

AMENDED AGENDA

**Regular Meeting of the Bedford City Council
Tuesday, November 9, 2010
2000 Forest Ridge Drive
Bedford, Texas**

**Council Chambers Work Session 5:30 p.m.
Council Chambers Regular Session 6:30 p.m.**

**COMPLETE COUNCIL AGENDAS AND BACKGROUND INFORMATION ARE AVAILABLE FOR REVIEW
ONLINE AT <http://www.ci.bedford.tx.us>**

WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Hear a follow up presentation by representatives of Torch Creative regarding preliminary adjustments and refinements to the selected logo and tagline for the City of Bedford.
- Discussion regarding the future permanent early voting location by personal appearance in Bedford for municipal elections.

EXECUTIVE SESSION

To convene before the Regular Session, if time permits, in the conference room in compliance with Section 551.001 et. seq. Texas Government Code, to discuss the following:

- 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 : Whisperwood Center Addition Block1 Lot 2.

REGULAR SESSION 6:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Pastor Lincoln Webber, Embracing His Grace Ministries)

PLEDGE OF ALLEGIANCE

OPEN FORUM

(The public is invited to address the Council on any topic that is posted on this agenda. Citizens desiring to speak on Public Hearing(s) must do so at the time the Public Hearing(s) are opened. In order to speak during Open Forum a person must first sign in with the City Secretary prior to the Regular Session being called to order. Speakers will be called upon in the order in which they sign in. Any person not signing in prior to the commencement of the Regular Session shall not be allowed to speak under Open Forum. Further, Open Forum is limited to a maximum of 30 minutes. Should speakers not use the entire 30 minutes Council will proceed with the agenda. At the majority vote of the Council the Mayor may extend the time allotted for Open Forum.)

CONSIDER APPROVAL OF ITEMS BY CONSENT

COUNCIL RECOGNITION

1. Proclamation recognizing November 2010 as Pancreatic Cancer Awareness Month.

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:
 - a) October 12, 2010 regular meeting
 - b) October 19, 2010 regular meeting

NEW BUSINESS

3. Public hearing and consider an ordinance to rezone property known as Tract 3A, Block 15, Stonegate Addition, Bedford, Texas from Light Commercial/ Specific Use Permit/ Banquet and Meeting Facilities to Light Commercial/Specific Use Permit/ Banquet and Meeting Facilities/Church. The property is generally located south of State Highway 183 and east of Brown Trail. (Z-206)
4. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions, add a new and unlisted use for Micro-Winery Brew Pub to the City of Bedford Zoning Ordinance, Chapter 3, Section 3.1 Schedule of Permitted Uses, A-025.
5. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions, add a new and unlisted use for Private Dog Park to the City of Bedford Zoning Ordinance, Chapter 3, Section 3.1 Schedule of Permitted Uses, A-026.
6. Consider a resolution accepting and awarding the bid to GST Public Safety Supply, L.L.C. of Grand Prairie, Texas, for the purchase of public safety uniforms and accessories.
7. Consider a resolution authorizing the City Manager to renew a lease agreement with ONSTAGE relative to the Trinity Arts Theater.
8. Consider a resolution authorizing the City Manager to enter into a lease agreement for one year with Cathedral of Hope Mid-Cities Church to provide meeting space for church services at the Old Bedford School. (Amended Item)
9. Council member reports
 - Mayor Story
 - ✓ Comments on the Nobuyuki Tsujii concert at Old Bedford School.

10. City Manager report

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

(Any item on this posted agenda may be discussed in executive session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.)

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Friday, November 5, 2010 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

Michael Wells, City Secretary

Date Notice Removed

(Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in City functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight (48) hours prior to the scheduled starting time of a posted council meeting by calling 817.952.2101.)



COUNCIL WORK SESSION

PRESENTER:

Roger Fisher, Councilmember

ITEM:

Hear a follow up presentation by representatives of Torch Creative regarding preliminary adjustments and refinements to the selected logo and tagline for the City of Bedford.

DISCUSSION:

In April the City Council authorized the City Manager to enter into a contractual agreement with Torch Creative to develop a logo and tag line in order to begin the process of rebranding the City.

Representatives from Torch made a presentation to the City Council on October 19, 2010 that included revised taglines and computer generated logos of the sketches previously selected by the City Council for further consideration as the final mark. A final logo and tagline were selected by Council.

The next step in the process is this evening's presentation designed to be an adjustment and refinement phase which consists of the inclusion of the "Bedford" word mark, tagline integration, possible containing shape options as well as a variety of color options.

RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

ATTACHMENTS:

N/A



COUNCIL WORK SESSION

PRESENTER:

Michael Wells, City Secretary

ITEM:

Discussion regarding the future permanent early voting location by personal appearance in Bedford for municipal elections.

DISCUSSION:

With the move of the Bedford Library to its new location, the City Council needs to discuss and provide direction on where they would like to have early voting in Bedford for future elections conducted. City Staff have toured three possible city facilities to evaluate them as potential voting sites. An analysis of each location is presented below.

BRAC

The BRAC has been utilized as an election site during state elections in the past. The State has either occupied the classrooms or a back hallway during elections and was able to appropriately secure all election equipment during voting and overnight storage. The location also has adequate parking and can be easily marked for the 100 foot set-back requirements for polling locations.

In discussions with BRAC staff, programs are scheduled in the classrooms during the day and every evening that would have to be shifted around during the early voting period and again on Election Day. While the May election date is easier to accommodate, the increased programming in June due to summer vacation poses some additional challenges in the event of a run-off. The popularity of our Day Camps means that all classroom space is needed to provide a cooler environment for the children throughout the day. The hallway that has been used in the past for voting is the route to the locker rooms for the Day Camp children and will have heavy foot traffic during any June election dates.

Staff feels that due to the heavy programming load, this location will present significant challenges in coordination of the election process and considerable disruption to daily activities.

Old Bedford School

The OBS is a new possible voting election site that has not been utilized for this type of activity in the past. The large amount of parking in conjunction with a good traffic flow pattern through the parking lot would be advantageous during the election time period. This location also will be easy to mark for the 100 foot set-back requirement. One disadvantage is the handicap entrance is on the side of building, requiring a second 100 foot set-back area for that entrance.

In touring the OBS, staff identified the two downstairs classrooms as the best space to be utilized for polling booths. That would allow a smooth traffic pattern with one classroom door serving as an entrance and the attached classroom door serving as an exit. There is also a storage cabinet in the room that would be beneficial to election staff for supplies. Having elections in this location would still allow functions to be booked for the upstairs auditorium

during the weekdays of early voting. Bridal portraits on the property should not be affected by the elections as they are typically taken on the rear portion of the property, behind the building.

Weekend events for OBS typically involve the entire building. OBS staff has indicated that if this site is chosen, we will be able to block out weekends for the regular election and the weekend for a possible runoff election. This would cause a loss of revenue as the building would not be available for rentals on those blocked weekends. Events are already scheduled there this year, so as a solution if this particular location is chosen, for 2011 we would propose staying with the old library and moving elections to OBS the following year.

Staff feels this location is a viable alternative and has an added benefit of bringing people to the Old Bedford School.

New Bedford Library

As with the other facilities evaluated, there would not be a problem with parking at this location. An advantage is also the single entrance for marking the 100 foot setback requirement. The new Library has a similar setup to the current facility where the meeting rooms are accessible from the lobby and can be open even when the main Library is closed.

The elections would only need to take place in half of the meeting room facility, leaving the other half available for Library programs. It would limit the available meeting space, but not disrupt it completely. We have been assured that the room divider can be locked into place to secure the half of the meeting room containing the election equipment.

Staff also feels this location is a viable alternative for the election this May as we would still be able to block out the dates for the election and possible runoff. There would be a potential loss of revenue if someone wanted to rent the large meeting facility and they were not a 501(c)3 organization, but as the Library is not heavily dependent on rental fees, the impact would be minimal.

Old Bedford Library

If the Council desires to consider locations over a longer period of time, the elections could also remain at the old Library site as long as the building remains in City possession. This would enable further thought and discussion as to the direction Council wants to take.

Conclusions

In order to change election sites, a preclearance letter must be sent to the Department of Justice. The requirement for preclearance is to ensure that any selected site does not discriminate against any group of citizens. It is recommended that the letter be sent no later than January to receive clearance before the May election date.

City Staff will also ensure that the citizens are properly notified of the change not only through the official election notices and postings, but also through the City website, the City magazine (which would be out in April) and notices at the old Library.

It is also important to note that the selection of a site is for early voting only. This decision will not affect our regular Election Day voting conducted at the Pat May Center.

RECOMMENDATION:

This item is for discussion only. A resolution designating the permanent early voting location will be brought to the next Council meeting.

FISCAL IMPACT:

N/A

ATTACHMENTS:

N/A



COUNCIL AGENDA BACKGROUND

PRESENTER:

Jim Story, Mayor

ITEM:

Proclamation recognizing November 2010 as Pancreatic Cancer Awareness Month.

DISCUSSION:

The Pancreatic Action Network asked that this proclamation be read aloud at a Council meeting to raise awareness of pancreatic cancer. Due to a scheduling conflict, they were unable to send a representative to accept the proclamation but it will be mailed to them after the meeting.

RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

ATTACHMENTS:

Proclamation
Letter of Request

Office of the Mayor



Proclamation

City of Bedford, Texas

WHEREAS, in 2010, an estimated 43,140 people will be diagnosed with pancreatic cancer in the United States and 36,800 will die from the disease, with approximately 2,200 deaths occurring in Texas; and

WHEREAS, pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States with the incidence of pancreatic cancer approximately 50 percent higher in African Americans than in other ethnic groups; and

WHEREAS, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis and 75 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years. There is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Bedford and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer.

NOW, THEREFORE, let it be known that I, Jim Story, Mayor of the City of Bedford, and the City Council do hereby proclaim November 2010 as:

Pancreatic Cancer Awareness Month

in the City of Bedford and the good health and well-being of our residents are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

*In witness whereof, I have hereunto set my hand and caused the seal of the
City of Bedford to be affixed this
9th day of November, 2010.*

JIM STORY, MAYOR

Jakubik, Megan

From: Wells, Michael
Sent: Monday, October 11, 2010 8:28 AM
To: Story, Jim
Cc: Jakubik, Megan
Subject: FW: Proclamation Request for Pancreatic Cancer Action Network

From: vgriffin
Sent: Sunday, October 10, 2010 11:13 PM
To: Wells, Michael
Subject: Proclamation Request for Pancreatic Cancer Action Network

Hello Mr. Wells~

I so appreciated the opportunity to receive information about how to obtain a proclamation from Bedford, when I called Friday. Would you please confirm with me when you receive this, so I won't be overly concerned? I would so appreciate it. If the attachment doesn't come through, I'll be happy to just paste it into an email and send it to you in that manner.

I will attach the wording of the proclamation, and are requesting it by Nov. 1st, if possible. I will contact your office when I know if we will be able to have affiliate representatives present at the Nov. 9th City Council meeting for presentation, or if we might need to make other arrangements for receiving them. We will be having our 2nd Annual Purple Stride Nov. 14th. I am your contact person, my phone number is 817-578-1791; please call me any time, if any questions.

We request 3 originals of the proclamation to be made available for our records, to help us increase awareness at our national organization headquarters, government affairs office , as well as our local affiliate.

I look forward to working with you to issue a proclamation that will recognize November as Pancreatic Cancer Awareness Month and bring much needed attention to this deadly disease. Thank you again for your interest and consideration in this important issue.

Sincerely~

Virginia Griffin 

Volunteer Dallas Fort Worth Affiliate Coordinator - Fort Worth area

vgriffin@pancanvolunteer.org

My Cellphone: 817-578-1791

Pancreatic Cancer Action Network

National Headquarters: 877-272-6226

www.pancan.org

Local website <http://www.pancan.org/Volunteer/tx/dal/index.html>

ADVANCE RESEARCH. SUPPORT PATIENTS. CREATE HOPE.

**"Remember... the brick walls are there for a reason.
They are not there to keep us out. They are there to
give us a chance to show how badly we want something.
The brick walls are there to stop the people who don't want
it badly enough."**

Dr. Randy Pausch ~ author of "The Last Lecture", died of pancreatic cancer July 25, 2008



COUNCIL AGENDA BACKGROUND

PRESENTER:

Michael Wells, City Secretary

ITEM:

Consider approval of the following City Council minutes:

- a) October 12, 2010 regular session
- b) October 19, 2010 regular session

DISCUSSION:

N/A

RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

ATTACHMENTS:

Minutes

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in work session at 6:00 p.m., and regular session at 6:30 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 12th day of October 2010 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Jim Griffin	
Roy W. Turner	

Constituting a quorum.

Roy Savage was absent at tonight's meeting.

Staff present included:

David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Director of Administrative Services
David Flory	Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Bill Syblon	Development Director
James Tindell	Fire Chief

WORK SESSION

Mayor Story called the work session to order at 6:00 p.m.

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed placing the following item(s) on consent: 3, 4, 6, 8, 9, 10, 11, 12, 13 and 14.

REGULAR SESSION 6:30 P.M.

Regular session began at 6:38 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Dr. Larry Lucas, Mid Cities Bible Church)

Dr. Larry Lucas of Mid Cities Bible Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

James Geer, 2448 Spring Valley Drive – Mr. Geer wanted to address the Council concerning the parking and storing of utility trailers on the streets of Bedford. He stated that it represents a hazard to people walking and driving the streets and does not have a place in Bedford. He stated that Council should consider amending the 72-hour parking ordinance because the police are hampered when trying to enforce it. He recommended enforcing it as a 24-hour ordinance or to not allow overnight parking.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Champney, seconded by Councilman Brown to approve the following items by consent: 3, 4, 6, 8, 9, 10, 11, 12, 13 and 14.

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

COUNCIL RECOGNITION

1. Proclamation recognizing October 12, 2010 as Disability Day in the City of Bedford.

Mayor Story read a proclamation recognizing October 12, 2010 as Disability Day in the City of Bedford.

2. Proclamation recognizing October 14, 2010 as Jack Norman Day in the City of Bedford.

Mayor Story read a proclamation recognizing October 14, 2010 as Jack Norman Day in the City of Bedford.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes: a) September 28, 2010 regular meeting

This item was approved by consent.

OLD BUSINESS

4. Consider a resolution authorizing the City Manager to enter into an agreement with Paradigm Traffic Systems, Inc. in the amount of \$771,595 for the Advanced Traffic Management System Equipment. (Tabled at September 28, 2010 Council meeting)

This item was approved by consent.

NEW BUSINESS

5. Consider an ordinance amending the City of Bedford Code of Ordinances Chapter 50 – Emergency Services, Article III – Ambulances.

Fire Chief James Tindell presented information regarding this ordinance. As was discussed during the budget process, ambulance revenue has been steadily decreasing due to a lack of Medicare payments and private insurance companies not paying what they should. Staff looked at alternatives to try and increase the revenue so they can offer the same care they do now. Currently, if a Bedford resident requests an ambulance, their insurance company is billed and the City will write-off the remaining balance of what insurance does not pay. On a yearly basis, the City writes off approximately \$438,000 in ambulance bills. One alternative staff looked at was a subscription program such as is currently being

used in other cities. For \$60.00 a year, a Bedford resident can subscribe to this service and if they utilize an ambulance, the City would only bill the resident what their insurance will pay. Residents who do not subscribe would receive a statement for the remaining balance. He states that the subscription program will bring in approximately \$40,000 a year. If the remaining balance is billed to those who do not subscribe, he stated they may collect in the neighborhood of \$80,000 for net revenue of \$120,000.

Director of Administrative Service Cliff Blackwell addressed Council questions regarding the liability on the City's part for the write-offs of ambulance fees. He stated that there is no liability on the City's side but what is still owed to the City is recorded. Coming into this year, the receivable balance is approximately \$150,000. This balance is made up of the number of billed accounts that are collectable. Current revenues for ambulance services for this year are currently over \$1 million.

In answer to questions regarding why the City has been writing off the remaining balances to residents, Chief Tindell stated that when the City started contracting with Intermedix for billing services five years ago, ambulance bills went up significantly from about \$400-\$500 to \$1300-\$1400. Due to that increase, Council at that time decided to forgive the balance of what is to be owed by residents. Deputy City Manager David Miller stated that ambulance services have never been a profitable part of any municipality. The subscription program solves a portion of the revenue stream issue but he does not believe there is a way for ambulance services to break even.

Many on Council felt that though this was a good first step in addressing falling revenue, further options on addressing the amounts being written off should be discussed and explored.

Motioned by Councilman Turner, seconded by Councilman Griffin, to approve an ordinance amending the City of Bedford Code of Ordinances Chapter 50 – Emergency Services, Article III – Ambulances; providing that this ordinance shall be cumulative of all ordinances; providing for a penalty; providing a severability clause; and declaring an effective date.

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

Voting for the motion were: Mayor Story, Councilman Fisher, Councilman Griffin, Councilman Champney, Councilman Turner.

Voting in opposition to the motion: Councilman Brown

6. Consider an ordinance amending the City of Bedford Code of Ordinances Chapter 58 – Fire Prevention and Protection, Article IV – Fire Prevention.

This item was approved by consent.

7. Consider an ordinance amending the City of Bedford Code of Ordinances Chapter 82, "Offenses and Miscellaneous Provisions" by creating a new "Article V. Illegal Smoking Products and Ingestion Devices" to prohibit the use, purchase, possession and sale of illegal smoking products containing certain plant, plant products and their derivatives or other substances, and ingestion devices used in connection with the illegal smoking products; dispensing with a culpable mental state; and providing a penalty; providing an affirmative defense for authorized medical use or use in landscaping; and providing a repealer clause, a severability clause, a savings clause, and an effective date.

Police Chief David Flory presented information regarding this ordinance. As was discussed in previous Council meetings, the Police have increasingly encountered K2 and its derivatives including salvia. By Council direction, staff sought legal advice in creating an ordinance making it illegal to use, purchase, possess or sell K2 and its derivatives. He is recommending that Council pass this ordinance to immediately enforce the ban.

Motioned by Councilman Champney, seconded by Councilman Turner, to approve an ordinance amending the City of Bedford Code of Ordinances Chapter 82, "Offenses and Miscellaneous Provisions"

by creating a new "Article V. Illegal Smoking Products and Ingestion Devices" to prohibit the use, purchase, possession and sale of illegal smoking products containing certain plant, plant products and their derivatives or other substances, and ingestion devices used in connection with the illegal smoking products; dispensing with a culpable mental state; and providing a penalty; providing an affirmative defense for authorized medical use or use in landscaping; and providing a repealer clause, a severability clause, a savings clause, and an effective date.

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

- 8. Consider a resolution authorizing the City Manager to enter into a professional services contract with Schrickel, Rollins & Associates, Inc. for the design of the Schumac Lane/ Monterrey Street Drainage Improvements in the amount of \$106,000.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to enter into a professional services contract with Deltatek Engineering, Inc. for the design of a potable water well at the Simpson Terrace elevated storage tank site and associated piping, water treatment and control systems in the amount of \$120,000.**

This item was approved by consent.

- 10. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding with the City of Fort Worth, Texas for the 2010 Byrne Justice Assistance Grant (JAG) Formula Program Award.**

This item was approved by consent.

- 11. Consider a resolution authorizing the purchase of two 2010 replacement traffic vehicles and related equipment in the amount of \$59,990 from Dallas Dodge through the Houston-Galveston Area Council State Contract.**

This item was approved by consent.

- 12. Consider a resolution authorizing the purchase of eight 2011 replacement patrol vehicles and related equipment in the amount of \$235,688 from Holiday Chevrolet through the Department of Public Safety state contract.**

This item was approved by consent.

- 13. Consider a resolution authorizing the purchase of emergency equipment to outfit eight Chevrolet Tahoes in the amount of \$40,830 from John Wright and Associates through the Tarrant County Joint Venture Cooperative Purchasing Program.**

This item was approved by consent.

- 14. Consider a resolution authorizing the installation of emergency equipment and graphics for eight Chevrolet Tahoes in the amount of \$20,800 through John Wright and Associates.**

This item was approved by consent.

- 15. Discussion and possible staff direction regarding parking of trailers. ***Item requested by Councilman Brown**

Councilman Brown asked that this item be placed on the agenda for discussion and possible staff direction. He asked if it is possible to ban trailers and do it in such a way that it will not affect such things as horse trailers or mowing trailers. Per City Attorney Stan Lowery, any ordinance that is passed will

have to be applied across the board. Distinctions cannot be made for certain classifications of people or uses or there would be a risk of unconstitutional discrimination. On the enforcement aspect, it is the City's burden of proof to prove a violation has occurred. In order for the City to prosecute a citation, there would need to be actual eye-witness testimony that the vehicle has not moved for that entire period of time. Police Chief David Flory stated that from an enforcement standing, it is difficult to enforce the current ordinance. Currently, a PSO is sent out and chalks the tires; they then go back and check the vehicle after 72 hours. It is easy to circumvent the ordinance by moving the trailer one or two feet, drive around back or move across the street. The only way to prove a violation is to put surveillance on the vehicle for 72 hours. There is difficulty finding a reasonable solution for this issue.

Mr. James Geer was asked by Council if he had any further comments. He stated that once the tires of the vehicle are marked, the owner has 72 hours to move. If the vehicle is not moved, then the owner receives a warning and is given 72 hours to respond to it. He believes that if there is a 24-hour limit, and owners are given citations they will move the vehicles.

Council was of the consensus not to direct staff to take any action on this issue.

16. Council member reports

a) Mayor Story- report on the October 4 Tarrant County Mayor's meeting.

Mayor Story gave a report on the October 4 Tarrant County Mayor's meeting. The meeting was held at the Tarrant County Jail with Sheriff Dee Anderson. He was impressed by what he saw and it was a lot different from what he expected. Approximately \$100 million in taxpayers' dollars goes to the sheriff's department. The inmates do most of the work including cleaning, cooking, running the elevators, and waxing the floors.

b) Councilman Fisher- report on the HOA roundtable meeting.

Councilman Fisher gave a report on the HOA roundtable meeting held on Tuesday September 21. He was pleased by the attendance of 45 people and 15 of the 36 HOAs in the City. Items of discussion included the Prescription Drug Take-Back Day, National Night Out, Shop Bedford First and solar initiatives. Library Manager Maria Redburn gave an update on the new Library and the capital campaign. There was discussion on the 50 cent donation to the Park Board and changing it to a dollar. A representative from 6Stones spoke about the revitalization program. The HOAs discussed ways to protect homes that are in foreclosure such as neighbors watering and mowing the lawns of foreclosed homes. There were questions raised regarding the gas lease offers that many homeowners have received. Finally there was discussion about security and what to look out for. Overall, it was a very good meeting and he encouraged the Community Affairs Commission to hold them quarterly or semi-annually.

17. City Manager report

Deputy City Manager David Miller gave no report at tonight's meeting.

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

No action was necessary as a result of Executive Session.

ADJOURNMENT

Mayor Story adjourned the meeting at 7:53 p.m.

ATTEST:

Michael Wells, City Secretary

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in work session at 6:00 p.m. in the Building A Conference Room and regular session at 6:30 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 19th day of October 2010 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Jim Griffin	
Roy W. Turner	

Constituting a quorum.

Roy Savage was absent from tonight's meeting.

Staff present included:

David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Director of Administrative Services
David Flory	Police Chief
Jill McAdams	Human Resources Director
Maria Redburn	Library Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

WORK SESSION

Mayor Story called the work session to order at 6:00 p.m.

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed placing the following item(s) on consent: 4, 5, 6, 7, and 8.

- **Hear a follow up presentation by representatives of Torch Creative regarding preliminary sketches for the City of Bedford's new logo and additional suggestions for a tag line.**

Councilman Roger Fisher stated that the goal tonight is to get the logo down to a baseline. Torch Creative has taken the five or six logos discussed at the last meeting and have put them in the computer. There are also several new tag lines to go over. Mike Thurman and Brad Bishop of Torch then presented the logo and tagline concepts.

The tag lines expanded upon the main thematic of "centered" and "forward":

1. Bedford. Live. Front and Centered. or Bedford. Life. Front and Centered.
2. Bedford. Discover the Center.
3. Bedford. Life in Perfect Balance.

4. Bedford. Connect in the Center.
5. Bedford. Life. Fully Centered.
6. Bedford. Thinking Forward.
7. Bedford. You're More Than Welcome.

Regarding the tag line concept, Council was of the consensus for "Bedford. Discover the Center."
Regarding the logo line concept, Council was of the consensus for 3B.

EXECUTIVE SESSION

To convene before the Regular Session, if time permits, in the conference room in compliance with Section 551.001 et. seq. Texas Government Code, to discuss the following:

- **Section 551.087. Deliberation Regarding Economic Development Negotiations relative to 6 Stones, L.L.C.**

Council did not have to recess into Executive Session during tonight's meeting.

REGULAR SESSION 6:30 P.M.

Regular session began at 6:40 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Pastor Bayard Pratt, Martin Methodist Church)

Pastor Bayard Pratt of Martin Methodist Church gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak under tonight's Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Champney, seconded by Councilman Turner, to approve the following items by consent: 4, 5, 6, 7 and 8.

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

COUNCIL RECOGNITION

1. Proclamation recognizing October 25 - 29, 2010 as National Red Ribbon Week.

Mayor Story read a proclamation recognizing October 25 - 29, 2010 as National Red Ribbon Week.

2. Employee Service Recognition.

The following employees received recognition for dedicated service and commitment to the City of Bedford:

Rudolph Ramos, Public Services – 5 years of service

Michael Foran, Administrative Services – 10 years of service
Mike Hagar, Police Department – 20 years of service
James Pittman, Police Department – 20 years of service
Bradley Bilger, Fire Department – 35 years of service

NEW BUSINESS

- 3. Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A, Schedule of Fees by updating fees imposed by the City for the issuance of licenses and permits and for the provision of certain services and inspections; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.**

Council discussed the proposed rental fees at the new Library in regards to homeowner's associations and non-profits. Council was of the consensus to not make any changes to the proposed fees.

Motioned by Councilman Brown, seconded by Councilman Griffin, to approve an ordinance amending the City of Bedford Code of Ordinances Appendix A, Schedule of Fees by updating fees imposed by the City for the issuance of licenses and permits and for the provision of certain services and inspections; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

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

- 4. Consider a resolution to adopt a new Economic Development Incentive Policy and Program.**

This item was approved by consent.

- 5. 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 6 Stones, L.L.C. ("6 Stones").**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to extend the existing software maintenance contract with New World Systems in the amount of \$100,442.**

This item was approved by consent.

- 7. Consider a resolution authorizing the purchase of three new dispatch consoles in the amount of \$19,185.19 from Watson Furniture Group, Inc. through the HGACBuy State Contract.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to enter into a contract with Brazos Technology to purchase ten electronic ticket writers and all necessary hardware and software in the amount of \$41,004.04 through the City of Frisco contract.**

This item was approved by consent.

9. Council member reports

Councilman Turner mentioned the Fire Department open house which will be on Saturday October 23, 2010.

Councilman Fisher stated that CPR Fall Blitz is October 22-23 starting at 8:00 a.m. at Campus West. Bedford has had 65 volunteers sign up for the program.

10. City Manager report

Deputy City Manager David Miller stated that City Manager Beverly Queen is out of surgery.

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

No action was necessary as a result of Executive Session.

ADJOURNMENT

Mayor Story adjourned the meeting at 7:07 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary



COUNCIL AGENDA BACKGROUND

PRESENTER:

William Syblon, Development Director
Jeremiah Johnson, The Life Center

ITEM:

Public hearing and consider an ordinance to rezone property known as Tract 3A, Block 15, Stonegate Addition, Bedford, Texas from Light Commercial/Specific Use Permit/Banquet and Meeting Facilities to Light Commercial/Specific Use Permit/Banquet and Meeting Facilities/Church. The property is generally located south of State Highway 183 and east of Brown Trail. (Z-206)

DISCUSSION:

The applicant proposes to add multiple uses to an existing specific use permit. Currently the facility has a specific use permit for banquet and meeting facilities. The applicant proposes additional uses consisting of a church, health and nutrition display area, and hair salon. Only the church use requires a specific use permit.

The applicant proposes to use the facilities “as is” with no remodeling proposed on the inside or exterior of the structure. The only full time active use will be the hair salon. The remaining uses will function during separate periods of time and not concurrently with any use.

This application was tabled by the Planning and Zoning Commission in order to receive additional responses from the building official, fire marshal, and city attorney. Also, the applicant was to modify the site plan and provide an amended scaled floor plan of the inside of the structure.

The original application included a request for “Children’s Daycare”; however, based on questions and concerns from the Planning and Zoning Commission, the applicant decided to remove that component from the application. The applicant may request an SUP for “Children’s Daycare” at a later date.

The Planning and Zoning Commission recommended approval of this item at their October 14, 2010 meeting by a vote of 7-0-0 with the following stipulations:

- The landscaping requirements be met, the lighting on the site not be taller than the screening fence around the site, and the application fee be waived when applicant re-files a re-zoning application for “Children’s Daycare”.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance to rezone known property known as Tract 3A, Block 15, Stonegate Addition, Bedford, Texas from Light Commercial/Specific Use Permit/Banquet and Meeting Facilities to Light Commercial/Specific Use Permit/Banquet and Meeting Facilities/Church. (Z-206)

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance

Minutes of Planning and Zoning Commission Meeting of September 9, 2010,
and September 23, 2010, and October 14, 2010

Zoning Change Application

Zoning Map of Referenced Property

8 ½ x 11 drawings

ORDINANCE NO. 10-

AN ORDINANCE TO REZONE PROPERTY KNOWN AS TRACT 3A, BLOCK 15, STONEGATE ADDITION, BEDFORD, TEXAS FROM LIGHT COMMERCIAL/SPECIFIC USE PERMIT/BANQUET AND MEETING FACILITIES TO LIGHT COMMERCIAL/SPECIFIC USE PERMIT/BANQUET AND MEETING FACILITIES/CHURCH SPECIFICALLY FOR THE OPERATION OF THE LIFE CENTER; DECLARING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EFFECTIVE DATE. (Z-206)

WHEREAS, it is deemed expedient and for the benefit of the City of Bedford, Texas, that the Comprehensive Zoning Ordinance be amended to rezone property known as Tract 3A, Block 15, Stonegate Addition, Bedford, Texas from Light Commercial/Specific Use Permit/Banquet and Meeting Facilities to Light Commercial/Specific Use Permit/Banquet and Meeting Facilities/Church, for the allowance of The Life Center. The property is generally located south of State Highway 183 and east of Brown Trail.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That Section 2 of the Zoning Ordinance be amended and the map designated "ZONING MAP-CITY OF BEDFORD, TEXAS" be revised and amended so that the land described as:

Tract 3A, Block 15, Stonegate Addition, located in the City of Bedford, Tarrant County, Texas, shall be shown as approved by this ordinance.

SECTION 2. That the Site Plan attached hereto as Exhibit "A" is approved as a component of this zoning change approval. Any revisions to the property that deviates from the Site Plan attached hereto shall require an amendment to this ordinance.

SECTION 3. That from and after the final passage of this ordinance and the land described herein shall be subject to the regulations and uses to that from and after the final passage of this ordinance the land described herein shall be subject to the regulations and uses to Light Commercial/Specific Use Permit/Banquet and Meeting Facilities/Church (for the use and operation of the Life Center).

SECTION 4. That this Ordinance shall be cumulative of all provisions of other ordinances of the City of Bedford, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting revisions of such ordinances are hereby repealed.

SECTION 5. That it is hereby declared the intention of the City Council of the City of Bedford, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6. That any person, organization, corporation, partnership or entity that violates, disobeys, omits, neglects or fails to comply with the provisions of this Ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense or violation. Each day that an offense or violation occurs shall constitute a separate offense.

PRESENTED AND PASSED this 9th day of November 2010 by a vote of __ ayes, __nays and __ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF SEPTEMBER 9, 2010**

APPROVED

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

1. Consider approval of the Planning and Zoning Commission meeting minutes.

a) August 26, 2010 Regular Meeting

Motion: Vice Chairman Davisson made a motion to approve the meeting minutes of August 26, 2010 correct as written.

Commissioner Carlson seconded the motion and the vote was as follows:

Motion approved 7-0-0. Chairman Lambert declared the motion approved.

PUBLIC HEARING

 **2. Zoning Case Z-206, public hearing and consider request of Jeremiah Johnson, Sr. to rezone property known as Tract 3A, Block 15, Stonegate Addition, Bedford, Texas from Light Commercial/ Specific Use Permit/Banquet and Meeting Facilities to Light Commercial/Specific Use Permit/ Banquet and Meeting Facilities/Church/Children's Daycare Center. The property is generally located south of State Highway 183 and east of Brown Trail.**

Chairman Lambert recognized Consultant City Planner Dan Boutwell who reviewed Zoning Case Z-206.

Mr. Boutwell stated this property had become a multi-use facility. An on-site dumpster was recommended for refuse collection.

The landscaping for this site must conform to the landscape plan presented in the specific use permit approved earlier this year. Code enforcement personnel indicated the live plant material previously installed had died. It is strongly recommend the applicant provide a method of irrigating the live plant material provided on site. The provision must be provided prior to the issuing a certificate of occupancy for any of the proposed uses. The City may take into account the appropriate planting season for the live material and adjust the requirement as deemed appropriate.

The basement facility was not approved for occupancy. There was a stairway which allowed both suites to accesses the basement. This caused building and fire safety issues and must be coordinated with the Fire Marshal and Building Official.

The facility must have a fire alarm system installed.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF SEPTEMBER 9, 2010**

APPROVED

Since the two suites are separate spaces, electric service and meters for those services must be provided. In addition, separate heat/air equipment must be provided.

The site plan must indicate the location, type, and height of any exterior lights on the property. All lighting must be directed away from residential property and must be fully shielded.

Address numbers for this property should be 404 Airport Freeway Suite 100 and 404 Airport Freeway Suite 200. These addresses must be placed on the site plan drawing.

Chairman Lambert recognized Jeremiah Johnson, Sr., 8008 Oak Knoll Drive, North Richland Hills, Texas who was there to represent this application. Mr. Johnson

Chairman Lambert opened the public hearing and there being no one to speak, closed the public hearing.

Mr. Boutwell stated the City Attorney would be asked if the previous specific use permit requirements and conditions were valid with this application.

Can a church use be close to a convenient store that sells alcohol? If this church, specific use permit was approved, would there be an issue later with the convenience store next door of this property changing ownership. Would the new convenient store owner be allowed to sell alcohol because of the distance required between and church and a business selling alcohol?

Is a church tenant different from a church property owner?

The Commission discussed the application, and stated there were too many unresolved issues that needed to be answered before it could make a recommendation.

Motion: Commissioner Reese made a motion recommending to table Zoning Case Z-206 to the September 23, 2010 meeting and leaving the public hearing open.

Vice Chairman Davisson seconded the motion.

Motion approved 7-0-0. Chairman Lambert declared the motion approved.

ADJOURNMENT

Chairman Lambert adjourned the Work Session at 8:20 p.m.

John Lambert, Chairman
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF SEPTEMBER 23, 2010**

APPROVED

The Planning and Zoning Commission reconvened in the Council Chamber at 7:00 p.m.

REGULAR SESSION

CALL TO ORDER

Chairman Lambert called the meeting to order at 7:00 p.m.

INVOCATION

Commissioner Reese gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

1. Consider approval of the Planning and Zoning Commission meeting minutes.

a) September 9, 2010 Regular Meeting

Motion: Vice Chairman Davisson made a motion to approve the meeting minutes of September 9, 2010 with a noted correction.

Commissioner Carlson seconded the motion and the vote was as follows:

Ayes: Commissioners Reese, East, Carlson, Sanders, Smeltzer, Chairman Lambert

Nays: None

Abstention: Commissioner Stroope

Chairman Lambert declared the motion approved.

PUBLIC HEARING

2. Zoning Case Z-206, public hearing and consider request of Jeremiah Johnson, Sr. to rezone property known as Tract 3A, Block 15, Stonegate Addition, Bedford, Texas from Light Commercial/ Specific Use Permit/Banquet and Meeting Facilities to Light Commercial/Specific Use Permit/ Banquet and Meeting Facilities/Church/Children's Daycare Center. The property is generally located south of State Highway 183 and east of Brown Trail. (Tabled from the meeting of September 9, 2010.)

Chairman Lambert recognized Consultant City Planner Dan Boutwell who reviewed Zoning Case Z-206.

Chairman Lambert recognized Jeremiah Johnson, Sr., 8008 Oak Knoll Drive, North Richland Hills, Texas who was there to represent this application.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF SEPTEMBER 23, 2010**

APPROVED

Chairman Lambert opened the public hearing from September 9, 2010, and there being no one to speak, closed the public hearing.

The Commission discussed the application and stated before it could make a recommendation a revised floor plan was needed showing accurate measurements; and the building as one lease space with required information. Also a revised site plan was also needed showing lighting; irrigation system information was needed before the Commission could make a recommendation.

Motion: Commissioner Reese made a motion to table Zoning Case Z-206 to the October 14, 2010 meeting and leaving the public hearing open.

Commissioner Stroope seconded the motion.

Motion approved 7-0-0. Chairman Lambert declared the motion approved.

ADJOURNMENT

Chairman Lambert adjourned the Work Session at 7:42 p.m.

John Lambert, Chairman
Planning and Zoning Commission

ATTEST:

Yolanda Diaz, Planning and Zoning Secretary

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

REGULAR SESSION

CALL TO ORDER

Chairman Lambert called the meeting to order at 7:00 p.m.

INVOCATION

Commissioner Reese gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

1. Consider approval of the Planning and Zoning Commission meeting minutes.

a) September 23, 2010 Regular Meeting

Motion: Vice Chairman Davisson made a motion to approve the meeting minutes of September 23, 2010 correct as written.

Commissioner Carlson seconded the motion and the vote was as follows:

Ayes: Commissioners Reese, East, Carlson, Smeltzer, Vice Chairman Davisson, Chairman Lambert

Nays: None

Abstention: Commissioner Kavanagh

Chairman Lambert declared the motion approved.

PUBLIC HEARING

- 2. Zoning Case Z-206, public hearing and consider request of Jeremiah Johnson, Sr. to rezone property known as Tract 3A, Block 15, Stonegate Addition, Bedford, Texas from Light Commercial/ Specific Use Permit/Banquet and Meeting Facilities to Light Commercial/Specific Use Permit/ Banquet and Meeting Facilities/Church/Children's Daycare Center. The property is generally located south of State Highway 183 and east of Brown Trail. (Tabled from the meetings of September 9, 2010 and September 23, 2010.)**

Chairman Lambert recognized Consultant City Planner Dan Boutwell who reviewed Zoning Case Z-206. Mr. Boutwell stated the applicant proposed to add multiple uses to an existing specific use permit, SUP. The facility currently has a SUP for banquet and meeting facilities.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

The applicant proposes additional uses; of these uses a daycare and church uses require a SUP. The applicant proposes to use the facilities "as is" with no remodeling proposed on the inside or exterior of the structure. The uses will function during separate periods of time and not concurrently with any other use.

The front yard of this facility will be impacted by acquisition of property due to the TxDOT's acquiring property through the right of eminent domain. As a result, the remaining property will become a legal non-conforming land use.

The landscaping quantities comply with the requirements of the City for live landscaping. While, the source of a hose bib and soaker hose is not the most preferred method of providing water to plant materials, it does satisfy the requirements of the ordinance.

The applicant indicated outdoor lighting in the parking lot area. The plan does not provide the height of the poles or the type of lighting. Because these are adjacent to residential property lines, we strongly recommend the lights be low profile lights that are ground oriented and do not extend above the fence. All lighting in the parking lot shall be directed away from residential properties and shall be fully shielded and low intensity.

The site plan/floor plan does not provide information regarding the proposed Day Care facility. Any area to be used as outdoor play area should be indicated on the site plan, including any security fencing for the play area.

In accordance with Sec. 3.2.C.(3).d of the Zoning Ordinance, a copy of the required state licensing and certification must be provided to the City Building Inspection Department prior to a certificate of occupancy being issued.

Chairman Lambert recognized Jeremiah Johnson, Sr., 8008 Oak Knoll Drive, North Richland Hills, Texas who was there to represent this application.

Chairman Lambert opened the public hearing from September 23, 2010 and there being no one to speak, closed the public hearing.

The Commission discussed the application and stated the following concerns:

- Concerned with the public's health, safety and welfare. This was an odd use combination to have the hair salon in the same building with children's day care center.

Commission was not comfortable recommending approval of this application to City Council without first seeing the floor plan for "Children's Day Care Center" use. As a result, the Commission would consider approving the "Church" use but not the "Children's Daycare Center" use.

- The landscaping plan be met and the applicant understand the City's landscaping expectations.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

- The lighting in the parking be directed away from residential properties. The lights be low profile, ground oriented and do not extend above the fence.

Motion: Commissioner East made a motion to accept Mr. Johnson's request to withdraw the "Childrens' Daycare" use from this application.

Commissioner Reese seconded the motion.

Ayes: Commissioners Kavanagh, Reese, East, Smeltzer, Vice Chairman Davisson
Chairman Lambert

Nays: Commissioner Carlson

Abstention: None

Chairman Lambert declared the motion approved.

Staff was asked to waive the application fee for re-filing when the applicant filed a re-zoning application for "Childrens' Daycare".

Motion: Vice Chairman Davission made a motion to approve Zoning Case Z-206 in the amended form with the stipulation: The Landscaping requirement be met, the lighting not be taller than the fence, and the application fee be waived when applicant re-files a re-zoning application for "Childrens' Daycare".

Commissioner Reese seconded the motion.

Motion approved 7-0-0. Chairman Lambert declared the motion carried.

3. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions, add a new and unlisted use for Micro-Winery Brew Pub to the City of Bedford Zoning Ordinance, Chapter 3, Section 3.1 Schedule of Permitted Uses, A-025.

Chairman Lambert recognized Consultant City Planner Dan Boutwell who reviewed Zoning Ordinance Amendment A-025. Mr. Boutwell stated the City received a request to consider a new use and unlisted where the primary purpose of the facility would include a micro-winery and provide food sales, primarily cheeses and include sales of other products associated with the wine industry.

Staff recommended the following amendment to the zoning ordinance:

Since a Brew Pub is treated similarly by state law, we have included that use with micro-winery.

1. Add a new use for Micro-Winery/Brew Pub to the permitted use table and indicate the location of permitted use as follows:

City of Bedford Change of Zoning Application

Applicant Name (Print): Jeremiah Johnson Sr. (*Signature): [Signature]

Address: 404 Airport Frwy* Bedford, TX 76022

Telephone number: 214.994.6615 Fax number: 972.874.5200

I, the undersigned owner, or _____ (Option Holder, etc.) of the following described real property located in the City of Bedford, Texas, hereby make application for a change of zoning classification:

From: L/SUP/BANQUET & MEETING FACILITIES To: CHURCH/CHILDREN'S DAY CARE CTR

as provided in the City of Bedford Zoning Ordinance. I hereby certify that there are no existing dwellings or other buildings located on the property which would not conform to the construction standards, of the zoning classification being proposed, except as provided in Section 2.3, Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures & Nonconforming Uses of Structures & Premises of the City of Bedford Zoning Ordinance.

Legal Description: Lot 3A Block 15 Addition Shnegate
Tract _____ Abstract _____ Survey _____ to the City of Bedford, Texas.
Street Address 404 Airport Frwy* Bedford, TX 76022

Fee: (\$150.00 plus \$75.00 per acre over one.) \$150.00 + \$75.00 x _____ = _____
Payable by cash, Visa, MasterCard, or check made out to the City of Bedford. (# of acres) (total fee)

Owner(if not applicant): (*Signature)	Developer: (*Signature)
(Print name) <u>Kyongnam, K.M</u>	(Print name)
(Company name)	(Company name)
(Street Address, City, State & Zip Code) <u>13257 Austin Zone Dr. 76052 HASLET TX</u>	(Street Address, City, State & Zip Code,)
(Telephone number) <u>972.874.7728</u>	(Telephone number)
(FAX number)	(FAX number)
Land Planner/Engineer: (*Signature)	Surveyor: (*Signature)
(Print Name)	(Print Name)
(Company Name)	(Company Name)
(Street Address, City, State & Zip Code,)	(Street Address, City, State & Zip Code)
(Telephone number)	(Telephone number)
(FAX number)	(FAX number)

*Signatures certify that all information provided is true and correct.
(Please indicate sole contact for the City purposes with an arrow "⇨".)



City of Bedford, Texas

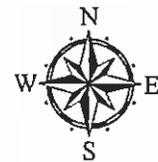
Hearing

Date: 9-9-10 Z-206

Address: 000404 AIRPORT FWY

Addition: STONEGATE ADDITION-BEDFORD
Bedford, TX 76021

SUBNUM: BLOCK: 15 LOT: 3A



-  Parcel Boundary
-  Subject Parcel and Buffer



COUNCIL AGENDA BACKGROUND

PRESENTER:

William Syblon, Development Director

ITEM:

Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Chapter 3. Permitted Uses, Section 3.1 Schedule of Permitted Uses, and Section 3.2 Explanation of Uses and Specific Use Permit Requirements for Micro-Winery/Brew Pub. (A-025)

DISCUSSION:

Recently, staff has received inquires pertaining to the opening of a winery in Bedford. Consultation with the City Attorney has indicated that the local election for mixed drinks in restaurants and the sales of beer and wine in grocery stores will permit these uses. Recent amendments to the law as regulated by the Texas Alcohol Beverage Commission (TABC) has made it possible for this to happen (see attachments). The City of Bedford holds the same status for alcohol sales as does Grapevine, in which these types of uses are permitted. The applicant will be required to obtain the appropriate permits from TABC.

Since a Brew Pub is treated similarly by state law, we have included that use with micro-winery.

This proposed Zoning Ordinance amendment is for a new and unlisted use, Micro-Winery/Brew Pub. The Planning and Zoning Commission recommended amending the Zoning Ordinance to provide a definition, and designate the permitted districts according to the use table.

The following is an outline of the proposed ordinance amendment:

1. Add a new use for Micro-Winery/Brew Pub to the permitted use table and indicate the location of permitted use as follows:

Section 3.1 Schedule of Permitted Uses, F. Retail Sales/Trade (Food and Beverage Establishments) shall be amended to add a new use for Micro-Winery/Brew Pub and indicate it as being permitted in all commercial zoning districts.

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
<i>F. Retail Sales/Trade (Food and Beverage Establishments)</i>											
Micro-Winery/Brew Pub											

2. A definition for Micro-Winery will be provided as item “m” in Section 3.2, Explanation of Uses and Specific Use Permit Requirements, 3.2.C Permitted Uses, (6) Retail Sales/Trade (Food and Beverage Establishments), as follows:

m. MICRO-WINERY/BREW PUB – A wine or beer producer who sources its raw materials from outside suppliers. The micro-winery or brew pub has facilities for wine, beer, or ale sales and consumption, as permitted by the Texas Alcoholic Beverage Code (TABC), and may include areas for retail sales as well as food sales for marketable items associated with the wine/beer industry. It may also include wine, beer, or all tasting events as permitted by TABC regulations.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending the City of Bedford Zoning Ordinance, Chapter 3. Permitted Uses, Section 3.1 Schedule of Permitted Uses, and Section 3.2 Explanation of Uses and Specific Use Permit Requirements for Micro-Winery/Brew Pub. (A-025)

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Minutes of Planning & Zoning Commission Meetings of October 14, 2010
MPRG letter dated October 13, 2010
Copy of relevant Alcohol and Beverage Code

ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS, AMENDING THE CITY OF BEDFORD ZONING ORDINANCE, ORDINANCE #2216, AS HERETOFORE AMENDED BY AMENDING SECTION 3.1 SCHEDULE OF PERMITTED USES AND; AMENDING SECTION 3.2 EXPLANATION OF USES AND SPECIFIC USE PERMIT REQUIREMENTS TO PROVIDE FOR A NEW USE FOR MICRO-WINERY/BREW PUB; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (A-025)

WHEREAS, the City is authorized by Section 211.005, "Districts" of the Texas Local Government Code to zone property into districts in accordance with a Comprehensive Plan; and,

WHEREAS, the City Council of the City of Bedford deems it necessary in order to lessen the congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; and avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and,

WHEREAS, the Planning and Zoning Commission of the City of Bedford initiated proposed changes to the City of Bedford Zoning Ordinance; and,

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Bedford have advertised and mailed notices of public hearings to receive comments on the proposed Zoning Ordinance amendments; and,

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Bedford have after thoughtful deliberation voted to approve these Zoning Ordinance amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. Section 3.1 Schedule of Permitted Uses, F. Retail Sales/Trade (Food and Beverage Establishments) shall be amended to add a new use for Micro-Winery/Brew Pub and indicate it as being permitted in all commercial zoning districts.

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	M D 1-4	M F	M	S	L	H	I
F. Retail Sales/Trade (Food and Beverage Establishments)											
Micro-Winery/Brew Pub											

SECTION 2. Section 3.2.C Explanation of Uses and Specific use Permit Requirements, C Permitted Uses, (6) Retail Sales/Trade (Food and Beverage) shall be amended to add a new use "m" for Micro-Winery/Brew Pub. The amendment will provide a definition Micro-Winery/Brew Pub as follows:

m. MICRO-WINERY/BREW PUB – A wine or beer producer who sources its raw materials from outside suppliers. The micro-winery or brew pub

has facilities for wine, beer, or ale sales and consumption, as permitted by the Texas Alcoholic Beverage Code (TABC), and may include areas for retail sales as well as food sales for marketable items associated with the wine/beer industry. It may also include wine, beer, or ale tasting events as permitted by TABC regulations.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions

SECTION 3. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. That this Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED this 9th day of November 2010 by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

- The lighting in the parking be directed away from residential properties. The lights be low profile, ground oriented and do not extend above the fence.

Motion: Commissioner East made a motion to accept Mr. Johnson's request to withdraw the "Childrens' Daycare" use from this application.

Commissioner Reese seconded the motion.

Ayes: Commissioners Kavanagh, Reese, East, Smeltzer, Vice Chairman Davisson
Chairman Lambert

Nays: Commissioner Carlson

Abstention: None

Chairman Lambert declared the motion approved.

Staff was asked to waive the application fee for re-filing when the applicant filed a re-zoning application for "Childrens' Daycare".

Motion: Vice Chairman Davisson made a motion to approve Zoning Case Z-206 in the amended form with the stipulation: The Landscaping requirement be met, the lighting not be taller than the fence, and the application fee be waived when applicant re-files a re-zoning application for "Childrens' Daycare".

Commissioner Reese seconded the motion.

Motion approved 7-0-0. Chairman Lambert declared the motion carried.

3. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions, add a new and unlisted use for Micro-Winery Brew Pub to the City of Bedford Zoning Ordinance, Chapter 3, Section 3.1 Schedule of Permitted Uses, A-025.

Chairman Lambert recognized Consultant City Planner Dan Boutwell who reviewed Zoning Ordinance Amendment A-025. Mr. Boutwell stated the City received a request to consider a new use and unlisted where the primary purpose of the facility would include a micro-winery and provide food sales, primarily cheeses and include sales of other products associated with the wine industry.

Staff recommended the following amendment to the zoning ordinance:

Since a Brew Pub is treated similarly by state law, we have included that use with micro-winery.

1. Add a new use for Micro-Winery/Brew Pub to the permitted use table and indicate the location of permitted use as follows:

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

Section 3.1 Schedule of Permitted Uses, M. Retail Sales/Trade (Food and Beverage Establishments) shall be amended to add a new use for Micro-Winery/Brew Pub and indicate it as being permitted in all commercial zoning districts.

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
<i>M. Retail Sales/Trade (Food and Beverage Establishments)</i>											
Micro-Winery/Brew Pub											

2. A definition for Micro-Winery will be provided as item “m” in *Section 3.2, Explanation of Uses and Specific Use Permit Requirements, 3.2.C Permitted Uses, (6) Retail Sales/Trade (Food and Beverage Establishments)*, as follows:

p. MICRO-WINERY/BREW PUB – A wine or beer producer who sources its raw materials from outside suppliers. The micro-winery or brew pub has facilities for wine, beer, or ale sales and consumption, as permitted by the Texas Alcoholic Beverage Code (TABC), and may include areas for retail sales as well as food sales for marketable items associated with the wine/beer industry. It may also include wine, beer, or ale tasting events as permitted by TABC regulations. In addition, outdoor seating is permitted as an integral part of the micro-winery/brew pub. Such outdoor seating shall not constitute more than 25% of all required seating without receiving a Specific Use Permit for outdoor seating.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- None required unless the outdoor seating exceeds 25% of the total seating.

Chairman Lambert opened the public hearing, and recognized Glenn Stokes, 1712 Ashberry Court, Bedford Texas, who spoke in favor of this zoning ordinance amendment.

Chairman Lambert closed the public hearing.

The Commission discussed the zoning ordinance amendment and agreed to have the changes made that were noted at the work session.

Motion: Commissioner Carlson made a motion to approve Zoning Ordinance Amendment A-025 as amended in the work session removing noted language.

Vice Chairman Davisson seconded the motion.

Motion approved 7-0-0. Chairman Lambert declared the motion carried.

Commissioner Kavanagh asked Chairman Lambert to be excused and left the meeting at 8:19 p.m.

Planning Memorandum

To: Planning and Zoning Commission, City Council, Bill Syblon
From: Dan C. Boutwell, AICP
Date: October 13, 2010
Re: Amendment for New and Unlisted Use for Micro-Winery/Brew Pub – A-025

The City has recently been requested to consider a new use and unlisted where the primary purpose of the facility would include a micro-winery and provide food sales, primarily cheeses and include sales of other products associated with the wine industry

The procedure for considering new and unlisted uses is established by the zoning ordinances and includes a petition to the Planning and Zoning Commission to determine if the new use is listed and to define and place it in a zoning district if deemed appropriate. With respect to that end, we have provided the following possible amendment to the zoning ordinance if the Planning and Zoning Commission wishes to proceed with a recommendation to the City Council for an ordinance amendment.

Consultation with City Attorney has indicated that the local election for mixed drinks in restaurants and the sales of beer and wine in grocery stores will permit these uses. Recent amendments to the law as regulated by the Texas Alcohol Beverage Commission (TABC) has made it possible for this to happen. The City of Bedford holds the same status for alcohol sales as does Grapevine, in which these types of uses are permitted. The applicant will be required to obtain the appropriate permits from the TABC.

Since a Brew Pub is treated similarly by state law, we have included that use with micro-winery.

As an aid to the P&Z we have provided suggested actions to effect this amendment. The P&Z and City Council may revise this language as they wish to meet the desire and need of the public.

1. Add a new use for Micro-Winery/Brew Pub to the permitted use table and indicate the location of permitted use as follows:

Section 3.1 Schedule of Permitted Uses, F. Retail Sales/Trade (Food and Beverage Establishments) shall be amended to add a new use for Micro-Winery/Brew Pub and indicate it as being permitted in all commercial zoning districts.

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
<i>F. Retail Sales/Trade (Food and Beverage Establishments)</i>											
Micro-Winery/Brew Pub											

2. A definition for Micro-Winery will be provided as item “m” in *Section 3.2, Explanation of Uses and Specific Use Permit Requirements, 3.2.C Permitted Uses, (6) Retail Sales/Trade (Food and Beverage Establishments)*, as follows:

- m. MICRO-WINERY/BREW PUB – A wine or beer producer who sources its raw materials from outside suppliers. The micro-winery or brew pub has facilities for wine, beer, or ale sales and consumption, as permitted by the Texas Alcoholic Beverage Code (TABC), and may include areas for retail sales as well as food sales for marketable items associated with the wine/beer industry. It may also include wine, beer, or ale tasting events as permitted by TABC regulations.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- No additional conditions

C

Effective:[See Text Amendments]

Vernon's Texas Statutes and Codes Annotated Currentness

Alcoholic Beverage Code (Refs & Annos)

Title 3. Licenses and Permits

▣ Subtitle A. Permits

▣ Chapter 16. Winery Permit (Refs & Annos)

→ § 16.07. Wine Sampling

- (a) The holder of a winery permit may conduct wine samplings, including wine tastings, on the permitted premises. The holder of the permit may collect a fee for the wine sampling.
- (b) A sampling event authorized by this section may not be advertised except by on-site communication or by direct mail.
- (c) A person other than the holder of a permit or the holder's agent or employee may not dispense or participate in the dispensing of wine under this section.
- (d) A person authorized to dispense wine under this section:
- (1) may serve a person more than one sample; and
 - (2) may not serve a sample to a minor or to an obviously intoxicated person.
- (e) A person who receives a sample may not remove the sample from the permitted premises.
- (f) For the purposes of this code and any other law of this state or a political subdivision of this state, the holder of a permit, during the sampling of wine under this section, is:
- (1) not the holder of a permit authorizing the sale of alcoholic beverages for on-premises consumption; and
 - (2) not considered to have received any revenue from the on-premises sale of alcoholic beverages.

CREDIT(S)

Added by Acts 1997, 75th Leg., ch. 998, § 2, eff. Sept. 1, 1997.

LIBRARY REFERENCES

2007 Main Volume

Intoxicating Liquors 98.
Westlaw Topic No. 223.

C.J.S. Intoxicating Liquors §§ 195 to 198, 200.

V. T. C. A., Alcoholic Beverage Code § 16.07, TX AL BEV § 16.07

Current through the end of the 2009 Regular and First Called Sessions of the 81st Legislature

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END OF DOCUMENT

Effective: September 1, 2007Vernon's Texas Statutes and Codes Annotated CurrentnessAlcoholic Beverage Code (Refs & Annos)

Title 3. Licenses and Permits

▣ Subtitle A. Permits

▣ Chapter 50. Promotional Permit (Refs & Annos)

→ § 50.001. Authorized Activities

The holder of a promotional permit may, on behalf of a distiller, brewer, rectifier, manufacturer, winery, or wine bottler with whom the promotional permit holder has entered into a contract for the purposes of this chapter, engage in activities to promote and enhance the sale of an alcoholic beverage in this state, including activities that take place on the premises of the holder of a permit or license under this code.

CREDIT(S)

Added by Acts 2005, 79th Leg., ch. 1289, § 1, eff. Sept. 1, 2005. Redesignated from V.T.C.A., Alcoholic Beverage Code § 54.001 by Acts 2007, 80th Leg., ch. 468, § 1, eff. June 16, 2007; Acts 2007, 80th Leg., ch. 921, § 17.001(3), eff. Sept. 1, 2007.

HISTORICAL AND STATUTORY NOTES

2010 Electronic Update

2007 Legislation

Acts 2007, 80th Leg., chs. 468 and 921 redesignated V.T.C.A., Alcoholic Beverage Code § 54.001, as added by Acts 2005, 79th Leg., ch. 1289, § 1, as this section.

LIBRARY REFERENCES

2007 Main Volume

Intoxicating Liquors  98.

Westlaw Topic No. 223.

C.J.S. Intoxicating Liquors §§ 195 to 198, 200.

V. T. C. A., Alcoholic Beverage Code § 50.001, TX AL BEV § 50.001

Current through the end of the 2009 Regular and First Called Sessions of the 81st Legislature

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END OF DOCUMENT

Effective: June 16, 2007

Vernon's Texas Statutes and Codes Annotated Currentness
Alcoholic Beverage Code (Refs & Annos)

Title 3. Licenses and Permits

▣ Subtitle A. Permits

▣ Chapter 50. Promotional Permit (Refs & Annos)

→ **§ 50.004. Nonapplicability of Certain Requirements to Permit Holder**

Notwithstanding Section 6.03, 11.46, 11.61, or 109.53, or any other law, the holder of a promotional permit is not required to be a resident of this state.

CREDIT(S)

Added by Acts 2007, 80th Leg., ch. 468, § 1, eff. June 16, 2007.

V. T. C. A., Alcoholic Beverage Code § 50.004, TX AL BEV § 50.004

Current through the end of the 2009 Regular and First Called Sessions of the 81st Legislature

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END OF DOCUMENT

Effective: September 1, 2007

Vernon's Texas Statutes and Codes Annotated Currentness
Alcoholic Beverage Code (Refs & Annos)
Title 3. Licenses and Permits
 ▣ Subtitle A. Permits
 ▣ Chapter 50. Promotional Permit (Refs & Annos)
 → § 50.002. Fee

- (a) The annual state fee for a promotional permit is \$300.
- (b) A local fee may not be charged for the application or issuance of a promotional permit.

CREDIT(S)

Added by Acts 2005, 79th Leg., ch. 1289, § 1, eff. Sept. 1, 2005. Redesignated from V.T.C.A., Alcoholic Beverage Code § 54.002 by Acts 2007, 80th Leg., ch. 468, § 1, eff. June 16, 2007; Acts 2007, 80th Leg., ch. 921, § 17.001(3), eff. Sept. 1, 2007.

HISTORICAL AND STATUTORY NOTES

2010 Electronic Update

2007 Legislation

Acts 2007, 80th Leg., chs. 468 and 921 redesignated V.T.C.A., Alcoholic Beverage Code § 54.002, as added by Acts 2005, 79th Leg., ch. 1289, § 1, as this section.

LIBRARY REFERENCES

2007 Main Volume

Intoxicating Liquors  91.
Westlaw Topic No. 223.
C.J.S. Intoxicating Liquors § 270.

V. T. C. A., Alcoholic Beverage Code § 50.002, TX AL BEV § 50.002

Current through the end of the 2009 Regular and First Called Sessions of the 81st Legislature

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END OF DOCUMENT

Effective: September 1, 2007

Vernon's Texas Statutes and Codes Annotated Currentness

Alcoholic Beverage Code (Refs & Annos)

Title 3. Licenses and Permits

▣ Subtitle A. Permits

▣ Chapter 50. Promotional Permit (Refs & Annos)

→ **§ 50.003. Prohibited Activities**

The holder of a promotional permit may not hold an interest, directly or indirectly, in a permit or license issued under this code other than a contract to promote and enhance the sale of alcoholic beverages as authorized by this chapter.

CREDIT(S)

Added by Acts 2005, 79th Leg., ch. 1289, § 1, eff. Sept. 1, 2005. Redesignated from V.T.C.A., Alcoholic Beverage Code § 54.003 by Acts 2007, 80th Leg., ch. 468, § 1, eff. June 16, 2007; Acts 2007, 80th Leg., ch. 921, § 17.001(3), eff. Sept. 1, 2007.

HISTORICAL AND STATUTORY NOTES

2010 Electronic Update

2007 Legislation

Acts 2007, 80th Leg., chs. 468 and 921 redesignated V.T.C.A., Alcoholic Beverage Code § 54.003, as added by Acts 2005, 79th Leg., ch. 1289, § 1, as this section.

LIBRARY REFERENCES

2007 Main Volume

Intoxicating Liquors  110.

Westlaw Topic No. 223.

C.J.S. Intoxicating Liquors §§ 282 to 284, 288, 293 to 298, 300 to 302, 310.

V. T. C. A., Alcoholic Beverage Code § 50.003, TX AL BEV § 50.003

Current through the end of the 2009 Regular and First Called Sessions of the 81st Legislature

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END OF DOCUMENT

Effective: June 16, 2007

Vernon's Texas Statutes and Codes Annotated Currentness

Alcoholic Beverage Code (Refs & Annos)

Title 3. Licenses and Permits

▣ Subtitle A. Permits

▣ Chapter 50. Promotional Permit (Refs & Annos)

→ **§ 50.004. Nonapplicability of Certain Requirements to Permit Holder**

Notwithstanding Section 6.03, 11.46, 11.61, or 109.53, or any other law, the holder of a promotional permit is not required to be a resident of this state.

CREDIT(S)

Added by Acts 2007, 80th Leg., ch. 468, § 1, eff. June 16, 2007.

V. T. C. A., Alcoholic Beverage Code § 50.004, TX AL BEV § 50.004

Current through the end of the 2009 Regular and First Called Sessions of the 81st Legislature

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C**Effective: June 17, 2005**Vernon's Texas Statutes and Codes Annotated CurrentnessAlcoholic Beverage Code (Refs & Annos)

Title 3. Licenses and Permits

▣ Subtitle A. Permits

▣ Chapter 16. Winery Permit (Refs & Annos)→ **§ 16.011. Premises in Dry Area**

A winery permit may be issued for premises in an area in which the sale of wine has not been authorized by a local option election. A holder of a permit under this section may engage in any activity authorized under Section 16.01 except that the permit holder may sell or dispense wine under that section only if the wine is:

(1) bottled in this state; and

(2) at least 75 percent by volume fermented juice of grapes or other fruit grown in this state or a lesser percentage established by the commissioner of agriculture under Section 12.039, Agriculture Code.

CREDIT(S)

Added by Acts 2003, 78th Leg., ch. 1119, § 2, eff. Sept. 13, 2003. Amended by Acts 2005, 79th Leg., ch. 878, § 3, eff. June 17, 2005.

HISTORICAL AND STATUTORY NOTES

2007 Main Volume

Section 4 of Acts 2003, 78th Leg., ch. 1119 provides:

“This Act takes effect on the date on which the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, authorizing the legislature to authorize and govern the operation of wineries in this state takes effect. If that amendment is not approved by the voters, this Act has no effect.” [Acts 2003, 78th Leg., H.J.R. 85 was adopted at the Sept. 13, 2003 election.]

Acts 2005, 79th Leg., ch. 878, in subd. (1), substituted “bottled” for “manufactured”, and in subd. (2) added “or a lesser percentage established by the commissioner of agriculture under Section 12.039, Agriculture Code”.

CROSS REFERENCES

Certain wine produced or bottled in this state, see V.T.C.A., Agriculture Code § 12.039.

LIBRARY REFERENCES

2007 Main Volume

Intoxicating Liquors  58.
Westlaw Topic No. 223.
C.J.S. Intoxicating Liquors §§ 146 to 148.

RESEARCH REFERENCES

2010 Electronic Update

Encyclopedias

TX Jur. 3d Intoxicating Liquors § 15, Activities Permitted in Dry Areas.

V. T. C. A., Alcoholic Beverage Code § 16.011, TX AL BEV § 16.011

Current through the end of the 2009 Regular and First Called Sessions of the 81st Legislature

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COUNCIL AGENDA BACKGROUND

PRESENTER:

William Syblon, Development Director

ITEM:

Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance, Chapter 3. Permitted Uses, Section 3.1 Schedule of Permitted Uses, and Section 3.2 Explanation of Uses and Specific Use Permit Requirements for Private Dog Park. (A-026)

DISCUSSION:

This proposed Zoning Ordinance amendment is for a new and unlisted use, Private Dog Park. The Planning and Zoning Commission recommended amending the Zoning Ordinance to provide a definition, and designate the permitted districts according to the use table.

The following is an outline of proposed ordinance amendment:

1. Add a new use for Private Dog Parks to the table and indicate the location of permitted use as follows:

Section 3.1 Schedule of Permitted Uses, H. Entertainment & Amusement shall be amended to add a new use for Private Dog Park and indicate it as requiring a Specific Use Permit in the L Commercial, H Commercial, and the I Industrial districts.

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
H. Entertainment & Amusement											
Private Dog Park									S	S	S

2. A definition for private dog park will be provided. Conditions for the use are listed following the definition. *Section 3.2 Explanation of Uses and Specific use Permit Requirements, item (13) Entertainment and Amusement* shall be amended to add a new use "p" as follows:

p. PRIVATE DOG PARK – A facility consisting of a parcel of land, open to the elements, which is secured with appropriate fencing, for the purpose of permitting dogs to run off-leash in a social environment, receiving a fee for such access or use of the facility. Said dog park facility may also provide dog park facilities for patrons of an associated business in return for said patronage.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- A minimum of one acre is required with a capacity of twenty-five (25) dogs per acre.
- Except as provided by *Section 5.5 – Screening Requirements*, fencing shall be a minimum of six feet in height and may include vinyl coated chain-link.
- The fence shall have a lockable, self-closing gate.
- Separate enclosures shall be provided for small and large dogs (small dogs has 30 lbs limit and large dogs has greater than 30 lbs.)
- Dogs may be off leash within the designated fenced area; and all dogs must have a leash available and be supervised by an adult.
- Rules for use of the dog park must be prominently displayed near the entrance of the facility.
- All dogs using the dog park must be in compliance with all animal licensing and vaccinations as required by the City of Bedford.

RECOMMENDATION:

The staff recommends the following motion:

Approval of an ordinance amending the City of Bedford Zoning Ordinance, Chapter 3. Permitted Uses, Section 3.1 Schedule of Permitted Uses, and Section 3.2 Explanation of Uses and Specific Use Permit Requirements for Private Dog Park. (A-026)

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Minutes of Planning & Zoning Commission Meeting of October 14, 2010
MPRG letter, dated October 22, 2010

ORDINANCE NO. 10-

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS, AMENDING THE CITY OF BEDFORD ZONING ORDINANCE, ORDINANCE #2216, AS HERETOFORE AMENDED BY AMENDING SECTION 3.1 SCHEDULE OF PERMITTED USES AND; AMENDING SECTION 3.2 EXPLANATION OF USES AND SPECIFIC USE PERMIT REQUIREMENTS TO PROVIDE FOR A NEW USE FOR PRIVATE DOG PARKS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (A-026)

WHEREAS, the City is authorized by Section 211.005, "Districts" of the Texas Local Government Code to zone property into districts in accordance with a Comprehensive Plan; and,

WHEREAS, the City Council of Bedford, Texas deems it necessary in order to lessen the congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; and avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and,

WHEREAS, the Planning and Zoning Commission of the City of Bedford initiated proposed changes to the City of Bedford Zoning Ordinance; and,

WHEREAS, the Planning and Zoning Commission and the City Council of Bedford, Texas have advertised and mailed notices of public hearings to receive comments on the proposed Zoning Ordinance amendments; and,

WHEREAS, the Planning and Zoning Commission and the City Council of Bedford, Texas have after thoughtful deliberation voted to approve these Zoning Ordinance amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. Section 3.1 Schedule of Permitted Uses, H. Entertainment & Amusement shall be amended to add a new use for Private Dog Park and indicate it as requiring a Specific Use Permit in the L Commercial, H Commercial, and the I Industrial districts.

USE	Zoning Classifications											
	R-15000	R-9000	R-7500	R-6500	M-D 1-4	M-F	M	S	L	H	I	
H. Entertainment & Amusement												
Private Dog Park										S	S	S

SECTION 2. Section 3.2 Section 3.2 Explanation of Uses and Specific use Permit Requirements, (13) Entertainment and Amusement shall be amended to add a new use "p" for Private Dog Park. The amendment will provide a definition for private dog park and conditions for the SUP as follows:

- p. PRIVATE DOG PARK – A facility consisting of a parcel of land, open to the elements, which is secured with appropriate fencing, for the purpose of permitting dogs to run off-leash in a social environment, receiving a fee for such access or use of the facility. Said dog park**

facility may also provide dog park facilities for patrons of an associated business in return for said patronage.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- A minimum of one acre is required with a capacity of twenty-five (25) dogs per acre.
- Except as provided by *Section 5.5 – Screening Requirements*, fencing shall be a minimum of six feet in height and may include vinyl coated chain-link.
- The fence shall have a lockable, self-closing gate.
- Separate enclosures shall be provided for small and large dogs (small dogs has 30 lbs limit and large dogs has greater than 30 lbs.)
- Dogs may be off leash within the designated fenced area; and all dogs must have a leash available and be supervised by an adult.
- Rules for use of the dog park must be prominently displayed near the entrance of the facility.
- All dogs using the dog park must be in compliance with all animal licensing and vaccinations as required by the City of Bedford.

SECTION 3. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED this 9th day of November 2010 by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010

APPROVED

- 
- 4. Public hearing and consider and act upon an ordinance amending the City of Bedford Zoning Ordinance, Section 1.2 Definitions, add a new and unlisted use for Private Dog Park to the City of Bedford Zoning Ordinance, Chapter 3, Section 3.1 Schedule of Permitted Uses, A-026.**

Chairman Lambert recognized Consultant City Planner Dan Boutwell who reviewed Zoning Ordinance Amendment A-026. Mr. Boutwell stated inquiries of citizens compelled the City Council to consider the status of private dog parks within the corporate limits of Bedford. Staff researched information related to private dog parks and how they are regulated and concluded the following:

1. Dog parks are rarely included in the zoning ordinances of Cities for regulation. Our research determined that many cities regulate dog parks as public facilities. Most of the regulations appear to be located within the Animal Control regulations or the Parks and Recreation regulations.
2. We found numerous private dog park facilities. However, the majority of these facilities did not operate solely or primarily as a dog park. Most of them had a number of pet oriented services for which they provided. These services ranged from boarding, to obedience training, to doggie day care, and including dog parks.
3. The rules and regulations under which dog parks operate are uniform and provide a good source for regulations to be included into any city ordinance regulation which may be developed regarding the nature and operation of dog parks.
4. Since our research determined that there are numerous private dog parks located within cities across the nation, it is apparent that they must be addressed in some manner by local zoning ordinances. And since our research also did not find any municipal zoning regulation crafted specifically for dog parks, we conclude that other cities are loosely including dog parks within the definition of other uses. These may include kennels, personal services, veterinary services, or similar types of listings. Another option is that cities may simply be permitting dog parks to exist as ancillary and secondary services to some related primary use.
5. Simply because we did not find dog parks in our zoning research does not mean we cannot establish it in Bedford. It is a new and unlisted use and our ordinances have a procedure to evaluate and establish new and unlisted uses. Along that end we have developed the following suggested amendment to our zoning ordinance.

As a request for a new and unlisted use, a definition for the use is needed, and the designation of where the use is permitted according to the use table.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

Actions

3. Add a new use for Private Dog Parks to the table and indicate the location of permitted use as follows:

Section 3.1 Schedule of Permitted Uses, H. Entertainment & Amusement shall be amended to add a new use for Private Dog Park and indicate it as requiring a Specific Use Permit in the L Commercial, H Commercial, and the I Industrial districts.

USE	Zoning Classifications										
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I
<i>H. Entertainment & Amusement</i>											
Private Dog Park									S	S	S

4. A definition for private dog park will be provided. Conditions for the use are listed following the definition. *Section 3.2 Explanation of Uses and Specific use Permit Requirements, item (13) Entertainment and Amusement* shall be amended to add a new use "p" as follows:

- p. PRIVATE DOG PARK – A facility consisting of a parcel of land, open to the elements, which is secured with appropriate fencing, for the purpose of permitting dogs to run off-leash in a social environment, receiving a fee for such access or use of the facility. Said dog park facility may also provide dog park facilities for patrons of an associated business in return for said patronage.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- Permitted only as an ancillary use to a principle use.
- A minimum of one acre is required with a capacity of twenty-five (25) dogs per acre.
- Fencing shall be a minimum of six feet in height and may be vinyl coated chain-link.
- The fence shall have a lockable, self-closing gate.
- Separate enclosures shall be provided for small and large dogs (small dogs has 30 lbs limit and large dogs has greater than 30 lbs.)
- Dogs may be off leash within the designated fenced area; and all dogs must have a leash available and be supervised by an adult.
- Rules for use of the dog park must be prominently displayed near the entrance of the facility.
- All dogs using the dog park must be in compliance with all animal licensing and vaccinations as required by the City of Bedford.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF OCTOBER 14, 2010**

APPROVED

Chairman Lambert opened the public hearing, and there being no one to speak, closed the public hearing.

The Commission discussed the zoning ordinance amendment and agreed to have the changes made that were noted at the work session.

Motion: Commissioner Carlson made a motion to approve Zoning Ordinance Amendment A-026 as amended in the work session, and adding Section 5.5 Screening Requirements.

Vice Chairman Davisson seconded the motion.

Motion approved 6-0-0. Chairman Lambert declared the motion carried.

ADJOURNMENT

Chairman Lambert adjourned the Work Session at 8:33 p.m.

John Lambert, Chairman
Planning and Zoning Commission

ATTEST:

Yolanda Alonso
Planning and Zoning Commission Secretary

Planning Memorandum

To: City Council, c/o Bill Syblon & Com. Dev. Director
From: Dan C. Boutwell, AICP
Date: October 22, 2010
Re: Zoning Ordinance Amendment Private Dog Park (A-026)

Recently, inquiries of citizens compelled the City Council to consider the status of private dog parks within the corporate limits of Bedford. The Council concluded, after receiving input from staff, that it is advantageous for the residents of the City to create zoning regulations providing for private dog parks. We have researched information related to private dog parks and how they are regulated and conclude as follows.

1. Dog parks are rarely included in the zoning ordinances of Cities for regulation. Our research determined that many cities regulate dog parks as public facilities. Most of the regulations appear to be located within the Animal Control regulations or the Parks and Recreation regulations.
2. We found numerous private dog park facilities. However, the majority of these facilities did not operate solely or primarily as a dog park. Most of them had a number of pet oriented services for which they provided. These services ranged from boarding, to obedience training, to doggie day care, and including dog parks.
3. The rules and regulations under which dog parks operate are uniform and provide a good source for regulations to be included into any city ordinance regulation which may be developed regarding the nature and operation of dog parks.
4. Since our research determined that there are numerous private dog parks located within cities across the nation, it is apparent that they must be addressed in some manner by local zoning ordinances. And since our research also did not find any municipal zoning regulation crafted specifically for dog parks, we conclude that other cities are loosely including dog parks within the definition of other uses. These may include kennels, personal services, veterinary services, or similar types of listings. Another option is that cities may simply be permitting dog parks to exist as ancillary and secondary services to some related primary use.

5. Simply because we did not find dog parks in our zoning research does not mean we cannot establish it in Bedford. It is a new and unlisted use and our ordinances have a procedure to evaluate and establish new and unlisted uses. Along that end we have developed the following suggested amendment to our zoning ordinance.

As a request for a new and unlisted use, the Planning and Zoning Commission must provide a definition for the use, any conditions applied to the use, and designation of where the use is permitted according to the use table. As an aid to the P&Z we have provided suggested language for this amendment. The P&Z and City Council may revise this language as they wish to meet the desire and need of the public.

Actions

1. Add a new use for Private Dog Parks to the table and indicate the location of permitted use as follows:

Section 3.1 Schedule of Permitted Uses, H. Entertainment & Amusement shall be amended to add a new use for Private Dog Park and indicate it as requiring a Specific Use Permit in the L Commercial, H Commercial, and the I Industrial districts.

USE	Zoning Classifications											
	R-15000	R-9000	R-7500	R-6500	MD 1-4	MF	M	S	L	H	I	
H. Entertainment & Amusement												
Private Dog Park										S	S	S

2. A definition for private dog park will be provided. Conditions for the use are listed following the definition. *Section 3.2 Explanation of Uses and Specific use Permit Requirements*, item (13) *Entertainment and Amusement* shall be amended to add a new use “p” as follows:

- p. PRIVATE DOG PARK – A facility consisting of a parcel of land, open to the elements, which is secured with appropriate fencing, for the purpose of permitting dogs to run off-leash in a social environment, receiving a fee for such access or use of the facility. Said dog park facility may also provide dog park facilities for patrons of an associated business in return for said patronage.

Minimum Specific Use Permit Conditions (In addition to a Site Plan and a Public Hearing):

- A minimum of one acre is required with a capacity of twenty-five (25) dogs per acre.

- Except as provided by *Section 5.5 – Screening Requirements*, fencing shall be a minimum of six feet in height and may include vinyl coated chain-link.
- The fence shall have a lockable, self-closing gate.
- Separate enclosures shall be provided for small and large dogs (small dogs has 30 lbs limit and large dogs has greater than 30 lbs.)
- Dogs may be off leash within the designated fenced area; and all dogs must have a leash available and be supervised by an adult.
- Rules for use of the dog park must be prominently displayed near the entrance of the facility.
- All dogs using the dog park must be in compliance with all animal licensing and vaccinations as required by the City of Bedford.



COUNCIL AGENDA BACKGROUND

PRESENTER:

Torin Johnson, Battalion Chief

ITEM:

Consider a resolution accepting and awarding the bid to GST Public Safety Supply, L.L.C. of Grand Prairie, Texas, for the purchase of public safety uniforms and accessories.

DISCUSSION:

The City of Bedford has been the lead agency in an interlocal agreement for the purchase of fire department uniforms for the past 5 years. The interlocal agreement was originally between the City of Bedford and the City of Grapevine to purchase fire resistant uniforms for the respective fire department. This agreement has grown from two cities to over forty-nine cities. The new agreement is for public safety uniforms and associated items for both police and fire departments in each city.

The purpose of this bid is to establish unit pricing for each item listed in the bid. These items are usually purchased on an as needed basis. State law requires a bid when a government entity purchases multiple items from the same vender in excess of \$25,000. Between the Police and Fire Departments the City exceeds this amount for these items. The annual average spent for the Fire Department is \$20,744.12 and the Police Departments average is \$40,478.88.

This bid also increases the City's purchasing power through the interlocal agreement. As part of the interlocal agreement, the City of Bedford is acting as the bidding agent for all member cities and is not responsible for any ordering or purchases made by the other member cities. Each individual city is responsible for their own ordering and payments directly to GST Public Safety Supplies.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution accepting and awarding the bid to GST Public Safety Supply, L.L.C. of Grand Prairie, Texas, for the purchase of public safety uniforms and accessories.

FISCAL IMPACT:

The fiscal impact to the City as part of this agreement is limited to those funds allocated as part of the respective department each year as part of the approved City budget.

ATTACHMENTS:

Resolution

RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF BEDFORD, TEXAS ACCEPTING AND AWARDING THE BID TO GST PUBLIC SAFETY SUPPLY, LLC OF GRAND PRAIRIE, TEXAS, FOR THE PURCHASE OF PUBLIC SAFETY UNIFORMS AND ACCESSORIES.

WHEREAS, the City Council of Bedford, Texas has determined the necessity to purchase public safety uniforms and accessories; and,

WHEREAS, the City Council of Bedford, Texas has determined that the bid be awarded to the lowest responsible bidder meeting all required specifications.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the City does hereby award the bid to purchase public safety uniforms and accessories to GST Public Safety Supply, LLC, of Grand Prairie, Texas.

PASSED AND APPROVED this the 9th day of November 2010, at a regular meeting of the City Council of the City of Bedford, Texas, by a vote of ___ ayes, ___ nays, and ___ abstentions.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



COUNCIL AGENDA BACKGROUND

PRESENTER:

David Miller, Deputy City Manager

ITEM:

Consider a resolution authorizing the City Manager to renew a lease agreement with ONSTAGE relative to the Trinity Arts Theater.

DISCUSSION:

The City of Bedford currently has a contract with ONSTAGE for the Trinity Arts Theatre.

At the December 15, 2009 Council meeting, Council approved a one year lease with ONSTAGE expiring December 31, 2010.

Significant provisions of the agreement last year included:

- ONSTAGE will reimburse the City for all utility expenses;
- ONSTAGE will be responsible for the maintenance on the interior of the building and the City will be responsible for exterior maintenance and mechanical; and,
- Tenant will produce one children's play every summer.
- Tenant will provide to the Bedford Senior Center 20 tickets to each dress rehearsal one week in advance of dress rehearsal.
- Tenant will work with the Bedford Parks and Recreation Department to produce a small play, skit, or puppet show during the Tree Lighting ceremonies

Onstage has requested to renew their lease for next year. The terms of the lease will remain the same for 2011.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a lease agreement with ONSTAGE relative to the Trinity Arts Theater.

FISCAL IMPACT:

N/A

ATTCHMENTS:

Resolution
Letter of Request
Lease Agreement

RESOLUTION NO. 10-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW A LEASE AGREEMENT WITH ONSTAGE RELATIVE TO THE TRINITY ARTS THEATER LOCATED WITHIN THE BEDFORD BOYS RANCH PARK.

WHEREAS, the City Council of Bedford recognizes that the Trinity Arts Theater provides a place for Performing art programs; and,

WHEREAS, the written agreement between the City of Bedford and ONSTAGE relative to the property needs to be renewed; and,

WHEREAS, the City Council has determined that the lease be approved and authorizes the City Manager to enter into an agreement relative to that proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the City Council does hereby approve the lease agreement and authorize the City Manager to enter into a contract with ONSTAGE in the amount of \$10.00 for one year.

SECTION 2. That this resolution shall take effect from and after the date of passage.

PASSED AND APPROVED this 9th day of November 2010, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

Jakubik, Megan

From: Miller, David
Sent: Thursday, October 28, 2010 9:41 AM
To: Jakubik, Megan
Subject: FW: ONSTAGE in Bedford

From: Rich Wiltshire
Sent: Wednesday, September 29, 2010 11:32 AM
To: Miller, David
Subject: ONSTAGE in Bedford

David,

Just confirming that ONSTAGE in Bedford is wanting to renew our contract for 2011 for the Trinity Arts Building at Bedford Boys Ranch.

I can send you a letter on letterhead if needed.

If you need further information, please call me at 682.225.0394.

Thanks for your support of ONSTAGE in Bedford.

Have a great day!

Rich Wiltshire
President
Board of Directors
ONSTAGE in Bedford
"Voted '09 Best Theatre Group in North Texas by WFAAlist, Channel 8"

LEASE AGREEMENT

Between

**City of Bedford, Texas
as Landlord**

And

**ONSTAGE in Bedford
as Tenant**

LEASE AGREEMENT

THIS LEASE AGREEMENT, made as of the ___ day of _____, 2010, by and between the City of Bedford, Texas (herein called "Landlord"), and ONSTAGE in Bedford, (herein called "Tenant").

In consideration of the covenants and agreements hereafter reserved and contained on the part of Tenant to be observed and performed, the Landlord demises and leases to Tenant, and Tenant rents from Landlord, those certain Leased Premises described as follows:

Trinity Arts Theatre

The subject properties herein called the "Leased Premises" or the "Leased Property". Tenant shall use the Leased Premises for visual and performing arts, humanities, and related functions and, in addition, can be used for community meetings for the residents of the City of Bedford, and for no other purpose unless Landlord agrees in writing. Further, any uses of adult themes, full or partial nudity by the Tenant must be approved in advance by the City Manager's office of the City of Bedford.

The following, together with the exhibits attached hereto and incorporated herein by reference constitute the provisions of this Lease.

1. GENERAL PROVISIONS

- (a) Landlord's Address: 2000 Forest Ridge Drive
Bedford, Texas 76021-1895
- (b) Tenant's Address: 2819 Forest Ridge Drive
Bedford, Texas 76021
- (c) The term of the Lease shall commence on the date of its execution and shall expire on December 31, 2011, (the "Expiration Date"). The tenant will submit a written request to renew at least thirty (30) days prior to the Expiration Date. If the Tenant does not wish to renew the contract the Tenant shall fully vacate and abandon the Leased Property no later than the Expiration Date. Notwithstanding the foregoing, either Landlord or Tenant may terminate this Lease, with or without cause, by giving the other party thirty (30) days written notice.
- (d) The rent shall be \$10.00 per lease period payable on the date of execution of each lease.
- (e) All applications and connections for necessary utilities and services on the Leased Premises shall be made by and in the name of Landlord only,

including water, sewer, gas, electric and trash removal. Tenant, shall reimburse the actual cost of utility charges to Landlord on a monthly basis. Tenant shall be responsible for all telecommunications facilities and equipment.

- (f) Tenant shall produce and maintain performances open to residents of the CITY OF BEDFORD and other surrounding areas. Nominal fees will be set by the Tenant and approved by the Landlord for such activities, performances, and all space utilization in order to recover production costs as well as the maintenance and repair of the property.
- (g) Tenant shall encourage Cultural and Arts programs with the area schools, cities, libraries, and other arts and non-profit organizations.
- (h) Tenant shall not offer or schedule any use or programs at the Leased Premises from July 1 through July 7 of each lease year without first being reviewed by City staff.
- (j) Tenant will produce one children's' play every summer.
- (k) Tenant will provide to the Bedford Senior Center 20 tickets to each dress rehearsal one week in advance of dress rehearsal.
- (l) Tenant will work with the Bedford and Parks and Recreation Department to produce a small play, skit, or puppet show during the Tree Lighting ceremonies.

2. TENANT'S PERSONAL PROPERTY

All machinery, equipment, furniture, furnishings, movable walls or partitions, computers, trade fixtures or other personal property, and consumable inventory and supplies, owned by and used or useful in Tenant's business on the Leased Property, including without limitation, all items of furniture, furnishings, equipment, supplies and inventory, and Tenant's accounts receivable and operating licenses, if any, is included within the definition of tenant's Personal Property.

3. TAXES - Tenant shall pay all personal and personal business property taxes assessed against the Leased Premises. Landlord shall pay real property ad valorem taxes, if any, against the Leased Premises, for taxes accruing as of the commencement date of the Lease Agreement.

4. TENANT'S USE AND REMOVAL OF PERSONAL PROPERTY

Tenant may, at its expense, install, affix or assemble or place on the Leased Premise, any items of Tenant's Personal Property, and Tenant may remove the same at

any time if approved in writing by Landlord. Should Tenant vacate possession of the Leased Premises on or prior to the expiration of the term, Tenant will, at its expense, restore the Leased Property at the expiration or earlier termination of this Lease to the condition required by Article 5, including repair of all damage to the Leased Property caused by the removal of tenant's Personal Property.

5. REPAIRS; MAINTENANCE OF LEASED PREMISES

5.1. Tenant shall keep the interior of the Leased Premises, which includes, but is not limited to, all electrical, plumbing, and other mechanical installation therein, all doors, and all plate glass and door window glass, in good order and clean and attractive appearance, making all repairs, alteration, replacements, and modifications at its own expense upon written approval of the Landlord. Materials and labor of a kind and quality substantially equal to the original work shall be used. Tenant shall surrender the Leased Premises at the expiration or earlier termination of this Lease in as good a condition as when received, reasonable wear and tear excepted. Landlord shall have no obligation to repair, maintain, alter, replace, or modify the Leased Premises or any part thereof, or any electrical, plumbing, or to the mechanical installation therein. Provided, however, that Landlord shall be responsible for preventative maintenance on the roof and air conditioning and heating systems contained on the Leased Premises. Landlord shall be responsible for any major repairs or replacements on the roof and air conditioning and heating systems contained on the Leased Premises. Landlord shall be responsible for all exterior grounds and landscaping. Tenant shall have the use of City Facilities Maintenance Service Department to be reimbursed at said rate to include personnel, supplies and material cost and any additional expenses incurred by the City

5.2. Tenant will, upon the expiration or prior termination of this Term, vacate and surrender the Leased Property to Landlord in the condition in which the Leased Property was originally received from Landlord, except as repaired, rebuilt, restored, altered or added to as permitted or required by the provisions of this Lease and except for ordinary wear and tear (subject to the obligation of Tenant to maintain the interior of Leased Property in good order and repair during the entire Term of the Lease), damage caused by the negligence or willful acts of Landlord, and damage or destruction described in Article 8.

6. ALTERATIONS

Tenant shall not make any alterations, improvements, or additions to the Leased Premises during the term of the Lease or any extension thereof without first obtaining the written consent of the City Manager's office of the City of Bedford and all required permits. Tenant shall not cut or drill into, or secure any fixture, apparatus, or equipment of any kind to any part of the Leased Premises without first obtaining written consent of Landlord. All such approved alterations, improvements, and additions made by Tenant shall remain upon the Leased Premises at the expiration or earlier termination of the Lease and shall become the Property of Landlord, unless Landlord shall, prior to such termination, have given written notice to Tenant to remove same in which event Tenant

shall remove such alterations, improvements, and additions and restore the Leased Premise to the same good order and condition in which they were at the commencement of the Lease. The foregoing provisions shall not apply to the equipment, trade fixtures and items that do not become common law fixtures, which may be removed by Tenant prior to expiration or sooner termination of the Lease.

7. AFFIRMATIVE COVENANTS OF TENANT

Tenants covenant that they shall:

7.1. comply with the terms of any state or federal statute or local ordinance or regulation applicable to tenant or its use of the Leased Premises, and indemnify and hold the Landlord harmless from penalties, fines, costs, expenses, or damages resulting from its failure to do so;

7.2. comply with the terms and conditions set herein relating to the use, operation, and maintenance of the Leased Premises.

7.3. give to Landlord prompt written notice of any accident, fire, or damage occurring on or to the Leased Premises;

7.4. have no power or authority to create any lien or permit any lien to attach to the Leased Premises, reversion or other estate of Landlord in the Leased Premises and all suppliers, contractors, artisans, mechanics, and laborers and other persons contracting with Tenant with respect to the Leased Premises or any part thereof are hereby charged with notice that the interest of Landlord shall not be subject to liens for improvements made by or on behalf of Tenant. Tenant agrees to do all things necessary to prevent the filing of any mechanic's or other liens against the Leased Premises or any part hereof by reason of work, labor, services, or materials supplied or claimed to have been supplied to Tenant, or any part thereof, through or under Tenant. Except as may otherwise be provided herein, if any such lien shall at any time be filed against the Leased Premises, Tenant shall cause the same to be discharged of record within thirty (30) days after the date of filing of same. If Tenant shall fail to discharge such lien within said period, then, in addition to any other right or remedy of Landlord resulting from Tenant's defaults, Landlord may, but shall not be obligated to, terminate the Lease Agreement and/or discharge the same whether by paying the amount claimed to be due or by procuring the discharge of such lien by giving security or in such other manner as is, or may be, prescribed by law; and

7.5 repay Landlord on demand, all sums disbursed or deposited by Landlord pursuant to the foregoing paragraphs of this Section 7, including reasonable attorney's fees.

7.6 have no authority to sublease the Leased Premises to any one or any entity, without the prior express written consent of the Landlord. To this end, at the date of execution of this Lease Agreement, the Tenant hereby affirms that it has no sub-

lease agreements with any persons or entities. Any Sublease agreed to by Landlord shall be accompanied by an Assumption Agreement whereby Sub-Lessee shall be liable for all terms and conditions of this Lease.

7.7 properly store all materials and any hazardous materials in accordance with applicable local, state, and federal laws, and in accordance with the recommendation of the City of Bedford Fire Marshal.

7.8 be required to obtain approval of any use of pyrotechnic or explosive devices from the City of Bedford Fire Marshal.

8. DAMAGE TO LEASED PREMISES

8.1. If the Leased Premises shall be damaged by fire or other casualty of the kind insured against in standard policies of fire or property insurance with extended coverage, but are not thereby rendered untenable in whole or in part, Tenant shall promptly, after receipt of the insurance proceeds, cause such proceeds to be turned over in full to Landlord. Provided, however, that if agreed in writing by the Landlord, this Lease Agreement shall automatically terminate and Tenant shall have no obligations to cause such damage to be repaired as described in the paragraph.

8.2 In the event of a partial destruction of the Leased Premises during the term hereof, from any cause, Landlord shall, at its sole discretion, determine whether it will repair the Leased Premises, provided that such repairs can be made within sixty (60) days under existing governmental laws and regulations, but such partial destruction shall not terminate the Lease, except that Tenant shall be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs shall interfere with the business of Tenant on the Leased Premises. If such repairs cannot be made within said sixty (60) days, Landlord, at its option, may make the repairs within a reasonable time, this Lease continuing in effect with the rent proportionately abated as aforesaid, and in the event that Landlord shall not elect to make such repairs which cannot be made within sixty (60) days, the Lease may be terminated at the option of either party. In the event the Leased Premises are destroyed to an extent of not less than one-third (1/3) of the replacement costs thereof, Landlord may elect to terminate the Lease. A total destruction of the Leased Premises shall terminate the Lease.

8.3 Notwithstanding any other provisions in this Lease, Tenant hereby acknowledges that the Leased Premises are in good order and repair, unless otherwise indicated herein.

9. INDEMNIFICATION AND INSURANCE RIGHTS

9.1

A. Tenant shall indemnify Landlord and its agents, elected officials, officers, employees and attorneys and save it harmless from and against any and all claims, actions, damages, liability, and expense, including reasonable attorney's fees, in connection with loss of life, personal injury, or damage to property occurring in or about, or arising out of, the Leased Premises, or use thereof, or occasioned wholly or in part by any act, occurrence or commission of Tenant, its agent, subtenants, licenses, contractors, customers or employees. All costs, expenses and reasonable attorney's fees that may be incurred or aid in enforcing the covenants and conditions of the Lease, whether incurred as a result of litigation or otherwise, shall be recovered by the prevailing party from the other party.

B. Tenant shall take out and keep in force during the term hereof, without expense to Landlord with an insurance company, qualified to do business in the State of Texas or other company acceptable to Landlord, comprehensive general public liability insurance, in the name of Tenant and name of Landlord as additional insured against any liability for injury to or death of persons resulting from any occurrence in or about the Leased Premises and for damage to property in such amounts as may from time to time be customary with respect to similar properties in the same area, but in any event not less than \$300,000.00 per occurrence in respect of bodily injury and \$1,000,000.00 for property damage. True copies of said policies or certificates thereof showing the premium thereunto have been paid shall be delivered to Landlord upon execution of this Lease Agreement and yearly thereafter throughout the term of this Lease. If Tenant fails to procure and keep in force such insurance, Landlord may procure it, and the cost thereof with interest at the maximum lawful rate shall be payable immediately by Tenant to Landlord or may elect to terminate this Lease Agreement. Such insurance may be provided by a blanket insurance policy covering the Leased Premises, so long as the coverage on the Leased Premises is at all times at least as great as required by this subsection.

C. Tenant shall at all times during the terms hereof, keep in force, at its own expense, any and all insurance it deems sufficient to cover Tenant's personal property within or about the Leased Premises. Tenant and Landlord agree that Landlord shall not be liable for any damage or destruction of Tenant's personal property.

10. TRADE FIXTURES

All trade fixtures installed by Tenant in the Leased Premises shall remain the property of Tenant and shall be removable at the expiration or earlier termination of the Lease or any renewal or extension thereof, provided Tenant shall not at such time be in default of any provision herein; and, provided further, that in the event of such removal, Tenant shall have repaired the damaged caused by such removal, and promptly restored the Leased Premises to its original order and condition. Any such trade fixture not removed at or prior to such termination shall become the property of Landlord. Light fixtures and air conditioning/heating and plumbing equipment, whether or not installed by Tenant, shall not be removable at the expiration or earlier termination of the Lease, or at the expiration of any renewal or extension thereof, and shall become the property

of Landlord.

11. SURRENDER AND HOLDING OVER

11.1. Tenant, upon expiration or termination of the Lease, either by lapse of time or otherwise, shall peaceably surrender to Landlord the Leased Premises in broom-clean condition and in good repair as required in the Lease.

11.2. If Tenant remains in possession of the Leased Premises with Landlord's written consent, Tenant shall be deemed to be occupying the Leased Premises as a Tenant from month to month, but otherwise subject to all the covenants and conditions of the Lease.

12. FORCE MAJEURE

In the event that Landlord or Tenant shall be delayed or hindered in or prevented from doing or performing any act or thing required hereunder by reason of any matters beyond the reasonable control of such party, then such party shall not be liable or responsible for any such delay, the doing or performing of such act or thing shall be extended for a period equivalent to the period of such delay, and this Lease and the obligations of the other party to perform and comply with all of the terms and provisions of this Lease shall in no way be affected, impaired, or excused.

13. LANDLORD'S ACCESS TO LEASED PREMISES

At all times the Landlord shall have access to the Leased Premises (including all buildings) for the purpose of site assessment, surveying, environmental testing, clean-up, or any other reason deemed appropriate by Landlord. Landlord agrees to use all reasonable efforts to not interfere with Tenant's use of the Leased Premises.

14. EVENT OF DEFAULT

The occurrence of the following shall, constitute an event of default hereunder:

A. Tenant's failure to perform or observe any provision of the Lease, after written notice and demand, provided that, if such failure is of such a character as not to permit immediate compliance in the opinion of Landlord, then Tenant's failure to proceed diligently and immediately upon receipt of notice to commence the cure of such failure, and thereafter to complete such cure with all reasonable dispatch within twenty (20) days after written notice from Landlord; provided, however, that if, after exercise of due diligence and its best efforts to cure such default, Tenant is unable to do so within the twenty (20) day period, then the curing period shall be extended for such reasonable time as may be approved by Landlord for curing such default, so long as Tenant continues to diligently prosecute to completion the curing of the default, which in no event shall exceed forty-five (45) days unless specifically agreed to in writing by Landlord; and

15. LANDLORD'S REMEDIES UPON DEFAULT BY TENANT

Upon the occurrence of an event of default, Landlord, at its option, may at such times as it may determine, concurrently or successively, as their exclusive remedy:

15.1 In the event of default by Tenant Landlord may order Tenant to take whatever steps are necessary to correct the default. In the event the default is not cured within the time framework established in 14 A above, the Landlord shall at its sole option correct the default and charge Tenant accordingly, or Landlord may at its option terminate the Lease by giving Tenant ten (10) days written notice in the event the default is not cured.

15.2 If Tenant shall abandon or surrender the Leased Premises by process of law or otherwise, any property of Tenant left on the Leased Premises shall be deemed to be abandoned but Tenant shall remain liable to Landlord for all cost, loss, damage and expense incurred by Landlord for the removal of such property from the Leased Premises and for the repair of any damage to the Leased Premises caused by such removal.

15.3 On the termination of the lease term if Tenant has not vacated or if no extension has been agreed to, Landlord may evict Tenant by any and all lawful means.

16. LANDLORD'S RIGHT TO CURE

If Tenant shall fail to perform any act required to be made or performed under this Lease and to cure the same within the relevant time periods Landlord, may (but shall be under no obligation to) at any time thereafter make such payment or perform such act of the account and at the expense of Tenant, and may, to the extent permitted by law, enter upon the Leased Property for such purpose and take all such action thereon as, in Landlord's opinion, may be necessary or appropriate therefore. No such entry shall be deemed an eviction of Tenant. All sums so paid by Landlord and all costs and expenses (including without limitation, reasonable attorney's fees and expense, in each case, to the extent permitted by law) shall survive the expiration or earlier termination of this lease and shall be payable by Tenant within ten (10) days of receipt of written notice.

17. AUTHORITY

All persons executing the Lease on behalf of Tenant have been authorized to execute the Lease by such Tenant. Evidence of such authority shall be provided upon request.

18. LIABILITY OF LANDLORD

18.1 If Landlord shall breach any covenant to be performed by it under this

Lease, Tenant, after thirty (30) days notice to and demand upon Landlord, shall as its exclusive legal remedy terminate this lease and vacate the Leased Premises.

18.2 Tenant shall be in exclusive control and possession of the Leased Premises, and Landlord shall not be liable for any injury or damages to any property or to any person on or about the Leased Premises, nor for any injury or damage to any property of Tenant.

19. TIME OF THE ESSENCE

Time is of the essence in all provisions of this Lease

20. QUIET ENJOYMENT

Landlord warrants that Tenant shall be granted peaceful and quiet enjoyment of the Leased Premises free from any eviction or interference by Landlord provided Tenant fully and punctually performs and complies with the terms, conditions, and provisions of this Lease.

21. INVALID PROVISIONS

If any provision of the Lease shall be determined to be void by any court of competent jurisdiction or by any law enacted subsequent to the date hereof, then such determination shall not affect any other provision hereof, all of which other provisions shall remain in full force and effect.

22. ASSIGNMENT

Neither party shall have the right to assign this agreement to any other party without the written consent of the other party, which shall not be unreasonably withheld.

23. NOTICES

All notices, requests, consents and other communications required or permitted under this Lease shall be in writing (including telex, facsimile and telegraphic communication) and shall be (as elected by the person giving such notice) hand delivered by messenger or overnight courier service, faxed or telecommunicated (with original to follow by overnight commercial courier for delivery on the next business day), or mailed by registered or certified mail (postage prepaid), return receipt requested, addressed to the parties as follows:

If to Landlord: City of Bedford, Texas
Attention: City Manager
2000 Forest Ridge Drive
Bedford, Texas 76021-1895

with copies to:

BOYLE & LOWRY, L.L.P.
4201 Wingren, Suite 108
Irving, Texas 75062-2763

If to Tenant: ONSTAGE
2819 Forest Ridge Drive
Bedford, Texas 76021

24. VENUE

Landlord Tenant agrees to venue in Tarrant County, Texas.

Executed this ____ day of _____, 2010.

Landlord: City of Bedford, Texas

By: _____
Beverly Queen
City Manager

Tenant: ONSTAGE

By: _____
Rich Wiltshire
President

STATE OF TEXAS §
§
COUNTY OF TARRANT §

This instrument was ACKNOWLEDGED before me, on the _____ day of _____,
2010, by _____.

_____ Notary Public, State of Texas

My Commission Expires:

_____ Printed Name of Notary Public



COUNCIL AGENDA BACKGROUND

PRESENTER:

Leigh Morgan, Deputy Director of Parks and Recreation

ITEM:

Consider a resolution authorizing the City Manager to enter into a lease agreement for one year with Cathedral of Hope Mid-Cities Church to provide meeting space for church services at the Old Bedford School.

DISCUSSION:

The Cathedral of Hope Mid-Cities is looking for lease space for the purposes of holding church services. They are interested in a one year lease. This arrangement is similar to the one with the church that is currently meeting at the BRAC. The church would use the auditorium and on occasion the galleries of the facility on Sundays from 9:00am-1:30pm.

Last year the Old Bedford School had only three rentals that would have fallen during this time frame. This lease agreement does not prevent other groups from renting the Old Bedford School on Sunday afternoons or evenings.

The rental fee offered to the church is \$300.00 per week for a yearly total of \$15,600. The rental fee offered to the church is slightly less than that offered to other rentals based upon the guaranteed rental income for all 52 Sundays in a year. The rental fee would typically be \$100 per hour plus \$75 for the AV equipment for a total of \$525 for a four hour reservation each Sunday.

The rental fee will be due on a monthly basis in advance.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a lease agreement for one year with Cathedral of Hope Mid-Cities Church to provide meeting space for church services at the Old Bedford School.

FISCAL IMPACT:

Tourism Fund annual impact \$15,600.

ATTACHMENTS:

Resolution
Contract

RESOLUTION NO. 10-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT FOR ONE YEAR WITH CATHEDRAL OF HOPE MID-CITIES CHURCH TO PROVIDE MEETING SPACE FOR CHURCH SERVICES AT THE OLD BEDFORD SCHOOL.

WHEREAS, the City Council of Bedford, Texas wishes to provide Cathedral of Hope Mid-Cities Church meeting space for church services; and,

WHEREAS, the staff of the City of Bedford Old Bedford School wishes to provide supervision of the lease agreement to Cathedral of Hope Mid-Cities Church for the purpose of holding church services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the City Council does hereby authorize the City Manager to enter into a lease agreement requiring an annual rental fee of \$15,600 for a term of one year with Cathedral of Hope Mid-Cities Church for the purposes of holding church services.

SECTION 2. That this resolution shall take effect from and after the date of passage.

PASSED AND APPROVED this 9th day of November 2010, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

This Agreement is made and entered into by and between **Cathedral of Hope: Mid Cities**, hereinafter referred to as "Lessee", and **The City of Bedford** thereafter referred to as "Lessor", to be effective upon execution by the Parties.

WITNESSETH:

WHEREAS, Lessor presently owns and maintains a facility located at 2400 School Lane in the City of **Bedford**, Texas, known as the Contract Premises, and

WHEREAS, Lessee wishes to utilize a portion of said Contract Premises for the purpose of operating therein during the term hereof a "Church", and

WHEREAS, the Parties wish hereby to set forth the terms and conditions upon which Lessee shall be permitted to utilize such facility for such purpose.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the mutual promises and covenants contained herein, and in order to obtain the mutual benefits provided hereunder, the Parties hereto agree as follows:

1. Grant. Lessor hereby grants Lessee permission to utilize the Contract Premises to conduct Church services and activities in the manner and during the term hereafter specified.
2. Contract Premises. For purposes hereof, the Contract Premises shall include the auditorium and galleries located at **2400 School Lane** in the City of **Bedford**, Texas known as the **Old Bedford School**. Lessee shall further have use of tables, chairs, audio/visual equipment and such other items of furniture or equipment of Lessor as shall be reasonable for Lessee's use of the Contract Premises
3. Access to Contract Premises. Lessee shall have exclusive use of the Contract Premises each **Sunday** during the term hereof, from the hours of 9:00am until 1:30 p.m., in order to conduct its activities hereunder. Lessee shall have no right or access to the Contract Premises at any other time unless Lessor grants consent. All requests for use of facilities other than times outlined in contract must be made to Lessee in writing.
4. Restrictions on Use. Lessee shall operate or utilize the Contract Premises for no purpose other than the Church Services and activities defined herein, which shall be subject to the following restrictions:
 - (a.) No more than maximum building capacity according to fire code persons shall be permitted by Lessee to occupy the Contract Premises at any time.
 - (b) Lessee shall at all times conduct its activities provided for hereunder in a wholesome, diligent, and efficient manner.

(c) Preparation of the Contract Premises for Lessee's activities and clean-up of the Contract Premises following such activities shall be the sole responsibility of Lessee. **Lessee's agrees that the Lessor will not provide storage for any equipment; supplies, concession products or any other items needed by Lessee.** Lessee agrees that it will, following each use of the Contract premises, restore same to as good a condition as existed prior to such use by Lessee. **Lessee agrees to complete a facility walk through with staff prior to church activities as well as after activities prior to leaving the premises.**

(d) Lessee shall conduct the activities provided for herein on each **Sunday** during the term hereof, save for legal holidays, upon which Lessee shall request in writing consent to conduct its activities.

(e) Lessee shall not cause or permit any illegal activity to be conducted upon the Contract Premises including smoking and no illegal weapons are allowed.

(f) Lessee shall be allowed to use and display its church logo banner each day of said event.

(g). Lessee shall make no changes or structural alterations to the Contract Premises without prior written consent of Lessor. Lessee shall be responsible for any damages to the Contract Premises resulting from use or occupancy thereof by Lessee, its agents, servants or invitees.

5. Term of Agreement. The term of this Agreement shall be for one (1) year. Lessee shall operate each **Sunday** during the term of this lease from the hours 9:00 a.m. to 1:30 p.m. only, commencing upon the effective date hereof. Any Sunday that event is not held Lessee will still be responsible for paying Lessor unless event is canceled at least 14 days prior to event date.

6. Payment to Lessor. As payment for the rights granted hereunder, Lessee agrees to pay to the Lessor during the term hereof an amount equal to **a flat fee of \$300.00 per week in monthly installments paid in advance.** All such sums payable to Lessor shall be due and payable the first Sunday of each month. Any additional requested hours of use will be charged at full rental rate. A damage/security deposit of \$500 is due upon execution of this contract and will be refunded to the Lessee upon completion or termination of the lease if no damage is sustained to the facility.

7. Protection against Accident to Employees and the Public. The Lessee shall at all times exercise reasonable precautions for the safety of employees and others on or near the Contract Premises and shall comply with all applicable provisions of Federal, State, and Municipal safety laws.

8. Laws and Ordinances. The Lessee shall at all times observe and comply with all Federal, State, and local laws, ordinances and regulations, which in any manner affect the Lessee or the work, and shall indemnify and save harmless the Lessor against claim arising from the violation of any such laws, ordinances and regulations whether by the Lessee or its employees.

9. Venue. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement and the exclusive venue for any legal proceedings involving this Agreement shall be in the courts of **Tarrant County**, the State of Texas.

10. Termination. The parties agree that the Lessor or Lessee shall have the right to terminate this agreement upon **thirty (30)** days written notice without cause. Notice not to renew must be given in writing by Lessor to Lessee **thirty (30)** days prior to the next commencement date.

11. Indemnification. The Lessee shall defend, indemnify and hold harmless the Lessor and its elected and appointed officials, officers, agents and employees from and against all damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgments and costs, including reasonable attorney's fees and expenses, in any way arising out of or resulting from the performance of this Agreement or caused by the negligent act or omission of the Lessee, its officers, agents, employees, subcontractors, franchisees or invitees.

12. Insurance and Certificates of Insurance. Without limiting any of the other obligations or liabilities of the Lessee or Sub-Lessee, the Lessee or Sub-Lessee shall, during the term of the agreement, purchase and maintain the hereinafter stipulated minimum insurance with companies duly licensed to write business in the State of Texas and rated A-1 or better by A.M. Best. The Lessor shall be named as an additional insured on all required policies except Workers' Compensation. Valid Certificates of Insurance for each policy covering the Lessee and Subcontractors, together with a statement by the issuing company to the extent that said policies shall not be canceled without thirty (30) days prior notice being given the Lessor, shall be delivered to the Lessor and reviewed for sufficiency by the Lessor's Risk Manager before this Agreement is executed or any activities commenced:

(a) Commercial General Liability Insurance, Including, premises operations, Independent Contractor's Liability, completed Operations and Contractual Liability, covering but not limited to, the liability assumed under the indemnification provisions of this Agreement, fully insuring Lessee's liability for injury to or death of owners, employees and third parties, extended to include personal injury liability coverage, and for damage to property of third parties, with the following limits:

General Aggregate	\$2,000,000
Each Occurrence	\$1,000,000
Personal & Advertising Injury	\$1,000,000
Damage to rented premises	\$ 50,000
Sexual/Physical Abuse part of GL	\$ 50,000
Each Claim	\$ 25,000

Lessee's insurance shall be primary and shall be endorsed to provide a waiver of subrogation in favor of the Lessor. The Commercial General Liability Policy should be endorsed using Endorsement No. CG20 09 11 85.

Deductibles on each insurance policy shall no greater than \$5000.00

13.Hindrances and Delays. No claims shall be made by the Lessee for damages resulting from hindrances or delays from any cause during the progress of any portion of the operations or activities embraced in this Agreement.

14. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

Lessor City of Bedford

By: _____
Beverly Queen, City Manager

Date

Lessee Cathedral of Hope-Mid Cities

By: _____
Christopher Thomas, Executive Director

Date



COUNCIL AGENDA BACKGROUND

PRESENTER AND ITEM:

Council member reports on City business:

- Mayor Story
 - ✓ Comments on the Nobuyuki Tsujii concert at Old Bedford School.

DISCUSSION:

N/A

RECOMMENDATION:

N/A

ATTACHMENTS:

Letter of Request

Jakubik, Megan

From: Wells, Michael
Sent: Wednesday, October 27, 2010 9:45 AM
To: Jakubik, Megan
Subject: FW: Agenda Item

From: Story, Jim
Sent: Wednesday, October 27, 2010 9:45 AM
To: Wells, Michael
Subject: Agenda Item

Michael,

Please place on the November 9 council agenda under Council Member Reports: Comments on the Nobuyuki Tsujii concert at Old Bedford School.

Jim