

Council Minutes September 11, 2018

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 11th day of September, 2018 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Dan Cogan	
Roger Fisher	
Amy Sabol	
Rusty Sartor	
Roy Turner	

constituting a quorum.

Staff present included:

Brian Bosshardt	City Manager
Cliff Blackwell	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Natalie Foster	Public Information Officer
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director
Maria Redburn	Library Director

WORK SESSION

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

- **Presentation on Community Affairs Commission activities.**

Community Affairs Commission Chairperson Sal Caruso thanked the Fire Department and Police Department for what they do. He presented a report on the Commission and their activities, including their membership and mission statement, business roundtables, residential outreach meetings, block parties at Shady Brook Elementary and the River Forest subdivision, their resident of the year award, which was presented to Patt Dreyer, and their business of the year awards, which were presented to Texas Roadhouse and What's Poppin Texas. There was discussion on the purpose and reach of the Commission. He recognized Commission Member Steve Grubbs and thanked Strategic Services Manager Meg Jakubik for the job she does as staff liaison to the Commission.

- **Overview of HEB Reads! summer activities.**

Library Director Maria Redburn introduced Kiera Elledge with HEB ISD, who presented an overview of HEB Reads! activities during the previous summer. She discussed the program's mission and goals; attendance for the summer reading kickoff party; data from the schools,

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community members and the Hurst, Euless and Bedford libraries from 2016 to 2018; the program's interaction with the community; the Think Tank; and the kickoff event for 2019. There was discussion on HEB ISD, the "summer slide", and the impact of the program feeding students.

EXECUTIVE SESSION

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Bedford Commons.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to - LSAS Investments, LLC.

Executive Session was not held.

REGULAR SESSION

The Regular Session began at 6:30 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order. He welcomed back Councilmember Sabol who had been recovering from back surgery. He praised the Fire and Police Departments for the 9/11 ceremony held earlier in the day.

INVOCATION (The Very Reverend Ryan S. Reed, St. Vincent's Cathedral)

The Very Reverend Ryan S. Reed from St. Vincent's Cathedral gave the invocation.

PLEDGE OF ALLEGIANCE

The Police Department and Fire Department Honor Guards presented the colors. 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 a medieval faire and market at the Library on September 22, 2018; a Community Affairs Commission residential outreach meeting at the Movie Tavern on October 10, 2018; and an event called "Pumpkins with a Purpose" event, which is a collaboration between the Library, the Library Friends, and the Zuni and Navajo tribes of New Mexico, at the Library on October 12, 2018.

OPEN FORUM

Dorothy McWhorter, 1600 Martha Drive, Bedford - Ms. McWhorter signed up to speak on Items 8, 9 and 10. She stated the increase on the tax rate is due to the approval of the \$70,000,000 park bond but expressed her disapproval that the proposed budget does not include the requested firefighters or police officers. She asked how the Phase Next bond got on the ballot before the staffing issues with Police and Fire were resolved. She inquired if the City would be facing a tax increase without the \$70,000,000 park bond.

CONSIDER APPROVAL OF ITEMS BY CONSENT

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

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Motioned by Councilmember Turner, seconded by Councilmember Boyter, to approve the following items by consent: 1, 2, 3 and 4

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

- 1. Consider approval of the following City Council minutes:
a) August 28, 2018 regular meeting**

This item was approved by consent.

- 2. Consider a resolution authorizing the City Manager to expend funds and enter into an interlocal agreement with Tarrant County for bike lane striping and new signs on Cummings Drive from Forest Ridge Drive to SH 121.**

This item was approved by consent.

- 3. Consider a resolution authorizing the City Manager to enter an agreement with Lexipol, LLC, for the purchase of policy management software in the amount of \$17,362.**

This item was approved by consent.

- 4. 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 LSAS Investments, LLC.**

This item was approved by consent.

COUNCIL RECOGNITION

- 5. Proclamation declaring September 17 – 23, 2018 as Constitution Week in the City of Bedford.**

Mayor Griffin read a proclamation declaring September 17 – 23, 2018 as Constitution Week in the City of Bedford. Members of the Captain Nathaniel Mills Daughters of the American Revolution accepted the proclamation.

- 6. Recognition of top Bedford readers for HEB Reads! by the Lions Club.**

The Lions Club recognized the following as the top Bedford readers for HEB Reads!: Titeana Williams, 12,787 minutes read; Sarah Kabongo, 10,636 minutes read; Thomas Luke Triplett, 9,300 minutes read; Kyle Israel, 9,035 minutes read; Bryan Aguiar-Castagno, 9,000 minutes read; Lily Redburn, 9,000 minutes read; Hannah Perry, 8,557 minutes read; Sahar Chowdhury, 7,410 minutes read; Caroline Loy, 7,380 minutes read, and Ethan Fasil, 7,000 minutes read.

- 7. The following individual has requested to speak to the Council tonight under Persons to be Heard:**

- a) Dorothy McWhorter, 1600 Martha Drive, Bedford, Texas 76022 - Request to speak to the Council regarding 2004 tax rollback, parks and streets.**

Dorothy McWhorter, 1600 Martha Drive, Bedford – Ms. McWhorter stated that at the recent tax rate meeting, it was said that tax rates were following the tax rollback 14 years previously were

too low, due to the fear of future rollbacks, which have contributed to the current problems. She objected to the notion of the voters who approved the rollback being blamed for the closing of City facilities. In her opinion, the reasons for the closings were that the Council increased the tax rate from 38 cents to 49 cents and immediately started spending money even with the rollback in process, and were scare tactics initiated by the City. She stated she will defend the voters who approved the rollback and the workers who gathered signatures for the petition.

Ms. McWhorter stated she attended the August 14, 2018 Council meeting where Public Works Director Kenny Overstreet made a presentation on projects, where he stated that the street maintenance needs will be addressed using cash over a five-year period. She stated that in 1997, the City had the opportunity to adopt a half-cent sales tax for streets or parks, and she supported the option for streets as all residents use them. She discussed the Street Improvement Economic Development Corporation (SIEDC). She expressed her gratitude thanks to past and present staff, Council and SIEDC, as well as the voters.

NEW BUSINESS

- 8. Consider an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2018 through September 30, 2019; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.**

Mayor Griffin discussed citizen concerns about the budget and tax rate; the City's critical needs; and previous budgeting processes. Strategic Services Manager Meg Jakubik stated that there are needs for consensus from Council about finalizing the budget package. There was discussion on different supplemental requests; staffing and overtime in the Police and Fire Departments; revenue from red light cameras; increases in the calls for service for public safety; and the effective tax rates. In response to questions from Council, Ms. Jakubik stated the three percent compensation adjustment for civilian employees equals approximately \$325,000, the public safety step plan increase equals just under \$300,000, and adjustments to the pay plan based on the recent compensation study equals \$270,000. She stated the rollback rate is \$0.561862 per \$100 valuation, and the dollar difference between the budget and the rollback rate is \$373,000. The cost to fund all requested Police and Fire Department positions is \$767,968. There was discussion on other positions included in the supplemental requests, including the neighborhood services manager and purchasing coordinator; increases in home valuations; the impact to Police and Fire Department overtime with the requested positions; capital improvement needs; incremental increases to tax rate; possible actions by the State legislature to limit the rollback rack; the impact of the Phase Next bond; diversifying the City's revenue base; the Council's strategic plan and focus areas; changes to how economic development is pursued, including economic incentives; the Bedford Commons project; attracting unique businesses; the Boys Ranch park; and the rollback election in 2004. There was discussion on what supplemental requests to include in the budget and the tax rate needed to fund them.

Motioned by Councilmember Fisher to approve an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period October 1, 2018 through September 30, 2019, to include the following supplemental request items: two patrol officer positions, three firefighter positions, and an increase in the Fire Department equipment maintenance, and eliminating the printing and mailing City magazine.

Councilmember Fisher withdrew his motion.

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Motioned by Councilmember Turner, seconded by Councilmember Sabol, to approve an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period October 1, 2018 through September 30, 2019, to include the following supplemental requests: four patrol officer positions, six firefighter positions, the purchasing coordinator position, the neighborhood services manager position, the assistant city manager/community services director position, and an increase in the Fire Department equipment maintenance.

Motion denied 3-4-0. Mayor Griffin declared the motion failed.

Voting in favor of the motion: Mayor Griffin, Councilmember Turner and Councilmember Fisher
Voting in opposition to the motion: Councilmember Sartor, Councilmember Cogan, Councilmember Sabol and Councilmember Boyter

Motioned by Councilmember Sartor, seconded by Councilmember Sabol, to approve an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period October 1, 2018 through September 30, 2019, to include the following supplemental requests: two patrol positions, three firefighter positions, the neighborhood services manager position, an increase in Fire Department equipment maintenance, and not go over rollback with staff finding the savings under the rollback rate.

Motion approved 5-2-0. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Sartor, Councilmember Cogan, Councilmember Sabol and Councilmember Fisher
Voting in opposition to the motion: Councilmember Boyter and Councilmember Turner

Councilmember Sabol left the meeting at 8:45 p.m.

9. Consider a resolution to ratify the property tax increase as reflected in the FY 2018-2019 City of Bedford Program of Services (Budget).

Ms. Jakubik presented information regarding this item, which is a legislatively required vote for any tax rate that includes new revenue to the budget.

Motioned by Councilmember Fisher, seconded by Councilmember Sartor, to approve a resolution to ratify the property tax increase as reflected in the FY 2018-2019 City of Bedford Program of Services (Budget).

Motion approved 4-2-0. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Sartor, Councilmember Cogan and Councilmember Fisher
Voting in opposition to the motion: Councilmember Boyter and Councilmember Turner

10. Consider an ordinance levying taxes for the Tax Year 2018 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 presented information regarding this item, which is the adoption of the tax rate to fund the budget just approved by Council.

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Motioned by Councilmember Sartor, seconded by Councilmember Fisher, that the property tax rate be increased by the adoption of a tax rate of \$0.561862 per \$100 valuation, which is effectively an eight percent increase in the tax rate.

The initial vote was 4-2-0; however, approval of a property tax rate over the effective tax rate requires an affirmative vote of 60 percent of the governing body per the Texas Tax Code. There was discussion on the supplemental request items included as part of the approved budget.

Councilmember Sabol arrived at approximately 9:15 p.m.

Motion approved 5-2-0. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Sartor, Councilmember Cogan, Councilmember Sabol and Councilmember Fisher

Voting in opposition to the motion: Councilmember Boyter and Councilmember Turner

Councilmember Sabol left at approximately 9:17 p.m.

11. Consider an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance No. 17-3208; providing a repealing clause; providing a severability clause; and declaring an effective date.

Ms. Jakubik presented information regarding this item, which is to approve the water rates that will go into effect starting January 1, 2019. The only increase being recommended for water is commiserate with the increase from the Trinity River Authority (TRA). Base rates would remain the same, while the volume rate would increase from \$3.83 per 1,000 gallons to \$4.08.

Motioned by Councilmember Fisher, seconded by Councilmember Sartor, to approve an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance No. 17-3208; providing a repealing clause; providing a severability clause; and declaring an effective date.

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

12. Consider an ordinance amending the schedule of sewer rates by amendment of Section 1., Ordinance No. 17-3209; providing a repealing clause; providing a severability clause; and declaring an effective date.

Ms. Jakubik presented information regarding this item. She stated that in addition to the increases for wastewater treatment from the TRA, there is a recommendation of a six percent increase on the base rate and additional increases in the volume rates from \$3.00 per 1,000 gallons to \$3.41. In response to questions from Council, Ms. Jakubik stated the six percent figure was based on an analysis of the system's expenditures and revenue covenants, which is performed annually. Wastewater has been behind in the past, which was offset by water revenue.

Motioned by Councilmember Sartor, seconded by Councilmember Cogan, to approve an ordinance amending the schedule of sewer rates by amendment of Section 1., Ordinance No. 17-3209; providing a repealing clause; providing a severability clause; and declaring an effective date.

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

13. 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 2018 rate review mechanism filings.

Ms. Jakubik presented information regarding this item. Atmos filed a rate case, which was lowered as part of the negotiations with the Atmos Cities Steering Committee. The increase is practically offset by a decrease in March, which was due to the reduction in the federal income tax. If this item were to be denied, the City would have to do a full ratemaking case in front of the Railroad Commission.

Motioned by Councilmember Turner, seconded by Councilmember Fisher, to approve 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 2018 rate review mechanism filings.

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

14. Consider a resolution of the City of Bedford, Texas, casting votes for candidates to serve on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

Mr. Bosshardt presented information regarding this item. The terms of the members in places 11, 12, 13 and 14 expire October 1, 2018. The Board consists of 15 voting members who serve staggered six-year terms. Council discussed making the following votes: Randy Criswell – Place 11; Kimberly Meismer – Place 12; Mike Jones – Place 13; and David Harris – Place 14.

Motioned by Councilmember Turner, seconded by Councilmember Boyter, to approve a resolution of the City of Bedford, Texas, casting votes for candidates to serve on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

Motion approved 5-1-0. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Sartor, Councilmember Cogan, Councilmember Boyter and Councilmember Turner
Voting in opposition to the motion: Councilmember Fisher

15. Mayor/Council Member Reports

Councilmember Fisher, Councilmember Sartor and Councilmember Cogan gave their reflections on 9/11 and thanked first responders.

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

✓ **Animal Shelter Advisory Board**

No report was given.

✓ **Beautification Commission**

Councilmember Turner reported that the Commission selected the recipients of the business and residential beautification awards at their previous meeting. They are also working on improving parks and other areas for the fall season.

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✓ **Community Affairs Commission**

Councilmember Boyter thanked Mr. Caruso for his earlier presentation.

✓ **Cultural Commission**

No report was given.

✓ **Library Advisory Board**

No report was given.

✓ **Parks and Recreation Board**

No report was given.

✓ **Teen Court Advisory Board**

No report was given.

✓ **Senior Citizen Liaison**

No report was given.

17. City Manager/Staff Reports

No report was given.

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

Executive Session was not held.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 9:32 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary