arts of Hurst, which was well attended.

Councilmember Fisher discussed 9/11 and stated though many in the nation have forgotten, he will never forget.

Councilmember Culver concurred with Councilmember Fisher and stated she too would never forget.

Councilmember Sabol stated she appreciated the vote of confidence in being named Deputy Mayor Pro Tem.

Councilmember Cogan reported he will hold a meet-and-greet at Holy Boba and Donuts on September 28, 2019.

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

✓ Animal Shelter Advisory Board

No report was given.

✓ Beautification Commission

Mayor Pro Tem Boyter congratulated Chairperson Marty Geer and stated the Commission continues to focus on ways to impact the City beyond the traditional things it works on, including grants.

✓ Community Affairs Commission

No report was given.

✓ Cultural Commission

No report was given.

✓ Library Advisory Board

Councilmember Cogan reported the Library will host their Medieval Faire and Market on September 21, 2019.

✓ Parks and Recreation Board

Councilmember Sartor reported new playground equipment would be installed at Carousel Park around the end of the month.

✓ Teen Court Advisory Board

No report was given.

22. City Manager/Staff Reports

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Mr. Bosshardt thanked Council for their hard work on the budget. He further thanked staff who put the budget document together.

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

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

ADJOURNMENT

Mayor Pro Tem Boyter adjourned the meeting at 9:10 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary