

AGENDA

**Regular Meeting of the Bedford City Council
Tuesday, June 28, 2016
Bedford City Hall Building A
2000 Forest Ridge Drive
Bedford, Texas 76021**

**Council Chamber Work Session 6:00 p.m.
Council Chamber Regular Session 6:30 p.m.**

**COMPLETE COUNCIL AGENDAS AND BACKGROUND INFORMATION ARE AVAILABLE FOR REVIEW
ONLINE AT <http://www.bedfordtx.gov>**

COUNCIL CHAMBER WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Presentation on recent Economic Development activities.

EXECUTIVE SESSION

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

- a) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Sign Ordinance.

REGULAR SESSION

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Pastor Floyd Ellsworth, Oasis Community Worship Center)

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS/UPCOMING EVENTS

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. Employee Service Recognition.
2. Proclamation declaring July 2016 as Parks and Recreation Month in the City of Bedford.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:
 - a) June 9, 2016 work session
 - b) June 14, 2016 regular session

PERSONS TO BE HEARD

4. The following individuals have requested to speak to the Council tonight under Persons to be Heard:
 - a) Roger Smeltzer, 2921 Brown Trail, Suite 145, Bedford, Texas 76021 – Request to speak to Council regarding the sign ordinance.
 - b) Bill McFadden, 1108 Hialeah Path, Bedford, Texas 76022 - Request to speak to Council regarding vehicles parked on streets, the cellphone ordinance, Code Compliance issues, and obstructing sidewalks with vehicles.
 - c) Roger Gallenstein, 4013 Fairmont Court, Bedford, Texas 76021 – Request to speak to Council regarding the importance of a Destination for Economic Development.

NEW BUSINESS

5. Consider a resolution authorizing the City Manager to enter into a contract with R & D Burns Brothers, Inc. in the amount of \$1,140,065 for the Brown Trail/Eagle Drive/Warbler Drive/Wren Court/Blue Jay Court Water System Improvement Project.
6. Consider a resolution authorizing the City Manager to enter into a contract with MACVAL Associates, LLC, in the amount of \$1,176,060 for the Commerce Place/Tibbets Drive/Scenic Hills Drive/Red Oak Lane Water System Improvements Project.
7. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement with the North Central Texas Council of Governments, in the amount of \$90,456, for operation of the Trinity Railway Express commuter rail service.
8. Consider a resolution removing an inactive member from the Parks and Recreation Board.
9. Report on most recent meeting of the following Boards and Commissions:
 - ✓ Animal Shelter Advisory Board - Councilmember Fisher
 - ✓ Beautification Commission - Councilmember Turner
 - ✓ Community Affairs Commission - Councilmember Farco
 - ✓ Cultural Commission - Councilmember Champney
 - ✓ Library Advisory Board - Councilmember Farco
 - ✓ Parks and Recreation Board - Councilmember Sartor
 - ✓ Teen Court Advisory Board - Councilmember Gebhart
 - ✓ Senior Citizen Liaison - Councilmember Turner
10. Council member Reports
11. City Manager/Staff Reports

EXECUTIVE SESSION

To convene in the conference room in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- a) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Sign Ordinance.

12. 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, June 24, 2016 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 must be requested in writing to the City Secretary's Office a minimum of seventy-two hours (72) hours prior to the scheduled starting time of the posted meeting. Requests can be delivered in person or mailed to the City Secretary's Office at 2000 Forest Ridge Drive, Bedford, TX 76021, or emailed to mwells@bedfordtx.gov. Some requests may take longer due to the nature, extent and/or availability of such auxiliary aids, services or accommodations.)



Council Agenda Background

PRESENTER: William Syblon, Development Director

DATE: 06/28/16

Work Session

ITEM:

Presentation on recent Economic Development activities.

City Manager Review: _____

DISCUSSION:

The presentation will encompass an up-to-date overview of recent Economic Development activities.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER:

Jeff Gibson, Police Chief
Bobby Sewell, Interim Fire Chief
Maria Redburn, Library Director
Kenney Overstreet, Public Works Director

DATE: 06/28/16

Council Recognition

ITEM:

Employee Service Recognition

City Manager Review: _____

DISCUSSION:

The following employees have completed a service period and are eligible for recognition:

Michael Martin	Police Department	10 years
Cassey Amburn	Fire Department	10 years
Jean Green	Library	15 years
Jerry Watson	Fire Department	20 years
Michael Gardner	Public Works	30 years

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Mayor Jim Griffin

DATE: 06/28/16

Council Recognition

ITEM:

Proclamation declaring July 2016 as Parks and Recreation Month in the City of Bedford.

City Manager Review: _____

DISCUSSION:

Community Services Manager Eric Valdez, Parks Superintendent Don Henderson, and Recreation Coordinator Chris Chastain will accept the Parks and Recreation Month Proclamation on behalf of the Community Services Department.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the month of July, 2016, as:

Parks and Recreation Month

in the City of Bedford and call upon our citizens to recognize the benefits derived from parks and recreation resources.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this 28th day of June, 2016.

JIM GRIFFIN, MAYOR





Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 06/28/16

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) June 9, 2016 work session
- b) June 14, 2016 regular session

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

June 9, 2016 work session
June 14, 2016 regular session

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 6:30 p.m. at the Former Library Building, 1805 L. Don Dodson, Bedford, Texas, on the 9th day of June, 2016 with the following members present:

Jim Griffin
Rusty Sartor
Dave Gebhart
Ray Champney
Steve Farco
Roy Turner
Roger Fisher

Mayor
Council Members

constituting a quorum.

Staff present included:

Roger Gibson
Kelli Agan
Michael Wells
Russell Hines
Amanda Jacobs
Meg Jakubik
Bill Syblon
Emilio Sanchez

City Manager
Assistant City Manager
City Secretary
Building Official
Assistant City Secretary
Strategic Services Manager
Development Director
Planning Manager

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the Work Session to order at 6:30 p.m.

WORK SESSION

- **Discussion regarding the City of Bedford Sign Ordinance.**

Mayor Griffin stated the purpose of the work session was to address some questions, comments and input from the community regarding the Sign Ordinance, and if it is really the document the Council wants to go forward with, or if there are some small minor tweaks that could be made. It is a comprehensive ordinance that touches a lot of different pieces that are necessary and required. The last portion of the work session is to give final direction to staff.

Councilmember Fisher stated he was disappointed to have a work session on an item that Council approved six to one on December 8. There is a long standing precedent that once Council decides on something, they move on and forward; however, today they are moving backwards. He discussed that there has been no outreach on what was passed in December and it is going to cause more heartburn for the businesses that the Council all love and who want to be good corporate citizens. Council can either extend the pain or compress the pain in regards to the implementation of the ordinance. He stated that new and existing businesses have added to their signage and LED lights since passage and, if there had been proper outreach as staff was directed to do, it could have saved those businesses money. He was disappointed that Council was reviewing an ordinance before it was implemented, which has been discussed for five years, and is not sure anything new can be brought to the discussion that could not

have been done after the ordinance was put into effect. He stated the ordinance was not implemented and followed through on as was directed by Council on December 8.

Councilmember Gebhart stated that five out of seven Councilmembers had serious concerns regarding the specific contents of the ordinance and the only reason they had any closure with it was the explicit agreement that Council could revisit and fine tune the ordinance. It is not a step backwards, but is being responsive to business owners and citizens, making sure what Council does is beneficial, and whether the ordinance has the desired effect to make Bedford a better place for the citizens. He felt the purpose of the meeting was to have an objective and impartial discussion on these elements. He was encouraged that serious concerns were not ignored since the ordinance is all encompassing and a radical departure on the ability of some businesses to reach out to customers. He stated that it behooved Council to tread lightly on how they restrict people using their business as they see fit.

Councilmember Farco stated that he is excited about the ordinance, specifically with the removal of portable signs and LED lights. At the International Conference of Shopping Centers, he was told how friendly the City has become. There are a few things that need to be tweaked or addressed in order to stay business friendly. Not all of the businesses, are filled up and the City is going to restrict advertising opportunities for businesses and commercial developers, and it is something that needs to be looked at. Overall, he is for the ordinance.

Councilmember Tuner stated that he supported the ordinance but expressed concerns in December mainly grandfathering in certain businesses that already had signs outside the ordinance. He was hopeful there was a way to accommodate some of those businesses, but found it would be difficult to go down that path in a reasonable manner. He stated that he would never apologize for discussing something Council has done in the past. He stated that it was not a step backwards to look at the ordinance but may be one if there are any changes. He was looking forward to changes going into place, such as with the LED lights.

Councilmember Champney stated that his position has not changed in favoring the ordinance. His whole focus was doing what was in the best interest of the citizens of Bedford from the standpoint of aesthetics, property values, maintaining a good quality of life in the City, and attracting the types of economic development they like. In doing research, he found that his position is not an outlier. He discussed ChangeLab Solutions, which specializes in researching and drafting model laws and policies, and their model ordinances for interior and exterior signage. They comment that in determining what constitutes a reasonable restriction on window signage, a community must ensure the retailer's ability to communicate is not unduly restricted; that the lower the percentage, the more likely the ordinance could be overturned; that some communities have restrictions of between 10 and 25 percent; and the percentage applied per window. Per the Texas Municipal League (TML), the City has the authority prohibit and regulate signs. A policy paper written in conjunction with the Texas Municipal Lawyers Association states that cities have the authority to regulate their aesthetic interests through broad policy powers. He stated the sign ordinance is on a par and parallel with others that have been tried and tested by hundreds of cities, and is in accordance with TML and ChangeLab Solutions. He feels that the new rules are in the best interest of the City in regards to aesthetics and property values and he sees no reason for changes. There are other cities that have done this and are good examples of businesses adjusting and adapting to changes.

Councilmember Sartor stated that he voted for the ordinance and he would like to see change that is overall in the best interest of the City. He is concerned about how it was communicated to the business community and requested discussion on that. City Manager Roger Gibson stated that when the ordinance was passed, there was discussion between business owners and some Council Members and staff, and it did not seem to be a completely resolved issue. There was communication among some members of Council regarding reservations with portions of the ordinance, even though they voted for it. Staff was asked to look at a permitting process for window signage whereby certain things could be classified as something other than advertising, such as art, but it was deemed to be very subjective. Staff prepared information to go out to businesses and had a plan to do it systematically until September, and then immediately after September. He decided to hold off on sending that information out as he was concerned there would be confusion if Council later changed the ordinance.

There was discussion on putting this on a Council meeting agenda as opposed to a work session; the appearance of impropriety with having a work session; members of Council talking to businesses after the ordinance was passed; majority rules; the majority of Council wanting to further discuss the ordinance; the City's legal authority to institute restrictions; finding policy groups in alignment with one's position; liberty and freedom; checking the validity of the substance of the ordinance; misconstruing cause and effect; cities being able to suffer through higher restrictions if they have high per capita income; whether building standards are the cause of the success of certain cities; copying other cities' ordinances while ignoring economics and demographics; hurting small businesses in the short term; advertising through social media; the driver of a community being not only businesses but residents; wanting young families to move into the community to support local businesses, and visit parks and libraries; the City not having product that attracts young people and encourages people to stay; letters from people saying they are tired of the lights and clutter; the rebuilding of Harwood Road with custom intersections, streetscapes and buried utilities; enhancing the aesthetics of the City and preventing the City downward slide; whether there is empirical data that people do not come to Bedford because of signage; impressions; limiting the amount of advertising; details of the ordinance; why cities have sign ordinances including reducing visual clutter, preserving the look and feel of a community, and enhancing aesthetics, preserving property values, and supporting economic development; businesses having their own empirical data on receiving increased business when they put out temporary signs; the lack of monument signage at the shopping center at Harwood Road and Norwood Drive and a business there receiving increased business advertising on social media; ways the City can support businesses; and the impact of the internet on retail businesses.

Council discussed the following items in the Sign Ordinance:

- Window Signs – The current regulations are 25 percent of the window. There was discussion on some business owners finding 33 percent more palatable; whether the eight percent difference would save or kill any businesses, or damage the aesthetic quality of the City; large corporate businesses using 33 percent for their mass produced advertising and those same businesses surviving in cities with the same regulations; regulations not being enforced in other cities; ensuring that Bedford enforces its ordinances fairly; corporate businesses using more than 33 percent of their window space; how other cities calculate their window coverage; exceptions and variances; the reaction of businesses to the regulations depending on the type of business and how they are affected; businesses not expanding and moving because of the regulations; and Council receiving negative feedback when the ordinance is enacted and enforced. A majority of the Council was in favor of changing the maximum to 33 percent of the window.
- Open/Closed Signs – There was discussion that these types of signs cannot be flashing; whether signs that have a rectangle attached with the businesses' hours illuminated and are larger than four square feet would be in violation; signs not being allowed to cover the cashier area for safety reasons; and that the regulations do not affect window tint or blinds.
- Portable Signs - There was discussion on the ordinance prohibiting these types of signs; complaints received by Council from businesses on this restriction; why these types of signs are a blight on the City; having multiple signs in the same shopping center; portable signs becoming permanent signs with different text; and comments from a business at a recent business roundtable.
- Real Estate For Sale/Lease Signs – There was discussion on setting reasonable standards in a community; these types of signs having more direct impact on the aesthetics of the community; the ordinance only allowing one sign on each side of a property; the cost of a new frame for the signs being approximately \$1,200; the broker and the property owner being responsible for paying for the new sign frame; that the broker is required to obtain a permit the first time they install a sign; that the permit is good until the sign is changed; having the current permit fee cover the new permit fee; and specifying that on a small multi-tenant building, a broker can use the building's permanent signage in lieu of a separate for sale/lease sign. Staff was directed to make changes to the ordinance including not charging a permit fee for a new sign that is replacing a pre-existing sign and allowing a broker to use a multi-tenant building's permanent signage for their for sale/lease signs.

- Electronic Signs – There was discussion on the ordinance restricting animation on electronic signs, including animated American flags; the direction given to staff when the ordinance was first being written to have electronics signs static or to flash on and off with a certain time restriction; the safety aspects of the ordinance; the signs at the Library and the Boys Ranch being in violation of the animation restrictions; the larger impact on some signs in the City; a business recently spending \$2,000 to get their sign programmed; the reasoning behind animation regulations being to limit the amount of animation so they are prevented from showing a video clip; that all of the electronic signage provisions were newly added to the ordinance; and unintended consequences hurting small businesses that can least afford it.

There was discussion on the timeline in the process. Council agreed to hold special meeting on July 11 at 6:00 p.m. to vote on the discussed changes to the ordinance. There was discussion on changing the effective date of the ordinance, which a majority of Council agreed to keep as September 1; the number of notifications that will go out; and getting compliance through cooperation.

There was final discussion on allowing the process to work; communication and discussing final concerns; revising the ordinance before it was implemented and the manner in which the work session was established looking improper; addressing changes to the ordinance being more damaging after it went into effect; the reasoning behind Council taking another look at the ordinance; and having a solid ordinance in place to serve the citizens.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 7:58 p.m.

Jim Griffin, Mayor

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 5:30 p.m. in the Conference Room, and Work Session at 5:45 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 14th day of June, 2016 with the following members present:

Jim Griffin	Mayor
Ray Champney	Council Members
Steve Farco	
Dave Gebhart	
Rusty Sartor	
Roy W. Turner	

constituting a quorum.

Councilmember Fisher was absent from the meeting.

Staff present included:

Roger Gibson	City Manager
Kelli Agan	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Chuck Carlisle	Fleet and Facility Services Manager
Gary Clopton	Information Technology Manager
Natalie Foster	Public Information Officer
Meg Jakubik	Strategic Services Manager
Kenny Overstreet	Public Works Director
Maria Redburn	Library Director

CONFERENCE ROOM WORK SESSION

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

- **Interview for appointment to a Bedford Citizen Board or Commission.**

Council conducted an interview with an applicant for appointment to one of Bedford's Citizen Boards and Commissions.

- **Council discussion, if necessary, regarding an appointment to a Bedford Citizen Board or Commission.**

Council generally discussed the appointment of a member to one of Bedford's Citizen Boards and Commissions.

Mayor Griffin recessed the Work Session at 5:40 p.m.

COUNCIL CHAMBER WORK SESSION

Mayor Griffin called the Work Session to order at 5:45 p.m.

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

Council discussed placing the following items on consent: 2, 7, 8, 9, 10, 11 and 12.

Administrative Services Director Cliff Blackwell presented information regarding Item #7, which is a renewal of a two-year agreement for investment advisory services with Valley View Consulting. The City has a 14-year relationship with Valley View and staff has been relatively satisfied with their services, which includes soliciting for investment opportunities on behalf of the City, dealing with broker/dealers, keeping staff up-to-date on Public Funds Investment Act compliance, and assisting staff with the Request for Application process for bank depository services. The service fee is based on the size of the portfolio, which this year is a tier-based structure. There was discussion that the Investment Committee recommended approval of the agreement; that the fee will go up in the new contract but not substantially; and that the City pays between \$25,000 and \$30,000 for the services, which equates to approximately seven basis points, while the City earned approximately 55 basis points the previous quarter.

Library Director Maria Redburn presented information regarding Item #9, which is for the purchase, installation and training for the replacement of Library computers with thin clients. The possibility of using thin clients has been explored since the spring of 2014. Staff is looking for a solution to improve the user experience, has the ability to run Microsoft Office, would work with the EnvisionWare reservation and print management system, reduce staff time for updating computers and dealing with viruses, and reduce the costs associated with replacing computers. This item was funded with money raised through naming rights, the sale of bricks, and the donor wall. The Library will purchase 45 thin clients, three servers and software licenses, and the annual support costs are already included in the Library's operating budget. Thin clients are less susceptible to malware and viruses and the servers can be centrally updated. Currently, updating the entire fleet of computers once or twice a year takes approximately 180 to 360 hours. The hardware costs are 25 percent less than a traditional computer. The VMware with the system is the best one in terms of integrating with third parties. The Library currently has six Apple computers in the teen room and six in the adult area, four early literacy computers, and eight catalogue computers. In answer to questions from Council, Ms. Redburn stated that she expects everything to be up and running by the end of August; that other companies staff researched had either gone out of business or were sold; that the lifespan of thin clients is longer than traditional computers since they have very few moving parts; and that they have purchased extra thin clients to be able switch them out. Information Technology Manager Gary Clopton stated that with the regular computers, they have been getting a yield of approximately five years before they fail and he expects to get a similar yield from the thin clients because they have fewer moving parts; and that they plan to have spare thin clients in case of failure. There was discussion on streamlining and eliminating wasted hours; open source; and people being dependent on Microsoft products for their needs. Mr. Clopton further stated it has been a challenge to provide a unified interface for the user and, moving to this type of environment, all of the computers would be the same and a high level of uniformity and consistency would be created. Ms. Redburn further stated that the Library was able to purchase the Microsoft Office package for the thin clients for \$40.00 each.

Ms. Redburn presented information regarding Items #10 and #11, which is to replace the yellow carpet at the Library with vinyl tile. Due to the high traffic, the carpet has become dingy and soiled, even though it is cleaned once a month, and vinyl tiles will be easier to maintain by Facility Services. Part of the cost of the project is to level the floor and accent colors in the circles. When it was originally proposed as a budget supplemental, the circles were going to be lava tiles themselves but there were concerns about the elevation differences between the carpet, tiles and lava tiles. It was decided to move the lava tiles to the Explore and Discover area, where they will be grouped together. Each tile will have a custom graphic, with the blue ones having a water animal and the green ones having a land animal. Staff will create posters challenging children to find each of the animals and having facts about those animals. In answer to questions from Council, Ms. Redburn stated that there would only be problems with the tiles if they are not installed properly; that there are specific installation guidelines for the tiles; that they have been installed in hospitals, as well as the libraries in Irving and Little Elm; that the tiles are very hardy and should last a long time; that the warranty for the tiles is a year; that they are meant to be jumped on and they have been installed in hotel lobbies with furniture on them; and that the issues with the lava tiles at the Little Elm library were due to an installation issue and children messing with the insulation around the tiles.

There was discussion on moving Item #13 to the special meeting on July 11.

Mayor Griffin adjourned the Work Session at 6:06 p.m.

REGULAR SESSION

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

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order. He stated that Councilmember is on vacation.

INVOCATION (Pastor Robert Ehrke, Cathedral of Hope Mid Cities)

Pastor Robert Ehrke of Cathedral of Hope Mid Cities gave the invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS/UPCOMING EVENTS

Public Information Officer Natalie Foster announced that the City is partnering with 6Stones for a "Touch A Truck" event on Saturday at the Bedford Community Garden from 10:00 a.m. to 2:00 p.m. There will be food trucks, local vendors, and several City vehicles and equipment for guests to look at. The Fire, Police and Public Works Departments will be there to describe the purpose of many of the trucks that residents see around the community. The City is looking for Bedford dogs to feature in the 2017 calendar contest called "Doo the Right Thing." The deadline for residents to submit photos of their dogs is June 30. Bedford 4thFest is a few weeks away and will be held at the new and improved Boys Ranch Park. The celebration starts at 3:00 pm with a ribbon cutting celebration for the completion of Phase One of the park improvements. There will also be a special appearance and performance by "Twiggy the Water Skiing Squirrel" to highlight the festivities for the day. Admission is free and there will be children's activities, live music, an annual salute to the soldiers and fireworks to conclude the night.

Mayor Griffin reported that Corporal Shane Bean was invited to speak at the Tarrant County Mayors' Council meeting on Monday regarding the Repeat Victimization Unit. He did a fantastic job and numerous people asked him about the program and how to implement one.

OPEN FORUM

Tom Culbert, 1925 Charleston Drive, Bedford – Mr. Culbert signed up to speak on Item #14. He stated he was concerned about the parking lots at the Senior Center. Last week, there was a gully cut so that one cannot drive up and drop off people, and there was another gully cut at the far parking lot. He discussed issues escorting an elderly woman up the hill. The Center cancelled their jamboree the previous Friday because they were told work would be done on the parking lots and people could not park there; the work did not end up happening, but since so many people had already been notified, they were not able to hold the event. He asked if there was not some way to get a definite schedule so they do not have to cancel events and inconvenience the elderly. There was discussion on the recent rains impacting the schedule. Public Works Director Kenny Overstreet stated that staff was working on the parking lots at the Boys Ranch Activity Center (BRAC), Senior Center and the ball fields. There were several subgrade failures and staff planned on having the Senior Center lot completed on Thursday; however, rain flooded the subgrade and they had to dig it back out and they were unable to get asphalt until Friday. The parking lot work was finished that Friday morning but there was not enough time to polycoat the Senior Center and Splash parking lots in order to give them more substantial life. Crews are scheduled to come back out the following day to apply the emulsion, which will take approximately 24 hours to cure and harden, and then will be followed up with striping. The parking lots around the ball fields and behind the BRAC have all been striped. The rain has pushed the crews back approximately a week and half on their schedule. Staff has been working with the staffs of the BRAC and the Senior Center to make sure things went smoothly. Mr. Culbert stated that the City was putting people in danger and it needs to stick to a schedule.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 2, 7, 8, 9, 10, 11 and 12.

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

COUNCIL RECOGNITION

1. Recognition of the City of Bedford's 20th Consecutive Distinguished Budget Presentation Award.

Mayor Griffin presented Ms. Jakubik and Mr. Blackwell with the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:

- a) **May 17, 2016 special session**
- b) **May 24, 2016 regular session**

This item was approved by consent.

PERSONS TO BE HEARD

3. The following individuals have requested to speak to the Council tonight under Persons to be Heard:

- a) **Amy Sabol, 2209 Pine Thicket Lane, Bedford, Texas 76021 - Request to speak to Council regarding the sign ordinance.**

Amy Sabol, 2209 Pine Thicket Lane, Bedford, Texas – Ms. Sabol stated that she wrote Council in December and thanked them for the new Sign Ordinance. She was there when it was passed with a super majority of six to one and believes that is how Democracy worked. It came to her attention three weeks ago that Council was going to revisit the ordinance and asked how an ordinance can be revisited that was voted on to go into effect in September even with a super majority vote. She stated it is not an exceptional ordinance and has been used for years in surrounding cities. A new ordinance needs to be given time to see how it works after a test period. She stated there are ordinances that have not been looked at since the 1960's and asked why this ordinance, which has not been implemented, is already being re-examined. She listened to hours of work sessions and noticed that Council for the most part, believes something needs to be done. She stated that Councilmember Gebhart was the only vote against the ordinance and finds his positions not compatible with improving Bedford. She heard Mr. Gebhart say the ordinance was meant to satisfy businesses and the citizens but stated that she never heard him defend the residents, and it was all about freedom and liberty for business. If he believes there should be no rules and regulations, then liquor stores, pawn shops, smoke shops, massage parlors could open right next door to schools. She stated it appears he does not care to defend the residents from business owners that take advantage of lenient or lax codes. There would be no reason for homeowner associations, police or ordinances if people behaved but the City continues to defend the offenders. She stated the idea of serving on council is for the greater good of Bedford.

Ms. Sabol requested for all communications on the ordinance to and from Council through open records and after the ordinance passed on December 8, 2015m there continued to be communication among certain Council Members and businesses. She stated when the ordinance passes with a six to one majority it becomes the law even if some Council Members had problems with some of the restrictions. In listening to the work session recordings, Councilmember Roger Fisher was persuasive and committed to the ordinance and continued to believe in it wholeheartedly at the previous Thursday's work session, in the previous work sessions, she heard the Mayor play the devil's advocate, including asking Councilmember Fisher if he had a lot of citizens complaining about the appearance of Bedford. When she heard the question at every work session, she decided to solicit support from the residents and letters

were sent to Council to not change the ordinance; however, during the work session, she stated the Mayor did not acknowledge receiving them. She stated citizens were asking Council not to change one word of a passed ordinance for the good of the community but it fell on deaf ears.

Ms. Sabol stated she was fully aware some members of Council were not happy with the new ordinance. During the Thursday's work session, it was discovered the ordinance had not been rolled out and she could tell that Councilmembers Champney, Turner, Fisher, and Sartor had no idea it had been held back for six months. City Manager Roger Gibson took responsibility saying he knew Council had some doubts about some portions of the ordinance and took it upon himself to hold back the distribution to business and property owners. Mr. Gibson was a Chief of Police for many years and knows how an ordinance works and that it becomes law. She thought the Mayor may have wanted to make Mr. Gebhart happy and that was the reason of the ordinance was being revisited. She asked if Council was so disturbed by their own vote why the ordinance was not revisited in January or February. Passing an ordinance, not letting businesses know about it, holding off for over six months before revisiting, does not make sense, and Council should never let that happen again. She stated in looked through the communications between Council and businesses through open records, Mr. Gebhart felt the need to solicit negative opinions from businesses, even after the ordinance was passed, which she found unacceptable. She asked about continuing to go out and actively solicit businesses to oppose an ordinance meant to help the aesthetics of our community and stated she has never seen anything like this on any commission or board on which she served. She stated that she has not agreed with a decision, but once the decision is made by a super majority, one stands behind the decision. If one is asked, they could say they did not agree with the decision. She stated it was beyond anything she has seen to actively go out and solicit the business owners to fight the ordinance. She discussed Council being busy people who work and give their time to organizations and asked that Councilmember Gebhart just shake their hands and be quiet. She stated that he repeats the same thing over and over again and repeating oneself does not mean it will change minds. He needs to stop obstructing a majority rule and be told he can talk to businesses about this ordinance but it is not being revisited because it has passed with a six to one majority. She stated there has been worry that he may take it upon himself to police code enforcement as a protest including by going to corporate franchises and pointing out how their signs in Bedford are noncompliant, the Council passing an ordinance making them remove their signage or changing its size, and painting the picture of an unfriendly Council to business. She hoped he will cease and desist because he is hurting Bedford's image and it would be detrimental to the City if he chooses that course. Corporations comply with ordinances because they like their customers. When she owned a business, she never expected anything from the City and Council's worry should be the residents. Corporations and franchisees come to a city because they like the demographics and they may not like the new regulations but they will comply. She suggested any businesses at the meeting stand down and stated that Council did receive correspondence from many residents wanting the City cleaned up. Businesses may not like the new ordinance but some of their customers are Bedford residents. The ordinance will not break the businesses but if their Bedford customers discovered how they behaved, their bottom line would be effected. For every satisfied customer, they will tell one or two friends they like a business, and for every irate customer, they will tell ten more that the service and product is unsatisfactory. She stated the businesses should think about that and then go back to their store front and take down their signage to comply with the new ordinance for the sake of our community.

Ms. Sabol stated that she talks to people every day and knows the community well and what she hears from people why the City cannot have what surrounding cities have. Changes are needed sooner than later and she hoped the citizens could count on Council to make Bedford a more attractive place to live. The City may lose some businesses but an established business will not leave Bedford for another town because of the ordinance, and all the surrounding cities have the same or tougher ordinances. She asked Council to keep the ordinance without any changes for the City and its future. She suggested during the special session in July, that a member of Council make a motion to keep the originally passed ordinance and send Councilmember Gebhart the message they will not accept a change just because he does not like the ordinance and will not put up with this type of treatment again. She discussed a nail salon on Central Drive installing LED lights and wondered if they thought it was worth putting up those lights for about six months; however, the businesses still have no idea what is about to happen in July because the notification was delayed. Council needs be proactive with ordinances because each day they let undesirable situations get rooted, it is more difficult to clean up. The ordinance had the right intention and now because it did not move forward last December, staff is going to be verbally abused because one of the questions business and property owners are going to ask staff is when the ordinance passed. She

asked Council to take time to review copies of her comments before the July 11th special session and to think about the amount of time this has taken for an ordinance widely used throughout the area. She stated when she saw where she was on the agenda, she was saddened that the next speakers were speaking to Council about ideas, visions, and the re-invention of Bedford. She knows both their ideas and supports them. She wondered, if this sign ordinance took a year to achieve, how will the City reach a really better Bedford.

b) Sal Caruso, 148 Ravenswood, Bedford, Texas 76022 – Request to speak to Council regarding a proposal for a Bedford Sports Complex.

Sal Caruso, 148 Ravenswood, Bedford, Texas – Mr. Caruso discussed the City being a destination and a proposal for a Bedford sports complex to be run by the Parks and Recreation Department, and would hopefully be part of the Boys Ranch phases. It would be an all-inclusive, indoor, one to two story facility. The facility would include two soccer fields that can be used year round for leagues and tournaments; four basketball courts that can be used by different leagues and have a “BSC” moniker; batting cages for baseball and softball, and with varying speeds; other sports such as volleyball, flag football, lacrosse, golf and gymnastics; storefronts such as dance, Jazzercise, karate and birthday parties; a concession area; and a fitness center. The sports complex could be a gold mine in the summer heat, as well as in the middle of January. The second floor could have a walking track, weights, treadmills, pool tables and games. This would be a revenue generating building that would be a destination. Objectives include making Bedford a destination in the center of the HEB area; drawing young families, coupled with an outstanding Library and school system; providing jobs; providing additional revenue such as with corporate sponsorships, signs and advertising; being part of the health initiative; and repurposing the existing building for a new senior center. The new building could be constructed in the area next to the hockey rink. He discussed other indoor facilities built around the country by Pinnacle Indoor Sports. He displayed a spreadsheet of North Texas sports facilities and stated that there was nothing in the area except for a facility in Euless, which is small and only has two soccer fields. He has talked to people and they love the idea, especially of getting young children involved in sports.

c) Roger Gallenstein, 4013 Fairmont Court, Bedford, Texas 76021 and Patti Diou, 505 E. Border Street, Arlington, Texas 76010 – Request to speak to Council regarding the importance of a destination for economic development.

Mr. Gallenstein and Ms. Diou were unable to attend the meeting.

NEW BUSINESS

- 4. Public hearing and consider an ordinance to rezone Lot 1A, Block 1, The Oaks (Bedford) Addition, located at 1701 Airport Freeway, Bedford, Texas from (PUD/MHC) Planned Unit Development/ Master Highway Corridor Overlay District to (Amended PUD/MHC/SUP) Amended Planned Unit Development/Master Highway Corridor Overlay District/Specific Use Permit/Tobacco Store, specific to Section 4.15, Planned Unit Development and Section 3.2.C(7)x, Tobacco Product Store of the City of Bedford Zoning Ordinance, allowing for Samir Bedair to operate a currently legal non-conforming tobacco store (Amy’s Vapor) in the multi-tenant commercial retail building. The subject property is generally located north of Airport Freeway and west of Central Drive. (Z-294)**

The applicant on this case withdrew their application. No discussion or action took place on this item.

- 5. Public hearing and consider an ordinance to rezone Lot B, Block 17R, Stonegate Addition, located at 1424 Brown Trail, Bedford, Texas from (L) Light Commercial District to (H/SUP) Heavy Commercial/Specific Use Permit/Secondhand, Rummage and Used-Furniture Store, and Indoor Amusement Center, specific to Sections 3.2.C(7)o and 3.2.C(13)g of the City of Bedford Zoning Ordinance, allowing for Retro Madness Collectible and Vintage Freak to operate a secondhand and used furniture store and Quarter Lounge to operate an indoor amusement center. The property is generally located south of Old Kirk Road and east of Brown Trail. (Z-295)**

Mr. Sanchez presented information regarding this item, which is a request to rezone 1424 Brown Trail from Light Commercial to Heavy Commercial/Specific Use Permit, allowing for Taylor Watts to operate

two used, secondhand stores and one indoor amusement center. The plan is to have Vintage Freak, currently operating out of 209 Bedford Road, to move to the property Mr. Watts purchased at 1424 Brown Trail, with two other ventures renting from him. The Planning and Zoning Commission unanimously recommended approval of this item with no stipulations at their May 12 meeting. The indoor amusement center, Quarter Lounge, will operate out of the first building closest to Brown Trail, and is a family-oriented, 1980s style arcade where every game will be a quarter and that will possibly have concessions. Retro Madness will occupy the second building and will specialize in vintage toys and collectibles. Vintage Freak will occupy the third building and will mainly focus on mid-century modern furniture, vintage and collectable audio equipment, vinyl records, and vintage clothing.

Taylor Watts, 3009 Magnolia Lane, Bedford – Mr. Watts stated that he purchased Vintage Freak a couple of years ago, which had mainly records, mid-century modern furniture, and vintage clothing. He had the opportunity to buy the property at 1424 Brown Trail and part of the reason he bought it was his relationship with the people at Retro Madness in Hurst, which features toys, video games and comic books, and does not overlap with what he does. They in turn knew the person with Quarter Lounge, who operates arcades across the Metroplex but was looking for one single location. All three businesses are complimentary and do not overlap. They will be in a great location on Brown Trail and are ready to get going. In answer to questions from Council, Mr. Watts stated that vintage clothing includes period clothing from the 1950s to the 1970s, as well as t-shirts; that one of his major customers is a set designer for docudramas on the ReelzChannel; that he has approximately 20,000 records in stock; that the store is not a garage sale or thrift store environment; that the crew from the HGTV show “Texas Flip and Move” visited the store looking for examples of mid-century modern furniture; and that the store has 11,000 fans on Facebook.

Mayor Griffin opened the public hearing at 7:21 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:21 p.m.

In answer to questions from Council, Mr. Watts confirmed that it would not be a problem to add additional landscaping; that they will make improvements to the sign and recently had to replace the sewage line; and he has spent money to trim trees, remove a tree, and improved the drainage.

Motioned by Councilmember Gebhart, seconded by Councilmember Champney, to approve an ordinance to rezone Lot B, Block 17R, Stonegate Addition, located at 1424 Brown Trail, Bedford, Texas from (L) Light Commercial District to (H/SUP) Heavy Commercial/Specific Use Permit/Secondhand, Rummage and Used-Furniture Store, and Indoor Amusement Center, specific to Sections 3.2.C(7) and 3.2.C(13) of the City of Bedford Zoning Ordinance, allowing for Retro Madness Collectible and Vintage Freak to operate a secondhand and used furniture store and Quarter Lounge to operate an indoor amusement center with the aforementioned improvements to the landscaping. The property is generally located south of Old Kirk Road and east of Brown Trail. (Z-295)

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

6. Public hearing and consider a resolution approving a site plan for the property known as Lot 1R, Block 1, Wal-Mart Addition located at 4101 State Highway 121 for a 2,738 square foot addition to the existing Wal-Mart building to be used for a training center. The property is zoned (H) Heavy Commercial and located in the (MHC) Master Highway Corridor Overlay District, specific to Section 4.18 of the City of Bedford Zoning Ordinance. The property is generally located south of Cheek-Sparger Road and west of State Highway 121. (S-064)

Mr. Sanchez presented information regarding this item, which is for the approval of a site plan for 4101 State Highway 121 on behalf of Wal-Mart to add an additional 2,738 square feet for a regional training center. Wal-Mart has a new initiative to train their employees on current policies and procedures for their chain, and they are putting in regional training centers throughout the country. The current site is in the Master Highway Corridor Overlay District, which requires site plan approval. The Planning and Zoning Commission unanimously recommended approval of this item at their May 12 meeting.

Mayor Griffin opened the public hearing at 7:26 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:26p.m.

Motioned by Councilmember Champney, seconded by Councilmember Farco, to approve a resolution approving a site plan for the property known as Lot 1R, Block 1, Wal-Mart Addition located at 4101 State Highway 121 for a 2,738 square foot addition to the existing Wal-Mart building to be used for a training center. The property is zoned (H) Heavy Commercial and located in the (MHC) Master Highway Corridor Overlay District, specific to Section 4.18 of the City of Bedford Zoning Ordinance. The property is generally located south of Cheek-Sparger Road and west of State Highway 121. (S-064)

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

7. Consider a resolution authorizing the City Manager to renew a two-year agreement with Valley View Consulting, L.L.C., to provide investment advisory services.

This item was approved by consent.

8. Consider a resolution authorizing the City Manager to enter into a contract with Ron Wright, Tarrant County Tax Assessor-Collector and Tarrant County, for the assessment and collection services of ad valorem taxes levied by the City of Bedford; and providing for an effective date.

This item was approved by consent.

9. Consider a resolution authorizing the City Manager to enter into an agreement with Concorso to install, train, and equip the Library with a thin client solution in the amount of \$65,790.55.

This item was approved by consent.

10. Consider a resolution authorizing the City Manager to purchase liquid lava tiles from Jockimo Inc. in the amount of \$16,440.

This item was approved by consent.

11. Consider a resolution authorizing the City Manager to enter into a contract with Corporate Floors, Inc. to replace the yellow carpet at the Library in the amount of \$16,918.77.

This item was approved by consent.

12. Consider a resolution appointing a member to a Bedford Citizen Board or Commission.

This item was approved by consent.

13. Discussion and action regarding the appointment of the Mayor Pro Tem and Board and Commission Liaisons.

This item was tabled.

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

- ✓ **Animal Shelter Advisory Board - Councilmember Fisher**

No report was given.

- ✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reported the Commission will meet the following Monday night.

- ✓ **Community Affairs Commission - Councilmember Farco**

Councilmember Farco thanked the Commission for a great business roundtable event at the Old Bedford School. The Commission will next meet on Thursday.

✓ **Cultural Commission - Councilmember Champney**

Councilmember Champney reported that the Commission met the previous evening and discussed upcoming events, including a performance by Danny Wright. They are looking at wayfaring signage and recommendations by Kimley-Horn, that will be incorporated into an overall plan. When the plan is completed and a presentation is made to the Council and the citizens, they will be surprised with the possibilities that exist.

✓ **Library Advisory Board - Councilmember Farco**

Councilmember Farco reminded everybody to sign up for the Summer Reading Club and to continue to read. The Board will meet the following night.

✓ **Parks and Recreation Board - Councilmember Sartor**

Councilmember Sartor recognized Randy Newby on the Board who was present, and stated the Board is a forward thinking group whose discussions are focused on how to make the parks better. Mr. Newby made a presentation at the last meeting on all-inclusive playground equipment for the City to explore. He encouraged everybody to come to the Boys Ranch for 4thFest, including for the ribbon cutting and the waterskiing squirrel.

✓ **Teen Court Advisory Board - Councilmember Gebhart**

Councilmember Gebhart reported that the Board met on June 2 and reviewed the results of the gala, which turned a profit for the first time due in large part to the leadership of Chairperson Kathleen Toms. The gala was a great event where a lot of jewelry was sold and which had a great speaker. Anna Holzer, a representative on the Board from Hurst for many years, was honored for her service. The Board will not have any regular meetings until September 1; however, teen court itself will be in session and he encouraged people to participate. The teens who volunteer are honing their rhetoric and debate skills, as well as helping their fellow students avoid more serious trouble with the juvenile system by doing community service.

✓ **Senior Citizen Liaison - Councilmember Turner**

Councilmember Turner discussed Senior Center activities being a little low and Mr. Culbert speaking to Council earlier about issues with the parking lots at the Center.

15. Council member Reports

Councilmember Turner announced that Mayor Griffin had been named Chairman of the Mayor's Council this year.

16. City Manager/Staff Reports

City Manager Roger Gibson stated that he had confided in Council and staff his intent to retire at the first of the following year. He thanked Council for having confidence in him for the opportunity. He further thanked staff and the community that supported him. He is not originally from the area but considers Bedford his adopted home. He loves the City and is appreciative.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 7:33 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: See below

DATE: 06/28/16

Persons to be Heard

ITEM:

- a) Roger Smeltzer, 2921 Brown Trail, Suite 145, Bedford, Texas 76021 - Request to speak to Council regarding the sign ordinance.
- b) Bill McFadden, 1108 Hialeah Path, Bedford, Texas 76022 - Request to speak to Council regarding vehicles parked on streets, the cellphone ordinance, Code Compliance issues, and obstructing sidewalks with vehicles.
- c) Roger Gallenstein, 4013 Fairmont Court, Bedford, Texas 76021 - Request to speak to Council regarding the importance of a Destination for Economic Development.

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Letters of Request

From: Roger Smeltzer Jr []
Sent: Tuesday, May 31, 2016 3:55 PM
To: Syblon, Bill <Bill.Syblon@bedfordtx.gov>
Cc: Wells, Michael <Michael.Wells@bedfordtx.gov>
Subject: RE: City Council Meeting

Michael,

Good afternoon! I have some concerns over the recent sign ordinance changes and I believe I can speak for the vast majority of the property owners and brokers that will be very vocally against these changes when the information becomes public.

Can I get on the Agenda for the meeting on 6/28? 6/14 would be okay but it is a bit shorter notice.

Roger Smeltzer, Jr. IMBA

Vision Commercial
Principal/Broker
(817) 803-3287 (Office)
(817) 320-2600 (Cell)
(817) 704-4621 (Fax)
roger@visioncommercial.com
www.visioncommercial.com

Good evening.

I would like to speak at the next city council meeting on the following:

1. Requirements for vehicles to move when parked street. Would like clarification on what defines movement as there is a clear difference between the city council's definition and the Police Department.
2. Request clarification on the cellphone ordinance. Recent meetings with the police department have revealed that the it does not cut down on the amount of people using their cell phones while driving. I would also like to request that council and the City Manager require the police to heavily enforce this at night. It can be a revenue generator for the city and help improve our parks.
3. I would also like to ask about code compliance updates on items city council was looking into.
4. Clarification on obstructing sidewalks with vehicles. Will also be asking for updates as three council members were "looking into this." it has been two months so they should have an update.

-Bill McFadden
1108 Hiialeah Path

-----Original Message-----

From: Roger Gallenstein []
Sent: Tuesday, June 07, 2016 4:12 PM
To: Wells, Michael <Michael.Wells@bedfordtx.gov>
Cc: Patti Diou <patti@levittarlington.org>
Subject: Persons to Be Heard for Council Meeting of June 14, 2016

Mr. Wells,

Could you please list myself and Ms Patti Diou as co presenters under the "Persons to be Heard" section of the Bedford City Council Agenda for June 14, 2016. Our topic of conversation will be "The Importance of a Destination for Economic Development". We will also require internet access to show a short video. If you have any questions please contact me at . Thank you for your cooperation in this matter.

Roger Gallenstein
4013 Fairmont Court
Bedford Texas 76021



Council Agenda Background

PRESENTER: Kenny Overstreet,
Public Works Director

DATE: 06/28/16

Council Mission Area: Protect the vitality of neighborhoods.

ITEM:

Consider a resolution authorizing the City Manager to enter into a contract with R & D Burns Brothers, Inc. in the amount of \$1,140,065 for the Brown Trail/Eagle Drive/Warbler Drive/Wren Court/Blue Jay Court Water System Improvement Project.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

In July of 2015, the City of Bedford's application for SWIFT funding for financial assistance through a low cost loan was approved by the Texas Water Development Board in the amount of \$90,000,000 with a first installment of \$30,000,000.

The first project, Brown Trail/Eagle Drive/Warbler Drive/Wren Court/Blue Jay Court Water System Improvement Project, was chosen due to the high number of water main breaks in the areas. This project calls for the installation of approximately 6,000 linear feet of 8" PVC water pipe and 500 linear feet of 6" PVC water pipe by open cutting. The work will also include related appurtenances, such as fire hydrants, valves, meter boxes, and service lines.

On June 7, 2016, ten sealed bids were received for the project. R & D Burns Brothers, Inc. submitted the lowest responsible bid in the amount of \$1,140,065. The highest bid amount was \$1,463,700 and the average bid was \$1,262,886. One lower bid was received for this project in the amount of \$1,097,495; however, staff does not recommend the contractor based on experience for large projects as outlined in the Instructions to Bidders on Page 4, 13 c. of the Contract Documents. The Notice to Bidders stipulates that the contract may be awarded to the contractor that is most advantageous to the City. Staff feels that R & D Burns is the lowest responsible bidder as determined by the criteria in the City's bid documents, and using the criteria authorized by Section 252.043 of the Texas Local Government Code.

R & D Burns Brothers, Inc. come highly recommended by the City of Fort Worth for performing many large water line projects valued in excess of \$1,000,000 since 1997. They have done 80% to 90% of their work for the City of Fort Worth. R & D Burns Brothers, Inc. has a good reputation with the City of Bedford and was called upon many times between 2000 and 2011 for emergency water main breaks. They are currently working as the water line replacement sub-contractor for McClendon Construction on the Gregory Avenue Reconstruction project. They also successfully worked with McClendon Construction performing utility work on the Patti Drive, Merrill Drive, and King Drive Paving Improvement Project in 2011 with a value of \$409,717. In addition, they are highly recommended from the cities of Arlington and Everman for work on utility projects.

If approved, the award amount of \$1,140,065 will be paid from the SWIFT 2015 Certificate of Obligation Bond. The completion time for the project is 210 consecutive calendar days after the date specified in the Notice to Proceed.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a contract with R & D Burns Brothers, Inc. in the amount of \$1,140,065 for the Brown Trail/Eagle Drive/Warbler Drive/Wren Court/Blue Jay Court Water System Improvement Project.

FISCAL IMPACT:

2015 Certificates of Obligation	
Bonds:	\$30,000,000
Bid Amount:	\$1,140,065
Difference:	\$28,859,935

ATTACHMENTS:

Resolution
Bid Tabulation
Maps

RESOLUTION NO. 16-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH R & D BURNS BROTHERS, INC. IN THE AMOUNT OF \$1,140,065 FOR THE BROWN TRAIL/EAGLE DRIVE/WARBLER DRIVE/WREN COURT/BLUE JAY COURT WATER SYSTEM IMPROVEMENT PROJECT.

WHEREAS, the ten sealed bids received on June 7, 2016 have been reviewed by City staff, and it is determined that the bid from the R & D Burns Brothers, Inc., in the amount of \$1,140,065 is the lowest and most responsible bid, as determined by the criteria in the City's bid documents, and using the criteria authorized by Section 252.043 of the Texas Local Government Code; and,

WHEREAS, the City Council of Bedford, Texas has determined that providing reliable water service by replacing leaking water lines is necessary for the health and safety of its citizens; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to protect the vitality of neighborhoods.

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

SECTION 1. That the above findings are found to be true and correct, and are incorporated herein in their entirety.

SECTION 2. That the City Council of the City of Bedford, Texas hereby approves the bid from R & D Burns Brothers, Inc., in the amount of \$1,140,065 and authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Bedford, Texas.

SECTION 3. That, the cost of said project shall be paid from the SWIFT 2015 Certificate of Obligation Bond, in the amount of \$1,140,065, budgeted therefor.

PRESENTED AND PASSED this 28th day of June 2016, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

**Brown Trail/Eagle Drive/Warbler Drive/Wren Court/Blue Jay Court Water Systems
Improvement**

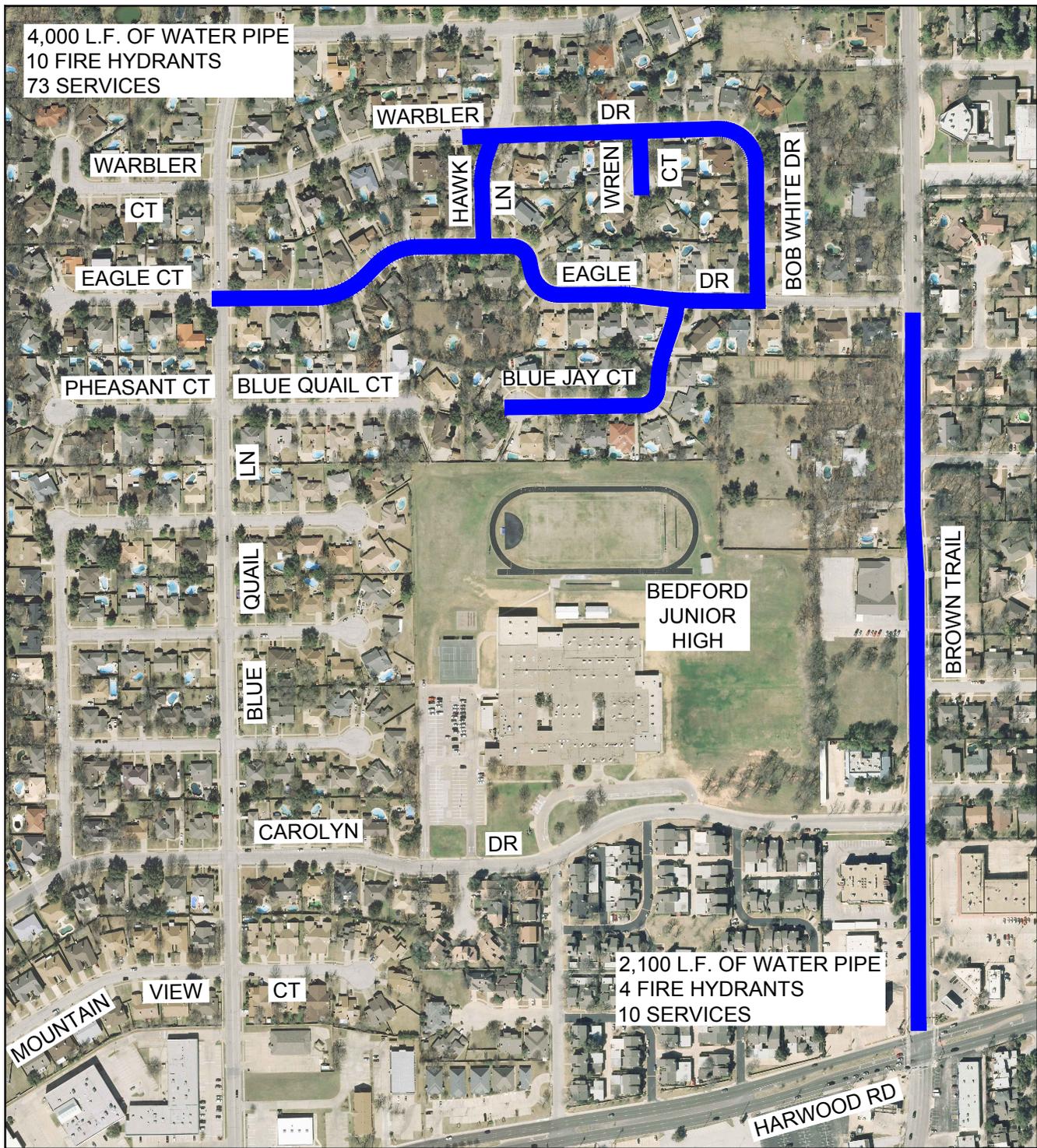
TWDB SWIFT Program 16-01

Bid Date: Tuesday, June 7 at 2:00 P.M.

BIDDERS

Bid Tabulation

	R & D Burnes Brothers Inc. Burleson, TX	Reytech Services LLC Grand Prairie, TX	Woody Contractors, Inc. Kennedale, TX	Saber Development Corporation Dallas, TX	Excel 4 Construction, LLC Fort Worth, TX
TOTAL AMOUNT BID	\$1,140,065.00	\$1,097,495.00	\$1,206,545.00	\$1,231,825.00	\$1,242,830.00
	Recommened Bid				
	SYB Construction Company, Inc. Irving, TX	Jackson Construction, Ltd. Dallas, TX	Reyes Group Ltd, Grand Prairie, TX	Whitewater Construction, Inc. Waco, TX	Gra-Tex Utilities, Inc. Arlington, TX
	\$1,239,341.00	\$1,290,800.00	\$1,327,557.75	\$1,388,700.00	\$1,463,700.00
	AVERAGE BID				
	\$1,262,886				



4,000 L.F. OF WATER PIPE
 10 FIRE HYDRANTS
 73 SERVICES

2,100 L.F. OF WATER PIPE
 4 FIRE HYDRANTS
 10 SERVICES

TWDB SWIFT PROGRAM NO. 51016
SWIFT 16-01
 BROWN TRAIL, EAGLE DR., WARBLER DR., HAWK LN.,
 BOBWHITE DR., WREN CT., AND BLUE JAY CT.
WATER SYSTEM IMPROVEMENTS



 WATER LINE RENEWAL





Council Agenda Background

PRESENTER: Kenny Overstreet,
Public Works Director

DATE: 06/28/16

Council Mission Area: Protect the vitality of neighborhoods.

ITEM:

Consider a resolution authorizing the City Manager to enter into a contract with MACVAL Associates, LLC, in the amount of \$1,176,060 for the Commerce Place/Tibbets Drive/Scenic Hills Drive/Red Oak Lane Water System Improvements Project.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

In July of 2015, the City of Bedford's application for SWIFT funding for financial assistance through a low cost loan was approved by the Texas Water Development Board in the amount of \$90,000,000 with a first installment of \$30,000,000.

The Commerce Place/Tibbets Drive/Scenic Hills Drive/Red Oak Lane Water System Improvements Project was chosen as the second project utilizing SWIFT funding due to the high number of water main breaks in the proposed areas.

The scope of work includes the installation of approximately 1,700 linear feet of 12" C-900 PVC water pipe, 3,800 linear feet of 8" C-900 PVC water pipe, and 450 linear feet of 6" C-900 PVC water pipe by open cutting. The work will also include related appurtenances such as fire hydrants, valves, meter boxes, and service lines, as well as all incidental work as indicated in the construction plans.

On June 8, 2016, eight bids were received for the project. MACVAL Associates, LLC, (MACVAL) submitted the lowest responsible bid in the amount of \$1,176,060. The highest bid submitted was \$1,820,360, and the average bid was \$1,360,372.

Staff recommends MACVAL for this project. MACVAL come highly recommended by the City of Irving for completing a sewer main project valued at \$868,644. Additionally, they recently completed six projects for the City of Dallas, valued between \$469,463 and \$1,681,323. MACVAL was also recommended by the City of Highland Village for successfully completing a water main replacement project.

If approved, the award amount of \$1,176,060 will be paid from the SWIFT 2015 Certificate of Obligation Bond. The completion time for the project is 210 consecutive calendar days after the date specified in the Notice to Proceed.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a contract with MACVAL Associates, LLC, in the amount of \$1,176,060 for the Commerce Place/Tibbets Drive/Scenic Hills Drive/Red Oak Lane Water System Improvements Project.

FISCAL IMPACT

2015 Certificate of Obligation Bond: \$28,859,935
Bid Amount: \$ 1,176,060
Difference: \$27,683,875

FISCAL IMPACT:

Resolution
Bid Tabulation
Maps

RESOLUTION NO. 16-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MACVAL ASSOCIATES, LLC, IN THE AMOUNT OF \$1,176,060 FOR THE COMMERCE PLACE/TIBBETS DRIVE/SCENIC HILLS DRIVE/RED OAK LANE WATER SYSTEM IMPROVEMENTS PROJECT.

WHEREAS, the eight sealed bids received on June 8, 2016 have been reviewed by City staff, and it is determined that the bid from the MACVAL Associates, LLC is the lowest and most responsible bid, as determined by the criteria in the City's bid documents, and using the criteria authorized by Section 252.043 of the Texas Local Government Code; and,

WHEREAS, the City Council of Bedford, Texas has determined that providing reliable water service by replacing leaking water lines is necessary for the health and safety of its citizens; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to protect the vitality of neighborhoods.

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

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein in their entirety.

SECTION 2. That the City Council of the City of Bedford, Texas hereby approves the bid from MACVAL Associates, LLC, in the amount of \$1,176,060 for the Commerce Place/Tibbets Drive/Scenic Hills Drive/Red Oak Lane Water System Improvements Project and authorizes the City Manager to execute all contract documents relating thereto on behalf of the City of Bedford, Texas.

SECTION 3. That, the cost of said project shall be paid from the SWIFT 2015 Certificate of Obligation Bond, in the amount of \$1,176,060, budgeted therefor.

PRESENTED AND PASSED this 28th day of June 2016, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

L. Stanton Lowry, City Attorney

**Commerce Place/Tibbets Drive/Scenic Hills/Red Oak Lane Water Systems
Improvements**

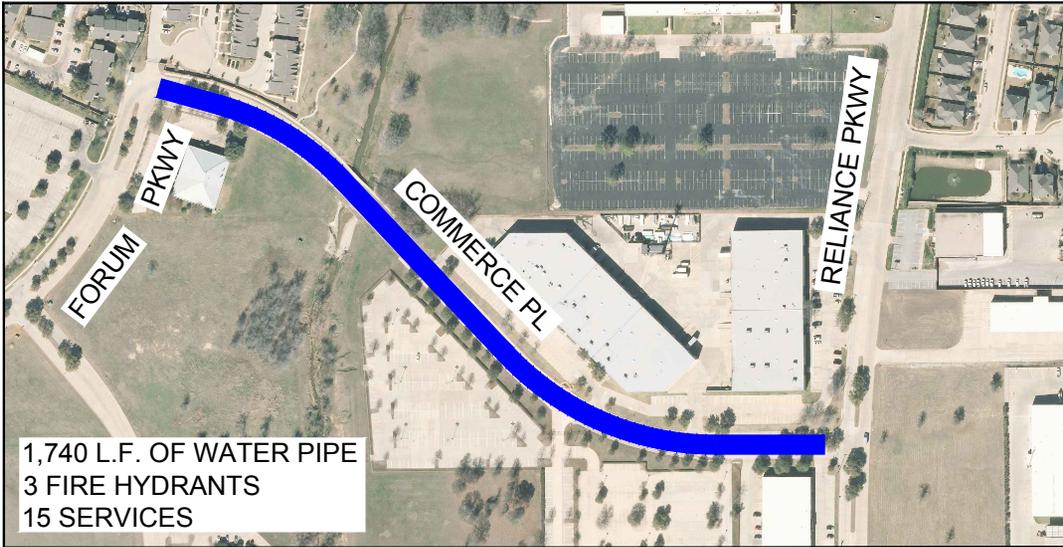
TWDB SWIFT Program 16-02

Bid Date: Tuesday, June 8 at 2:00 P.M.

BIDDERS

Bid Tabulation

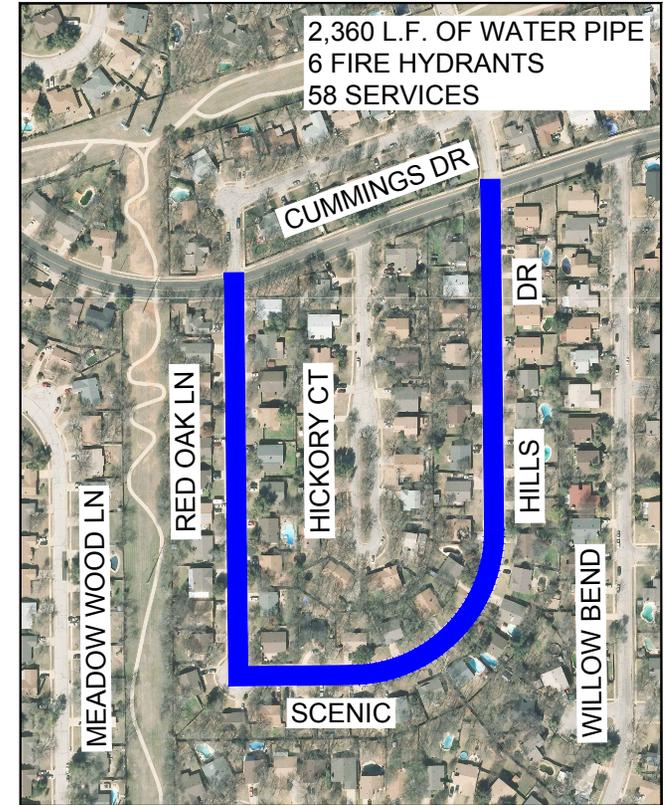
	MACVAL Associates, LLC, Dallas, TX	R & D Burns Brothers Inc. Burleson, TX	Woody Contractors, Inc. Kennedale, TX	Saber Development Corporation Dallas, TX	SYB Construction Company, Inc. Irving, TX
TOTAL AMOUNT BID	\$1,176,060.00	\$1,199,265.00	\$1,213,849.00	\$1,228,435.00	\$1,314,615.00
	Reccomended Bid				
	Excel 4 Construction LLC Fort Worth, TX	Gra-Tex Utilities, Inc. Arlington, TX	Whitewater Construction, Inc. Waco, TX		
TOTAL AMOUNT BID	\$1,352,490.00	\$1,577,905.00	\$1,820,360.00		
	AVERAGE BID				
	\$1,360,372.00				



COMMERCE PLACE



TIBBETS DRIVE



**SCENIC HILLS DRIVE
AND
RED OAK LANE**



**TWDB SWIFT PROGRAM NO. 51016
SWIFT 16-02**

**COMMERCE PLACE, TIBBETS DRIVE, SCENIC HILLS DRIVE,
AND RED OAK LANE
WATER SYSTEM IMPROVEMENTS**

 WATER LINE RENEWAL





Council Agenda Background

PRESENTER: Kelli Agan, Assistant City Manager

DATE: 06/28/16

Council Mission Area: Be responsive to the needs of the community.

ITEM:

Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement with the North Central Texas Council of Governments, in the amount of \$90,456, for operation of the Trinity Railway Express commuter rail service.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The North Central Texas Council of Governments (NCTCOG) is requesting approval of an Interlocal Agreement for FY 2015/16 for the Trinity Railway Express (TRE) commuter rail service.

Bedford is one of eight cities that NCTCOG partners with to provide commuter rail service to area residents. The TRE commuter rail service provides a benefit to residents of Bedford by connecting the cities of Hurst, Dallas and Fort Worth with each other and with the Dallas/Fort Worth International Airport. The service provides convenience, transportation opportunities, relieves traffic congestion, and aids in efforts to attain federal air quality standards.

This will be the first year that the City of Bedford will financially participate in this agreement. Bedford's portion for participation is \$90,456, which will be paid out the Economic Development Fund. The amount was based on a license plate survey conducted by NCTCOG during the calendar year of 2014 and a partial year of 2015.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into an Interlocal Agreement with the North Central Texas Council of Governments, in the amount of \$90,456, for operation of the Trinity Railway Express commuter rail service.

FISCAL IMPACT:

Economic Development Fund: \$90,456

ATTACHMENTS:

Resolution Agreement

RESOLUTION NO. 16-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, IN THE AMOUNT OF \$90,456, FOR OPERATION OF THE TRINITY RAILWAY EXPRESS COMMUTER RAIL SERVICE.

WHEREAS, the City Council of Bedford, Texas recognizes the benefit the Trinity Railway Express provides to Bedford citizens; and,

WHEREAS, the City Council of Bedford, Texas recognizes the benefits of partnering with the North Central Texas Council of Governments to improve traffic congestion and air quality by reducing the number of cars on the road.

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

SECTION 1. That the findings above are found to be true and correct and are incorporated herein.

SECTION 2. That the City Manager is hereby authorized to enter into an Interlocal Agreement with the North Central Texas Council of Governments, in the amount of \$90,456, for operation of the Trinity Railway Express commuter rail service.

PRESENTED AND PASSED this 28th day of June, 2016 by a vote of __ ayes, __ nays and __ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

INTERLOCAL COOPERATION AGREEMENT
Between
THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS
and
THE CITY OF BEDFORD
for
OPERATION OF COMMUTER RAIL SERVICE FOR FY2015-2016

WHEREAS, the North Central Texas Council of Governments (NCTCOG) and the Regional Transportation Council (RTC) have actively worked to implement commuter rail service in the area and facilitate the contribution by cities that are not members of a Transportation Authority to the operational costs of commuter rail services; and,

WHEREAS, the Regional Transportation Council Trinity Railway Express (TRE) Monitoring Subcommittee was appointed by the RTC to meet on an as-needed basis to monitor policy issues related to the TRE service and the collection of operating funds for the service; and,

WHEREAS, it would be beneficial to the citizens of the City of Bedford to have access to commuter rail service connecting the Cities of Dallas and Fort Worth with each other and with Dallas-Fort Worth International Airport to relieve traffic congestion, provide transportation opportunities, and aid in attaining federal air quality standards; and,

WHEREAS, pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, Dallas Areas Rapid Transit (hereinafter referred to as "DART") and the Fort Worth Transportation Authority (hereinafter referred to as "the T"), both metropolitan transportation authorities created and existing pursuant to Chapter 452 of the Texas Government Code (hereinafter referred to jointly as the "Transportation Authorities"), may exercise jointly the power to provide governmental services for the public health, safety, and welfare; and,

WHEREAS, pursuant to Article 1182k, Texas Revised Civil Statutes, all railroad-related activities by public agencies, separately or jointly exercised, are public and governmental functions for the public purpose and necessity; and,

WHEREAS, the Transportation Authorities have entered into an Interlocal Cooperation Agreement to define their respective rights and responsibilities regarding the provision of commuter rail service along the Trinity Railway Express Corridor and have begun commuter rail service as the Trinity Railway Express; and,

WHEREAS, NCTCOG and the City of Bedford have previously entered into agreements concerning the cost-sharing related to the Trinity Railway Express, which have since expired; and

WHEREAS, NCTCOG and the City of Bedford now desire to enter into an agreement for Fiscal Years 2015-2016 to define their respective rights and responsibilities regarding cost sharing for the operation of the Trinity Railway Express; and

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

Article 1. DEFINITIONS:

- 1.1 "Commuter rail service" means operating passenger trains for commuters by, or under the control of, the Transportation Authorities.
- 1.2 "Capital improvement" means any addition to the asset base of either Transportation Authority (1) for the sole benefit of and utilization by the commuter rail service, or (2) representing the proportionate share of joint facilities benefiting, or utilized on behalf of, Commuter Rail Service.
- 1.3 "Maintenance of way" means the labor, material, tools, and equipment required to maintain all aspects of the railroad tracks, structures, signals, and communications in the TRE Corridor.
- 1.4 "Boards" means the Board of Directors of DART and the T.
- 1.5 "Best efforts" means one party's use of all reasonable exertions to fulfill the obligations of that party under this Agreement. It does not mean an obligation to attempt to fulfill the obligations of any other party.
- 1.6 "Capital costs" means the costs to plan, engineer, design, purchase, and construct the facilities, equipment, and systems for the commuter rail service that may be depreciated in accordance with standards set by the Federal Accounting Standards Board.
- 1.7 "Operational costs" means any cost of operating the TRE that is not a "capital cost."

Article 2. ORGANIZATIONAL RELATIONSHIPS:

- 2.1. North Central Texas Council of Governments and Regional Transportation Council:

The North Central Texas Council of Governments (hereinafter referred to as "NCTCOG") is the Metropolitan Planning Organization for the North Central Texas region including Dallas, Fort Worth, and the City of Bedford. The North Central Texas Council of Governments is authorized by law to conduct coordinating and technical studies as may be required to guide the unified development of the area, eliminate duplication, and promote economy and efficiency through areawide planning. The Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be a forum for cooperative decisions on transportation and is charged with the responsibility of preparing and maintaining the Metropolitan Transportation Plan

and Transportation Improvement Program for the Dallas-Fort Worth Metropolitan Area in accordance with applicable federal regulations.

2.2 Trinity Railway Express Monitoring Subcommittee:

The Trinity Railway Express Monitoring Subcommittee (TREMS) was created by the RTC to monitor and advise on the provision of commuter rail services by TRE between the cities of Dallas and Fort Worth.

2.3 Trinity Railway Express Advisory Committee:

DART and the T created the Trinity Railway Express Advisory Committee (TREAC) to assist the Boards on policy, budget issues, and service levels for TRE. A non-voting representative from the Trinity Railway Express Monitoring Subcommittee shall be nominated by the subcommittee and appointed by the Regional Transportation Council to the Trinity Railway Express Advisory Committee. Notice of all TRE Advisory Committee meetings, agendas, and copies of supporting materials shall be provided to the TRE Monitoring Subcommittee representative appointed by the RTC to the TRE Advisory Committee.

2.4 Companion Agreements:

NCTCOG will enter into companion agreements with the cities identified in Attachment 1.

NCTCOG will also enter into a companion agreement with the Fort Worth Transportation Authority and Dallas Area Rapid Transit as may be necessary to disburse the funds collected by NCTCOG from the cities listed in Attachment 1, including the City of Bedford.

Article 3. OPERATIONS AND MAINTENANCE:

3.1 Service Schedules:

Service levels shall be determined by the Transportation Authorities.

3.2 Service Quality:

The Transportation Authorities shall develop and establish the procedures to implement and ensure that the highest possible quality of service, consistent with the budget, is provided.

3.3 The City of Bedford or TREMS may suggest or request changes or additions to the service schedules at any time, but such requests should be made during the formation of the annual TRE operating budget and should be addressed to the Director, TRE or brought to the TREAC by the representative appointed pursuant to paragraph 2.3 above.

Article 4. COST SHARING FOR CONTINUING OPERATIONS:

4.1 General:

The parties recognize that the commuter rail service contemplated under this Agreement will create ongoing costs for operation of the service and maintenance of the assets used in its provision, as well as other recurring expenses. Such costs include compensation of Trinity Railway Express staff employed or contracted by the Transportation Authorities.

4.2 At the request of the contributing Cities, NCTCOG conducted a license plate survey to determine what adjustments, if any, should be made to the contribution amount of the individual Cities. The previous and adjusted contribution amount for each City is identified in Attachment 1. The aggregate contribution amount of all Cities remains at \$793,089.

4.3 The parties agree that the City of Bedford will contribute its share of the costs, as outlined in Attachment 1, for FY2015-2016, subject to any amendments hereto.

Notwithstanding the foregoing, the parties herein also recognize that the continuation of any contract or agreement after the close of any given fiscal year shall be subject to Bedford City Council approval.

4.4 The City of Bedford will make an annual payment at the end of each fiscal year (September 30).

Article 5. USE OF FUNDS:

5.1 The Parties agree that NCTCOG may use the funds, contributed by the cities as outlined in Attachment 1, to leverage federal funds available to the region to implement regional air quality projects and other RTC initiatives.

Article 6. TERM AND TERMINATION:

6.1 Effective Date:

The effective date of this Agreement shall be the date on which it is executed by the parties.

6.2 Term:

This agreement shall be in effect until September 30, 2016, and may be renewed by written agreement of the parties.

6.3 Mutual Termination:

The parties may terminate this Agreement by mutual agreement at any time.

6.4 New Transportation Authority:

In the event any city identified on Attachment 1 joins an existing transportation authority or becomes or forms a new transportation authority with a dedicated source of funding for transit, the obligations under this Agreement for that city shall cease on the day the funding begins. The City's obligation under this agreement shall be transferred to the existing or new transportation authority.

Article 7. MISCELLANEOUS PROVISIONS:

7.1 Force Majeure:

It is expressly understood and agreed by the parties to this Agreement that, if the performance of any provision of this Agreement is delayed by reason of war, civil commotion, act of terrorism, act of God, governmental restrictions, regulations or interferences, fire or other casualty, court injunction, or any circumstances which are reasonably beyond the control of the party obligated or permitted under the terms of this Agreement to do or perform the same, regardless of whether any such circumstance is similar to any of those enumerated herein, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the period of time applicable to such requirement shall be extended for a period of time equal to the period of time such party was delayed.

7.2 Contractual Relationship:

It is specifically understood and agreed that the relationship described in this Agreement between the parties is contractual in nature and is not to be construed to create a partnership or joint venture or agency relationship between the parties. Nor shall any party be liable for any debts incurred by the other party in the conduct of such other party's business or functions.

7.3 Counterparts:

This Agreement may be executed in multiple counterparts. Each such counterpart shall be deemed an original of this Agreement, so that in making proof of this Agreement, it shall only be necessary to produce or account for one such counterpart.

7.4 Complete Agreement:

This Agreement embodies all of the agreements of the parties relating to its subject matter, supersedes all prior understandings and agreements regarding such subject matter, and may be amended, modified, or supplemented only by an instrument or instruments in writing executed by all of the parties.

7.5 Captions:

The captions, headings, and arrangements used in this Agreement are for convenience only and shall not in any way affect, limit, amplify, or modify its terms and provisions.

7.6 Governing Law and Venue:

This Agreement and all agreements entered into in connection with the transactions contemplated by this Agreement are, and will be, executed and delivered, and are intended to be performed in the County of Dallas and the County of Tarrant, State of Texas, and the laws of Texas shall govern the validity, construction, enforcement, and interpretation of this Agreement. In the event of litigation between the parties hereto, their successors or assigns, with regard to this Agreement and any subsequent supplementary agreements or amendments, venue shall lie exclusively in either Tarrant County or Dallas County, Texas.

7.7 Severability:

In the event any one or more of the provisions contained in this Agreement shall be for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision(s) hereof, and this Agreement shall be revised so as to cure such invalid, illegal, or unenforceable provision(s) to carry out as near as possible the original intent of the parties.

7.8 Changed Circumstances:

If future federal, State, or local statute, ordinance, regulation, rule, or action render this Agreement, in whole or in part, illegal, invalid, unenforceable, or impractical, the parties agree to delete and/or to modify such portions of the Agreement as are necessary to render it valid, enforceable, and/or practical. Each section, paragraph, or provision of this Agreement shall be considered severable, and if, for any reason, any section, paragraph, or provision herein is determined to be invalid under current or future law, regulation, or rule, such invalidity shall not impair the operation of or otherwise affect the valid portions of this instrument.

7.9 Enforcement:

If any party initiates an action to enforce any provision of this Agreement or for damages by reason of an alleged breach of any provision hereof, the prevailing party shall be entitled to receive from the other parties all reasonable and necessary costs and expenses, including reasonable attorneys' fees and costs incurred in connection with such action.

7.10 Survival:

All of the terms, conditions, warranties, and representations contained in this Agreement shall survive, in accordance with their terms, and shall survive the execution hereof.

7.11 Incorporation of Exhibits and Schedules:

All Exhibits and Schedules attached hereto are by this reference incorporated herein and made a part hereof for all purposes as if fully set forth herein.

7.12 Reference:

The use of the words "hereof", "herein", "hereunder", and words similar import shall refer to this entire Agreement, and not to any particular section, subsection, clause, or paragraph of this Agreement, unless the context clearly indicates otherwise.

7.13 Further Assurances:

Each party agrees to perform any further acts and to sign and deliver any further documents which may be reasonably necessary to carry out the provision of this Agreement.

7.14 Notice:

Whenever this Agreement requires or permits any consent, approval, notice, request, proposal, or demand from one party to another, the consent, approval, notice, request, proposal, or demand must be in writing to be effective and shall be delivered to the party intended to receive it at the address(es) shown below:

If to NCTCOG: North Central Texas Council of Governments
 Michael Morris, P.E.
 Director of Transportation
 Post Office Box 5888
 Arlington, Texas 76005-5888

If to the City of Bedford:

City of Bedford
Roger Gibson
City Manager
2000 Forest Ridge
Bedford, TX 76021

7.15 Indemnification:

To the extent allowed by Texas law, the City of Bedford covenants and agrees to indemnify and hold harmless and defend and do hereby indemnify, hold harmless, and defend NCTCOG, from and against negligence claims or lawsuits for damages or injuries, including death, to persons or property, whether real or asserted, arising out of any negligent act or omission on the part of the City of Bedford, their officers, employees, and contractors, related to the performance of this agreement.

To the extent allowed by Texas law, NCTCOG covenants and agrees to indemnify and hold harmless and defend and does hereby indemnify, hold harmless, and defend the City of Bedford, their officers, employees, and contractors, from and against claims or lawsuits for damages arising out of the performance of this agreement as a result of any negligent act or omission on the part of the NCTCOG, their officers, and employees.

IN WITNESS HEREOF, the parties hereto have executed this Agreement in duplicate original on the _____ day of _____, 2016.

CITY OF BEDFORD

**NORTH CENTRAL TEXAS
COUNCIL OF GOVERNMENTS**

Roger Gibson
City Manager

R. Michael Eastland
Executive Director

ATTACHMENT 1

ANNUAL COST SHARING ALLOCATION (FY2014-2016)

	<u>FY2011-2013</u>	<u>FY2014-2016*</u>	<u>DIFFERENCE</u>
Arlington	\$237,046	\$202,841	-\$34,205
Bedford	\$104,488	\$90,456	-\$14,032
Colleyville	\$12,935	\$17,360	+4,425
Eules	\$106,675	\$138,882	+32,207
Grand Prairie	\$69,764	\$120,607	+50,843
Grapevine	\$50,567	\$34,720	-\$15,847
Haltom City	\$38,705	\$31,979	-\$6,726
Hurst	\$98,168	\$90,456	-\$7,712
<u>North Richland Hills</u>	<u>\$74,741</u>	<u>\$65,786</u>	<u>-\$8,955</u>
Total	\$793,089	\$793,089	\$0

*FY2014-2016 contribution amounts were adjusted based on an NCTCOG license plate survey conducted in September 2014. Bedford to contribute for FY15 and FY16 only.



Council Agenda Background

<u>PRESENTER:</u> Michael Wells, City Secretary		<u>DATE:</u> 06/28/16
Council Mission Area: Encourage citizen involvement.		
<u>ITEM:</u> Consider a resolution removing an inactive member from the Parks and Recreation Board. City Attorney Review: Yes City Manager Review: _____		
<u>DISCUSSION:</u> On October 9, 2012, the City Council adopted an attendance policy for Board and Commission members whereby members become eligible to be removed after two absences within a fiscal year. Records indicate that Dylan Hoey on the Parks and Recreation Board has never attended a meeting since his appointment in February of 2016. A certified letter was sent to Mr. Hoey informing him that he was eligible for removal and to contact Jeannette Cook, Chairperson of the Parks and Recreation Board, to discuss the matter. The letter was returned as unclaimed and Ms. Cook agreed to move forward on recommending Mr. Hoey's removal from the Board. Section 2.10 of the City Charter gives Council the authority to remove any member of its appointive Boards and Commissions.		
<u>RECOMMENDATION:</u> Staff recommends the following motion: A resolution removing an inactive member from the Parks and Recreation Board.		
<u>FISCAL IMPACT:</u> N/A	<u>ATTACHMENTS:</u> Resolution Section 2.170 of the Code of Ordinances Section 2.10 of the City Charter	

RESOLUTION NO. 16-

A RESOLUTION REMOVING AN INACTIVE MEMBER FROM THE PARKS AND RECREATION BOARD.

WHEREAS, the City Council of Bedford, Texas recognizes the important work of the City's Citizen Boards and Commissions; and,

WHEREAS, the City Council of Bedford, Texas wishes to assist the Citizen Boards and Commissions in being able to meet their quorum requirements; and,

WHEREAS, the Parks and Recreation Board member listed below in Section 2 has never attended a Board meeting since their appointment in February of 2016; and,

WHEREAS, the City Council of Bedford, Texas has the authority to remove Board and Commission members without notice pursuant to Section 2.10 of the City Charter.

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

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the City Council hereby removes Dylan Hoey from the Parks and Recreation Board.

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

PRESENTED AND PASSED this 28th day of June 2016, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

Sec. 2-170. - Attendance.

Any member of a city board, commission or committee who has two absences within the fiscal year as defined by section 4.01 of the Charter shall become eligible to be removed from said board, commission or committee. Upon the second absence, the city secretary's office shall send a letter via certified mail to the member, copied to the board, commission or committee chairperson, informing them that they are eligible to be removed and that they need to contact the chairperson. The chairperson shall then have the discretion to recommend to the city council that the member be removed from their respective board, commission or committee.

(Ord. No. [14-3098](#), § 3, 8-12-14)

Charter references: City Manager generally, art. III.

Sec. 2.09. Removal of City Manager.

The council may remove the City Manager upon the affirmative vote of a majority of the full membership of the council, including the mayor as a voting member. The action of the council in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council.

Charter references: City manager generally, art. III.

Sec. 2.10. Removal of other appointive officials.

The council may, upon the affirmative vote of a majority of the full membership of the council, including the mayor as a voting member, remove members of its appointive boards or commissions without notice, unless otherwise provided by state law.

Sec. 2.11. Not to interfere in City Manager's appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager, or by any of his subordinates. However, the council may consult and advise with the City Manager, make inquiry to the City Manager regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under the City Manager, the council and its members shall deal solely through the City Manager, and neither the council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Willful violation of the foregoing provisions of this charter by any member of the council shall constitute official misconduct and shall authorize the council, by a vote of a majority of its membership, to remove such violating member from the council if found in violation after public hearing, and thereby create a vacancy in the place held by such member.

(Char. Amendment of 5-10-08)

Charter references: City manager generally, art. III.

Sec. 2.12. Reserved.

Editor's note: A Charter amendment of May 10, 2008, repealed § 2.12 in its entirety, which pertained to the creation of new departments or offices, and derived from original codification.

Sec. 2.13. Induction into office; meetings.

Council members will be inducted into office as prescribed by state law. The council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month, the time for such regular meetings to be designated by ordinance, which ordinance shall be published at least one (1) time in the official newspaper of the city. The council may hold as many additional meetings as may be necessary for the transaction of the business of the city. All meetings of the council shall be open to the public in accordance with state law.

(Char. Amendment of 5-10-08)

Sec. 2.14. Judge of qualifications of its members.

The council shall be the judge of the election and qualification of its members and for such purpose shall have power to subpoena witnesses and require the production of records.

Sec. 2.15. Rules of procedure; minutes.

The council shall determine its own rules and order of business. It shall keep minutes of its proceedings, and the council approved minutes shall be open to public inspection in accordance with state law.

(Char. Amendment of 5-10-08)

Sec. 2.16. Ordinances--Required for certain legislation; enacting clause.

In addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty, or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Bedford, Texas."