

AGENDA

**Regular Meeting of the Bedford City Council
Tuesday, August 28, 2012
Bedford City Hall Building A
2000 Forest Ridge Drive
Bedford, Texas 76021**

**Council Chamber Work Session 5:30 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>**

WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Staff report on Police Department and Fire Department overtime.

EXECUTIVE SESSION:

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

- Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1A, Bedford Plaza Addition.

REGULAR SESSION 6:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Pastor Tyler Downing, Woodland Heights Baptist Church)

PLEDGE OF ALLEGIANCE

OPEN FORUM

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

CONSIDER APPROVAL OF ITEMS BY CONSENT

PERSONS TO BE HEARD

1. The following individuals have requested to speak to the Council tonight under Persons to be Heard:
 - a) Amy Sabol, 2209 Pine Thicket Lane, Bedford, TX – Requested to speak to the Council on a single family home rental ordinance.
 - b) Ray Champney, 2300 Marshfield Drive, Bedford, TX – Requested to speak to the Council regarding a conceptual follow-up on Leveraging the Cultural District, Central Bedford Development Zone and The Mayor's Challenge.

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:
 - a) August 10, 2012 budget work session
 - b) August 14, 2012 regular meeting
 - c) August 16, 2012 work session

OLD BUSINESS

3. Update on the 2012 Blues & BBQ Festival.

NEW BUSINESS

4. Public hearing on the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2012 through September 30, 2013; levying taxes for 2012.
5. Consider a resolution authorizing the City Manager to enter into a Lease Agreement with Planet Kidz for the purpose of holding the Fun Time Live Program at the Boys Ranch Activity Center.
6. Consider a resolution authorizing the City Manager to enter into the second year of a four-year contract with Scobee Foods, Inc., for the purchase of prisoner meals for the Detention Facility.
7. Report on most recent meeting of the following Boards and Commissions:
 - ✓ Animal Control Board – Councilmember Olsen
 - ✓ Animal Shelter Advisory Board - Councilmember Olsen
 - ✓ Beautification Commission – Councilmember Turner
 - ✓ Community Affairs Commission - Councilmember Boyter
 - ✓ Cultural Commission - Councilmember Nolan
 - ✓ Library Board – Councilmember Brown
 - ✓ Parks & Recreation Board - Councilmember Davisson
 - ✓ Senior Citizen Advisory Board - Councilmember Turner
 - ✓ Teen Court Advisory Board - Councilmember Olsen
8. Council member reports
9. City Manager/Staff Reports
10. 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, August 24, 2012 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

Michael Wells, City Secretary

Date Notice Removed

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



Council Agenda Background

PRESENTER: Roger Gibson, Police Chief
James Tindell, Fire Chief

DATE: 08/28/12

Staff Report

ITEM:

Staff report on Police Department and Fire Department overtime.

City Manager Review: _____

DISCUSSION:

Police Chief Roger Gibson and Fire Chief James Tindell will present information on Police Department and Fire Department overtime.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: See below

DATE: 08/28/12

Persons to be Heard

ITEM:

- a) Amy Sabol, 2209 Pine Thicket Lane, Bedford, TX – Requested to speak to the Council on a single family home rental ordinance.
- b) Ray Champney, 2300 Marshfield Drive, Bedford, TX – Requested to speak to the Council regarding a conceptual follow-up on Leveraging the Cultural District, Central Bedford Development Zone and The Mayor’s Challenge.

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Letters of Request

From: [Ray Champney](#)
To: [Wells, Michael](#)
Subject: Person to be heard
Date: Tuesday, August 21, 2012 4:40:46 PM

Hello Michael:

I would like to be scheduled as a "Person to be Heard" at the August 28th Council Meeting. The topic is "Conceptual follow-up on Leveraging the Cultural District, Central Bedford Development Zone and The Mayor's Challenge."

Thank you,

Ray Champney

[REDACTED]

817-318-1233

[REDACTED]

From: [Amy SABOL](#)
To: [Griffin, Jim](#); [Boyster, Michael](#); [Davisson, Jim](#); [Olsen, Sherri](#); [Nolan, Patricia](#); [Turner, Roy](#); [Brown, Chris](#)
Cc: [Griffith, Beverly](#); [Miller, David](#); [Wells, Michael](#)
Subject: Single Family Home Rental Ordinance
Date: Monday, August 13, 2012 5:41:55 PM

Mayor Griffin and council,
Mrs. Griffiths City Manager
David Miller, Asst. City Manager
Micheal Wells, City Secretary

I am realistic. After making several inquires and requesting reports from the city I would like to suggest a reset. It is OK I realize the council did not press for a detailed report and/or evaluation of a Single Family Home Rental Ordinance. When I backtrack and follow the timelines, information and data all of it is scarce and barely documented. I was not taken seriously in March and it will not be the first time or the last in my lifetime. May we please move forward. I will stop requesting non-existent documentation.

May I please ask the city and council to really do a thorough gathering of information. I am all for strengthening code enforcement. We still need to amend current code or develop a new code for **Single Family Home Rentals**. If you look at Part II - Code of Ordinances, Chapter 22, Article X, a few changes, additional verbage and the definition of a "dwelling unit" could be changed. A Single Family Home Rental ordinance could be referenced to Article X and implemented into a proper new code. An ordinance with all the proper registration should be easily set up with in a year or a little more. I believe we need more than just a strengthening of code we need more accountability from our code enforcement. A registration would be one way of making the department accountable.

Regardless of whether you agree or disagree with my discovery as stated above or even chose to acknowledge it I will reiterate to all of you again I am not going away...so please take me seriously. I would like to speak to the council during "Persons to be Heard" on August 28th if I may be placed on the agenda. Please consider my suggestion.

Sincerely,

Amy Sabol
2209 Pine Thicket Lane
Bedford, TX 76021



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 08/28/12

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) August 10, 2012 budget work session
- b) August 14, 2012 regular meeting
- c) August 16, 2012 work session

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Minutes of August 10, 2012 budget work session
Minutes of August 14, 2012 regular meeting
Minutes of August 16, 2012 work session

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in work session at 9:00 a.m. in the Law Enforcement Training Room, 2121 L. Don Dodson, Bedford, on the 10th day of August, 2012, with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Patricia Nolan	
Sherri Olsen	
Roy W. Turner	

constituting a quorum.

Councilmember Davisson was absent from today's meeting.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Michael Wells	City Secretary
Cliff Blackwell	Director of Administrative Services
Bill Cooper	Information Services Director
Roger Gibson	Police Chief
John Kubala	Director of Public Works
Jill McAdams	Director of Human Resources
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order at 9:08 a.m.

WORK SESSION

1. Receive and discuss FY 2012-2013 budget overview.

City Manager Beverly Griffith presented the Council's goals, mission statement and critical focus areas, which includes Economic Development; City Codes/Foster City Image; and Budget. During the current budget year, there were one-time revenues from the sale of properties to establish an economic development fund. The proposed budget establishes a position for a marketing specialist to help foster the City's image, which would help economic development. The position of the Tourism Fund continues to be strengthened and she gave kudos to Managing Director of Community Services Mirenda McQuagge-Walden and Special Events Coordinator Wendy Hartnett for increasing the return on investment for the City's festivals. In regards to City codes, no firm plan has been established; however, there is flexibility to bolster Code Enforcement by adding staff, contracts, and/or money to help clean up properties. There is a State mandate to add a fire inspector position, which is related to City codes. This budget also includes funding requests to improve maintenance on

City properties including increased funding for mowing. In terms of the budget, the number one priority of the Council was to maintain the current tax rate. The current year's surplus was allocated to fund one time and non-recurring expenditures. There are no proposed increases in user fees except for water and sewer rates. In regards to employee compensation, there is a recommendation of lump sum payments and merit increases. The budget also includes funding for the increase in health insurance, the replacement of City vehicles, the replacement of safety equipment, and a Library Maintenance Fund. Future year budget items include computer replacement, replacing outdated software, a large vehicle for Public Services, a Fire truck, funding for the trunk radio system, the expiration of the Bedford-Colleyville agreement on Fire Station 2 and water/sewer items. Further, there are the remaining Bedford 2005 bond projects including Dora Street, the Bedford Trails expansion, the Animal Control building expansion and Boys Ranch Phase I.

Administrative Services Director Cliff Blackwell gave kudos to new Budget Analyst Megan Jakubik. The proposed base budget is \$57,023,102, with supplemental requests totaling \$796,526 and the employee compensation plan totaling \$540,135. The total proposed budget is \$58,359,763. Supplemental requests and the compensation plan will be partially funded by a projected surplus, which is due in large part to increased revenues from sales tax, the Municipal Court and ambulance fees. In comparison to FY11/12, the revenue budget is the same and there is a 2.4% increase in the expenditure budget.

Revenue highlights include an increase in the General Fund from \$26,823,070 to \$27,607,751 due to increases in operational transfers, permit revenue dollars, fees from ambulance services and recreational uses. There is a slight increase in the Tourism Fund to \$1,122,275 due to increased rentals from the Old Bedford School. There is a slight decrease in the water/sewer fund to \$19,354,707 as last year there was a very hot summer and the City was selling a lot of water. There is no change to the Storm Water Fund at \$1,305,000 as it is the most stable fund and does not fluctuate. There is a decrease in the Debt Service Fund to \$6,657,244 due to the 2005 tax notes no longer being on the books and refunding that was done last year. There is a decrease in the 4B SIEDC Fund to \$2,310,000 as it did not make as much in interest as anticipated. Finally, there is an increase in other minor funds, such as Beautification, Park Donation, and Court to \$1,187,580 due to an increase in transfers to the City's maintenance funds.

On the expenditure side, a lot of the increase is due to supplementals and employee compensation. There is a decrease in the Storm Water Fund due to the completion of several projects. The Economic Development Fund is new and will track incentives from 380 agreements. It was funded from the sale of Sotogrande and the Brown Trail well site. The current year did not include funding for equipment replacement so there is an increase in the proposed budget for an ambulance and Parks vehicles.

Mr. Blackwell completed this portion of his presentation by showing graphs outlining expenditures by function irregardless of funding sources as well revenue and expenditure comparisons between last year's budget and the proposed budget.

The Water and Sewer Fund is an enterprise fund that is designed to pay for itself through user fees and charges. Because it is still a non-profit, the City has to do a cost of service study from time-to-time to determine what it costs to operate and then incorporate a rate to cover those costs. In addition, there is a need for working capital of 146 days per the City's fund balance policy. In October of 2010, there was a rate increase to build that capital back up. The main sources of revenue for the Fund include water and sewer charges, billing and late fees, and charges for disconnections, tampering and meter testing. The total revenue is \$19,354,707. In terms of expenditures, 90% is paid directly to the Trinity River Authority. In addition, there are some transfers and debt including approximately \$2M to the General Fund. Finally, there are the costs for Customer Service, Risk Management and Engineering. The total amounts of expenditures, including supplemental requests, are \$18,358,056. Water and Sewer operations, with an authorization for 35.75 employees, includes personnel costs, supplies, maintenance, water purchases from TRA, sewer services with TRA and Hurst, utilities, transfers/debt service and capital outlay. Requested supplementals include the purchase of four new meter reading handheld devices to replace older devices whose warranty expires in December; increased utilities, chemicals and security for the Simpson Terrance Well site; a large van for transporting water samples; a one-ton diesel crew-cab pickup with the towing capacity to move equipment; a program in partnership with the County to meet with residents to maximize the efficiency of their irrigation systems; the Fund's portion of the increased mowing contract; and a light tower system for night repairs. Staff

answered several questions from Council. The meter readers are housed within the City and docked to the City's software. In theory, the contract would have to be increased if the contractor were required to provide their own readers. Keeping the readers in house will ensure that they will always be able to communicate with the billing software. There are safeguards in place to protect the City from liability. The cost of meter reading went from \$0.90 per meter to \$0.705 per meter; there is a higher charge for rereads but the City has control of that cost. In regards to the Simpson Terrace Well, it is anticipated that the City will receive 3% of its total water from the site. If the well is not completed, then an additional \$200,000 will need to be added to water purchases. In regards to the vehicles being replaced, the old vehicles will be auctioned off and the money will go into the vehicle replacement fund.

The revenue goals for the Water and Sewer Fund are to adequately cover costs of service, to provide for debt service covenants, renewal and replacement costs and to provide for adequate working capital. The current policy is 90 days, or \$4.5M. The working capital for water is at approximately 60 days.

The current water and sewer rates were established in October of 2010. The base water rate is \$18.37/month and \$16.70/month for seniors. The water volume rate is \$2.89/1,000 gallons. For sewer, the base rate is \$10.88/month and \$9.88/month for seniors. The volume rate is \$1.72/1,000 gallons to a maximum of 12,000 gallons. Bedford 2013 Water/Wastewater capital projects up for consideration include the following: the Simpson Terrace well site at \$1.6M or a rate impact of \$1.53/month for regular customers and \$1.37/month for seniors; the Northwest Pressure Plane improvements at \$2.1M or a rate impact of \$1.57/month for regular customers and \$1.40/month for seniors; and a combination of the rehabilitation of water and sewer mains in Shady Brook and the Sulphur Branch area as well as payment on the loan from the Texas Water Development Board for a combined impact of \$1.42/month for regular customers and \$1.28/month for seniors. Council and staff generally discussed issues related to the Simpson Terrace and Central well sites; increases in debt service; interest rates; and, tax supported versus revenue supported bonds. Council was of the consensus to move forward with all of the above listed projects.

The Stormwater Utility Fund is an enterprise fund made up mostly of user fees but also from contributions from the City's solid waste provider and interest for a total of \$1,305,000. The funds are used for operations, debt and administrative transfers to the General and Water/Sewer funds for a total of \$1,287,380. Stormwater operations, with an authorization for six full-time employees, include personnel costs, supplies, maintenance, contractual outlay and debt service. There is a supplemental for their portion of the increased mowing contract. Unfunded supplementals include a track system on the Komatsu loader and a vehicle for the stormwater program. 2013 Stormwater Capital Projects include the cleanup of tree growth and erosion at the Hurricane Creek tributary. Other projects currently funded through other means include channel improvements from the NTE to Bedford Road and erosion control at Brookhollow Park.

The Debt Service Fund is primarily funded from the debt portion of property taxes as well as transfers from the 4B Fund, the final payment from the NEFTA agreement and interest. Besides paying for bonds, it is used to pay for contractual services such as arbitrage calculations and fiscal agent fees.

The 4B SIEDC Fund is primarily funded from the \$0.005 sales tax levy and the funds are statutory spent on street and road improvements for economic development. In this budget, the sales tax is projected to be flat for revenue of \$2,310,000. In order to keep a good fund balance and maintain the required reserve amount, projects are being scaled back. Funds are used for debt service transfers, maintenance and capital, including a supplemental for a new asphalt paver. Council and staff generally discussed microsurfacing versus constructing whole new surfaces on roads including costs and ADA requirements; and issues with the overlay on Harwood Road and Simpson Terrace,

The Tourism Fund is primarily funded by the occupancy tax dollars from hotels and motels as well as BluesFest, FourthFest, events at the Old Bedford School and other miscellaneous events for a total of \$1,122,275. These funds are put towards events for people who may want to visit the City. Expenditures include administration, BluesFest, FourthFest, and the Old Bedford School for a total of \$883,628. There is a supplemental for a marketing specialist to assist the both Fund and the entire City with marketing, social media, and promoting hotels, festivals, the ambulance subscription program, etc. Council and staff discussed the Old Bedford School including funding for staff, revenues covering expenses and the possibility of having

one of the part-time positions becoming full-time and let them be the marketing specialist. There was also discussion on the hotel/motel sponsorship for the City's festivals.

The Drug Forfeiture Fund is tied to the City's participation with Federal drug enforcement. It has revenues of \$25,000 and expenditures of \$10,000.

The Court Security Fund is from a \$3.00 fee that is part of Class C Misdemeanor tickets. It is used to pay for security at the court. Expenditures include a portion of the personnel costs and supplies for two warrant officers. It has revenues of \$31,580 and expenditures of \$35,000.

The Court Technology Fund is from a \$4.00 fee that is part of Class C Misdemeanor tickets. It is used to pay for technical advancements as it pertains to the Court such as electronic ticket writers, supplies, and related costs to Brazos software as well as maintenance costs. It has revenues of \$45,000 and expenditures of \$19,555.

The Park Donations Fund is from voluntary donations on the water bill. It has revenues of \$10,000 and expenditures of \$25,000 for a dog park. The current balance in the Fund is approximately \$40,000.

The Beautification Fund is made up of a \$10,000 contribution from the City's solid waste provider. It has expenditures in the amount of \$10,000 for plants and special projects such as beautifying the medians.

The Traffic Safety Fund is from the revenues generated from red light cameras. Half of the net revenue goes to the State, for a remaining total of \$500,000. Expenditures in the amount of \$617,721 go towards 75% of the personnel costs of a police corporal to coordinate and administer the program, contractual services to RedFlex and capital funding for help replace the fleet. The current balance in the fund is \$225,000. Council and staff discussed the possibility of expanding the red light cameras to more locations.

The Economic Development Fund is used to track the incentives from 380 agreements. There is no proposed revenue but there is a fund balance of over \$200,000 to help offset expenditures of \$180,000.

The P.E.G. Fund is from a 1% fee of gross revenues from local cable service providers. It is to be used for only capital related items as it relates to cable broadcasting of public, educational and governmental programming. There are revenues of \$60,000 and expenditures of \$8,400 for the equipment that handles the live feed of Council meetings.

The General Fund is made up of the primary operating funds for the City. Revenues come from property taxes (equated to the current tax rate), sales tax, franchise taxes, charges for services, licenses and permits, fines and forfeitures and operating transfers, as well as miscellaneous other taxes and revenues. The total revenue is \$27,607,751 or \$784,681 greater than the previous year. Expenditures by function include the following: an increase in General Government due mainly to the increased compensation package; an increase in Support Services due mainly to Code Enforcement moving under this Division; a decrease in Development due to Code Enforcement moving out of this Division, which is offset by the addition of a Planning Manager; an increase in Administrative Services due to the compensation package and increased contractual obligations to the Tarrant County Tax-Assessor; an increase in Police due to the compensation package and some supplementals; an increase in Fire due to the compensation package; an increase in Public Services; an increase in Operating Transfers to help fund computer replacement as well as facility and aquatics maintenance; and an increase in Community Services. Total expenditures are proposed at \$27,609,742.

General Fund supplementals, totaling \$218,106, include a vehicle lift for Fleet Services, a state-mandated Fire Inspector position, self-contained breathing apparatus for the Fire Department, a transfer of funds to a Library Maintenance Fund, the General Fund's portion of the mowing contract increase, the replacement of a Parks mower and an on-line registration suite for the CLASS software. Council and staff discussed the mowing contract, staffing the Fire Inspector position with a current firefighter, the self-contained breathing apparatus, court revenue, upcoming projects to be paid out of the surplus, ambulance billing and collections, increased activity for permits and increases in summer camp usage.

General Fund unfunded supplementals include a funding to establish a leadership program, security access readers for Fire Stations 2 and 3, a fire inspector's vehicle, a replacement vehicle for a Fire battalion chief, staffing options for the Library and weight room equipment at the BRAC.

Managing Director of Community Services Mirenda McQuagge-Walden presented information on Parks and Recreation unfunded supplementals. The Bedford Trails expansion, in the amount of \$218,000, was recommended by the Park Board and was part of the Bedford 2005 bond election; however, the bonds have not been sold yet. The playground at Meadowpark was built in 1996 and has a lot of wear and tear. The estimated cost for replacement is \$95,000. The exercise stations along the Bedford Trails would be replaced by seven different stations using galvanized steel equipment on concrete pads that offer 21 different types of exercises. The cost is \$55,000 with maintenance being handled in-house. Improvements for the trails at Cheeksparger include upgrading 9,200 square feet of the existing asphalt trail for \$350,000. Improvements at Harris Ryals Park would add one sand volleyball court and 11 parking spaces for \$53,000. The playground at Central Park was built in 1993 and could be replaced for an estimated cost of \$60,000. The Boys Ranch Master Plan removed the sand volleyball court. Installing three courts plus lighting at Central Park would cost an estimated \$80,000. Council and staff discussed the dog park including discussions with the school district and coming up with recommendations for other locations besides Meadowpark. There was also discussion on Cheeksparger trails being designated as Park property and the weight room equipment.

Library Manager Maria Redburn presented information on the Library staffing options. In comparing 2004 to 2011, the only item that has decreased is staffing, which is down 21%. The annual satisfaction survey shows a drop in the friendliness of the staff from 74% to 71%, and a drop in knowledge of the staff from 71% to 69%, since 2006. Reference and computer usage has trended up over that same time period. She displayed a chart comparing the Library to neighboring libraries, each of which is over 25,000 square feet and has self-check, by the number of full-time employees (FTE), reference/FTE, square feet/FTE and circulation/FTE. Staffing option #1 is for one full-time employee and one part time employee. Option #2 is to bring some of the 32 hour employees up to 40 hours. She stated that money that was given for part-time shelvers is continuing. Also, a supervisor position was downgraded to a Library position for a savings of \$10,000, which helped in increasing hours to three positions. There has been a shortfall of 11,440 hours through the use of vacation and sick time.

Ms. Griffith stated that \$85,000 is being recommended for Code Enforcement, which will be discussed at the Council Work Session on August 16. This amount is enough to reinstate a building inspector position and gives enough latitude to make program improvements through contracts and/or ordinance revisions.

Council and staff discussed unfunded supplementals and the \$692,000 made up of anticipated revenues and the previous year's surplus. Council was of the consensus to fund the following: \$68,675 for a battalion chief vehicle; \$80,074 for Library Staffing Option #1; \$55,000 for exercise equipment along Bedford Trails; \$85,000 for Code Enforcement; and \$8,036 for weight room equipment at the BRAC. Council was also of the consensus to fund sponsorship of different events including for HEB Hospital, the Transportation Summit and the Northeast Leadership Forum. There was further discussion on Dora Street, a voter-approved general obligation bond project where debt would be issued as part of a package of other projects.

Mr. Blackwell presented information on the tax rates and gave definitions of the effective and rollback tax rates. The current tax rate is \$0.504329 per \$100 assessed value, the effective tax rate is \$0.499197 per \$100 assessed value and the rollback rate is \$0.533176 per \$100 assessed value. The proposed tax rate is the same as the current tax rate. He displayed a chart showing a comparison of taxable values over the last several years and noted that it was on the upswing but not at the 2007-2008 levels. He displayed a table showing a comparison of appraised value changes over the last three years and noted the \$12M in new construction in 2011 and the 6.8M in 2012. He further showed information on tax rate and sales tax histories. The overlapping tax rate, totaling \$2.6 per \$100 assessed value, shows that the City makes up 20% of that total. He showed charts comparing the 2012 and proposed 2013 tax rates of surrounding cities. Moving forward, at the August 14 Council meeting, there will be a record vote setting the maximum tax rate to be considered and setting public hearings on the budget and tax rate, if necessary. On August 28, there will be a public hearing on the budget and tax rate with the second public hearing on the tax rate being held on September 4, if necessary. Approval of the budget and the tax rate will be on the September 11 meeting.

2. Discuss potential utility rate changes.

This item was discussed during Mr. Blackwell's presentation.

3. Review and discuss Capital Improvements Program (CIP).

This item was discussed during Mr. Blackwell's presentation.

4. Discuss wrap-up of any other budget related items.

Council discussed the employee compensation package including pro-rating the \$1,000 lump sum depending on how long an employee has been with the City and what it would take to bring employees below certain percentiles up to the 50th percentile. Council was of the consensus to keep the compensation package as presented.

Employee overtime will be discussed at an upcoming Work Session.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 4:52 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. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 14th day of August, 2012 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Jim Davisson	
Patricia Nolan	
Sherri Olsen	
Roy W. Turner	

constituting a quorum.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Bill Cooper	Information Services Director
Roger Gibson	Police Chief
John Kubala	Public Works Director
Jill McAdams	Human Resources
Mirenda McQuagge-Walden	Managing Director of Community Services
Jacquelyn Reyff	Planning Manager
Maria Redburn	Library Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

WORK SESSION

Mayor Griffin called the Work Session to order at 5:30 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, 10, 11, 12 and 13.

Mayor Griffin adjourned the Work Session at 5:44 p.m.

EXECUTIVE SESSION:

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

- Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1A, Bedford Plaza Addition.
- Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 3, Lot 2A1, Cimarron Plaza Addition Park.

- 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 – Rental Property Ordinance.

Council convened into Executive Session pursuant to Texas Government Code 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1A, Bedford Plaza Addition, Section 551.087, deliberation regarding economic development negotiations relative to Block 3, Lot 2A1, Cimarron Plaza Addition Park and 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 – Rental Property Ordinance at 5:46 p.m.

Council reconvened from Executive Session at 6:32 p.m. Council did not finish the Executive Session and will convene again at the end of the meeting.

Council convened into Executive Session at 8:39 p.m.

Council reconvened from Executive Session at 8:52 p.m.

Any necessary action to be taken as a result of the Executive Session will occur during the Regular Session of the Bedford City Council Meeting.

REGULAR SESSION 6:30 P.M.

The Regular Session began at 6:36 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION

Councilmember Turner gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Bill Ellis, 1004 Monterrey Street – Mr. Ellis requested to speak on Item # 2. He stated that with Open Forum being at the beginning of the meeting, it makes it difficult to talk about agenda items before they are presented. He also inquired about why it changed to being at the beginning of the meeting.

There was discussion on the changes to Open Forum, including that it had previously been at the end of the meeting and did not allow Council the opportunity to hear from citizens prior to voting on an item. Further, Council could not address items that were not on the agenda because of the Open Meetings Act

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve the following items by consent: 2, 7, 8, 10, 11, 12 and 13.

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

PERSONS TO BE HEARD

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

a) John T. DeLorme, 1129 Woodvale Drive, Bedford, TX – Requested to speak to the Council regarding the Certificates of Obligation totaling about 7 million for the CIP Water/Sewer Projects.

John DeLorme, 1129 Woodvale Drive – Mr. DeLorme spoke to the Council regarding a discussion at the last Council meeting regarding certificates of obligation (COs). He stated that the four new Council members were not given full, complete, specific detailed background information about the COs and that there is confusion about whether this is bond money approved by the voters or if it is the Council issuing debt without voter approval. He cited a Star-Telegram article related to cities issuing COs. In relation to the specific items that were discussed, they totaled \$6.57M, of which \$1.72M were voter approved in 2001 on the bond called Bedford 2005. At that time, he served on the water/sewer task force. They brought to Council \$14M in water and sewer lines that needed to be replaced as well as recommended rehabbing the two north Bedford water towers. In that process, they were told if the Simpson Terrace water tower was rehabbed and the water line down Cummings to Central was replaced, it would solve the water pressure issues in the northwest part of the City. Replacing the waterline took five times longer than they were told. Now there is discussion about spending \$2.1M on the northwest pressure plane and redoing the Simpson Terrace Well for \$1.6M. He stated that how these projects were presented at the previous meetings that the new Council members probably thought they were on the 2001 ballot, which they were not and that the citizens, taxpayers and new Council members need to have complete information that almost \$5M in debt is being issued that voters did not approve

Mr. DeLorme stated though there are infrastructure issues in the City that have to be addressed, the City is \$69M in debt and the smart thing to do is pay down this debt. When the City can afford to take on some more debt service, then the community needs to be brought together and bond committees set up to look at specific issues, make recommendations to Council and put them on the ballot. Until then, he recommended that infrastructure issues be addressed in the budget process. He stated that the property tax rate has gone up 30% in the last five years, including 13% in the last three years. He stated that the City should not continue to issue millions of dollars of debt without voter approval and it needs to be made clear to the citizens and new Council members what is being done with this type of money. He stated that as was clear from the last meeting, the new Council members will need to do their own research and be vigilant.

Mr. DeLorme stated it has been a problem in the City that millions of dollars have been spent to fix problems, but it does not so the City has to turn around and spend even more money. He stated that SPLASH was marketed as being a revenue generator that would make \$250,000 a year; however, he knew that it was inherently false and that there is typically a loss of 60% of the investment. FourthFest and BluesFest costs the City money and they are billed as revenue generators. The City needs sales tax generating businesses, especially after the highway construction, to come in order to expand revenue to help pay for infrastructure issues.

b) Dorothy McWhorter, 1600 Martha Drive, Bedford, TX – Requested to speak to the Council regarding Bedford 2005 Capital Improvement Projects and Communication.

Dorothy McWhorter, 1600 Martha Drive - Ms. McWhorter stated that during the July 24 Council meeting, she noted that there was no discussion or mention by the Mayor, City Manager or the Director of Administrative Services about items previously approved by the voters. She stated that Item #13 was rushed through for a vote and based on Council's actions, she requested a copy of the Bedford 2001 ballot as well as a list of drainage projects previously approved by the voters. She has yet to hear back on the list of drainage projects.

Ms. McWhorter stated that: 1) No discussion during the July 24 Council meeting concerning which projects have been approved by the voters; 2) which projects had not been approved by the voters; 3) the Council's rush on agenda item #13; 4) the failure to honor a request for capital improvement

drainage projects previously approved by the voters; 5) the Administrative Services Director stating something to the effect that the requested funding for Items #12 and #13, \$5,570,000, would come from COs and general obligation bonds with no distinction made; and, 6) oftentimes there are unspent funds in a bond election and the wording on a bond ballot is so often generic, the spenders of the funds do not ask the City administration what specific projects were the voters told would be addressed if they approved an item on the ballot. She cited Item #5 on the Bedford 2001 ballot as an example. After it was approved by the voters, it was determined that it was cost effective to buy the houses in the area as opposed to spending funds fixing Sulfur Branch, and therefore, there should be some unspent funds in that project. She asked the Council what steps they have taken to prevent unapproved projects being charged to unspent funds remaining in a particular bond due to the generic wording on the ballot.

Ms. McWhorter suggested that before creating \$5,570,000 in debt, determining the dollar amount previously approved by the voters and then taking the remaining amount to the voters for approval. In conclusion, she stated that if the City had an open and transparent government, her appearance tonight would not have been necessary.

In response to Ms. McWhorter's question regarding what the Council is doing to make sure that those unspent bond proceeds were not being allocated to other projects not authorized in that proposition, City Manager Beverly Griffith stated that only a small portion of those bonds have been issued. Until Council authorizes their issuance, there is no way for them to be appropriated to another project. Ms. Griffith also addressed issues regarding erosion control at Brookhollow Park.

c) Ed Henderson, 2513 Meadow View, Bedford, TX – Request to speak to the Council regarding an update to Open Records Act as to comments made by city employees referencing the Bedford Police Department as source.

Ed Henderson, 2513 Meadow View – He spoke to the Council regarding a conversation between “Employee A” and “Employee B” that occurred on Friday, July 27 about him being on a list. He stated that “Employee B” has spoken with other City employees and members of the general public, including his neighbors, using the Bedford Police Department as an authority, stating that the Department has put him on some sort of list. He has addressed this issue with the prior Council, the Police Department and City Administration. He stated that the perception is that he is a gay individual and therefore unsavory, and gave examples of an email and conversations he has had with neighbors. He stated that under the Open Records Act he has requested information given to “Employee B” that has been made public by that employee and each time has been given an affidavit that there is no criminal history to report. He has spoken with Police Chief Roger Gibson and Lt. Schuessler about being on a list and was told he was not. He stated that he has not been questioned or interviewed about any activity by any police department or appeared in any court of record. He also has a certification from the Police Department stating that no criminal complaints have been filed against him. His fingerprints were taken by the Police Department, which were submitted to the Texas Department of Public Safety for a background check for criminal activity and no records were found.

Mr. Henderson stated that to be on some list would be a violation of the United States and Texas Constitutions. He stated that he has too much respect for Chief Gibson and the Police Department to believe this is true. However, the public-at-large has been told by this City employee that there is a list and he is on it. He stated that it is the responsibility of the Council and the City government to resolve this issue so the general public has no doubt as what has been said by “Employee B” is false. He requested that if this list exists and his name is on it, then court action should be considered.

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:

a) July 24, 2012 regular meeting

This item was approved by consent.

OLD BUSINESS

- 3. Public hearing and consider an ordinance to rezone a portion of property known as Lot 1, Block 1, The Oaks Addition, 1833 Airport Freeway, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating/Indoor Amusement Center. The property is generally located north of State Highway 183 and east of Forest Ridge Drive. (Z-221) (Tabled at the July 10, 2012 Council Meeting)**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. This item is for Big Shots located in the Forest Oaks Shopping Center. Their hours are 11:00 a.m. To 2:00 a.m., seven days a week. The parking and landscaping remain from the previous development and there will be no change to footprint of the building. They are increasing the number of coin-operated games, specifically pool tables, in order to take the burden off of their staff. This necessitates a specific use permit as there will be more than four coin-operated machines. They are also here for outdoor seating, which will be screened by fencing and masonry. There are currently two overgrown shrubs that will be removed and replaced with more diverse shrubbery and planter boxes. The Planning and Zoning Commission recommended approval of this item at their June 14 meeting by a vote of 7-0-0.

In response to a question from Council, Mark Kelcher, the applicant, stated that he is encouraged about the future.

Mayor Griffin opened the public hearing at 7:44 p.m.

Nobody chose to speak under tonight's public hearing.

Mayor Griffin closed the public hearing at 7:44 p.m.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve an ordinance to rezone a portion of property known as Lot 1, Block 1, The Oaks Addition, 1833 Airport Freeway, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating/Indoor Amusement Center.

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

NEW BUSINESS

- 4. Public hearing and consider an ordinance to rezone a portion of property known as Lot 1RB, Block 1, Bedford Meadows Shopping Center Addition, 2824 Central Drive, Suite 301, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating. The property is generally located east of Central Drive and south of Harwood Road. (Z-222)**

Ms. Reyff presented information regarding this ordinance. This item is for Danny's Celtic Pub located in the Bedford Meadows Shopping Center. The landscaping is from a previous development and does not need to be changed. Parking is in excess of what is required. The location of the outdoor seating is where the play area for the Just For Kids daycare was previously. It will be 800 square feet, with seven tables seating four each for a total of 28. It will be adjacent to the east of the pub and will be accessible through a gate. It will be enclosed with a six-foot wood privacy fence with planter boxes and potted shrubbery inside the fence. The Planning and Zoning Commission recommended approval of this item at their July 12 meeting by a vote of 7-0-0. Council discussed adding a stipulation to not allow amplified music in the outside seating area.

In response to questions from Council, the applicants, Lorraine Moffet and Keith Sather, stated they chose Bedford because they have lived here for the last 12 years and they like the community. They have wanted to do a business like this for a long time and they believe it is concept that will go well in this community. They hope to open next week.

Mayor Griffin opened the public hearing at 7:49 p.m.

Nobody chose to speak under tonight's public hearing.

Mayor Griffin closed the public hearing at 7:49 p.m.

Motioned by Councilmember Davisson, seconded by Councilmember Olsen, to approve an ordinance to rezone a portion of property known as Lot 1RB, Block 1, Bedford Meadows Shopping Center Addition, 2824 Central Drive, Suite 301, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating with the stipulation prohibiting amplified outdoor music.

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

5. Public hearing and consideration of an ordinance to rezone a portion of property known as Lot 1R-1, Block 1, Harwood Hills Village Addition, 3350 Harwood Road, from Heavy Commercial to Heavy Commercial/Amended Specific Use Permit for a drive-through restaurant/Site Plan. The property is generally located south of Harwood Road and west of State Highway 121. (Z-225)

Ms. Reyff presented information regarding this ordinance. This item is for the McDonald's at SH121 and Harwood Road to remodel the building similar to the McDonald's on Central Drive with rehabilitating the facade, the drive-thru, the message board and landscaping. The applicant got out ahead of their legal obligations and therefore are holding off until a later date.

Mayor Griffin opened the public hearing at 7:51 p.m.

Nobody chose to speak under tonight's public hearing.

Motioned by Councilmember Brown, seconded by Councilmember Turner, to continue the public hearing until the October 9, 2012 Council meeting.

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

6. Public hearing and consideration of an ordinance to remove Sections 4.16.A. and 4.16.B Central Business District Overlay from the City of Bedford's Zoning Ordinance. (A-030)

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. This item is being withdrawn at the request of staff; however, the public hearing was published for tonight's meeting.

Mayor Griffin opened the public hearing at 7:53 p.m.

Nobody chose to speak under tonight's public hearing.

Mayor Griffin closed the public hearing at 7:53 p.m.

No further action was taken on this item.

7. Receive the 2012 Certified Ad Valorem Tax Roll from the Tarrant Appraisal District.

This item is for informational purposes only. No Council action is necessary.

8. Receive the certified anticipated collection rate from the Tarrant County Tax Assessor-Collector for the City of Bedford.

This item is for informational purposes only. No Council action is necessary.

9. Consider a proposed tax rate and set two public hearings on the proposed tax rate.

Administrative Services Director Cliff Blackwell presented information regarding this item. It is to consider a proposed tax rate and, if necessary, set two public hearings on the tax rate. The Property

Tax Code states if a governing body proposes a tax rate greater than the effective or rollback rates, then it must hold two public hearings. The City's effective, rollback and debt rates have already been published in the Star-Telegram. The current tax rate is \$0.504329 per \$100 assessed value, the same rate that is being proposed for FY2012/13. The effective rate is \$0.499197 per \$100 assessed value and the rollback rate is \$0.533176 per \$100 assessed value. The current debt rate is \$0.193072 per \$100 assessed value, the same rate that is being recommended. Council is not voting on a tax rate tonight but considering a maximum tax rate.

Council generally discussed the tax rate.

Motioned by Councilmember Brown, seconded by Councilmember Davisson, to establish a maximum tax rate of \$0.499197 per \$100 assessed valuation.

Motion approved 6-1-0. Mayor Griffin declared the motion carried.

Voting in favor of the motion: Mayor Griffin, Councilmember Boyter, Councilmember Davisson, Councilmember Olsen Councilmember Nolan and Councilmember Brown.

Voting in opposition to the motion: Councilmember Turner

10. Call a public hearing on the proposed FY 2012-2013 budget to be held on August 28, 2012 at 6:30 p.m.

This item was approved by consent.

11. Consider a resolution authorizing the City Manager to enter into a contract with Fast Solutions in the amount of \$113,604.43 for the Asbestos Abatement and Demolition of seven properties at Various Locations in the City of Bedford.

This item was approved by consent.

12. Consider a resolution authorizing abandonment of a Utility Easement (Permanent Water Easement) in Lot 4BR1, Block 1 of Northeast Community Hospital Addition to the City of Bedford, Texas, as recorded in Document 212103614 of the Deed Records of Tarrant County, Texas.

This item was approved by consent.

13. Consider a resolution authorizing the City Manager to enter into a contract with Quality Construction in the amount of \$48,771 for the 2012 Large Valve Replacement Project.

This item was approved by consent.

14. Consider a resolution to accept the petition by the Senior Activity Center members to name the large meeting room at the Senior Activity Center the Virginia Chamblee Meeting Room.

Managing Director of Community Services Mirenda McQuagge-Walden presented information regarding this resolution. It is to name the large meeting room at the Senior Center after Virginia Chamblee, the current Senior Center manager. She has been with the City for 40 years will be retiring around the first of September. This is to honor her commitment to the seniors and the City. Ms. Chamblee's retirement reception will be held on September 14 and this honor would be unveiled at that time.

Motioned by Councilmember Davisson, seconded by Councilmember Turner, to approve a resolution to accept the petition by the Senior Activity Center members to name the large meeting room at the Senior Activity Center the Virginia Chamblee Meeting Room.

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

15. Discussion regarding West Nile Virus. *Item requested by Councilmember Nolan**

Councilmember Nolan requested this item be placed on the agenda for discussion due to being contacted by several concerned residents about the Council's position on this issue. In the last couple of days, it has been decided to spray. However, it may be incumbent to have the Tarrant County Medical Director come out to speak to the citizens.

Public Works Director John Kubala reported that the City has scheduled two days this week and two days next week to spray a portion of the City to lower the mosquito population and help prevent the spread of West Nile Virus. The spraying locations are chosen based on the positive findings of the virus in mosquito traps around the City. Most of the hits have come in the area north of Harwood. Spraying is done between 10:00 p.m. and 4:00 a.m. to limit the exposure to people. It is also the time when the mosquitoes are most active as the spraying will only kill those that are flying. It is anywhere from 40% to 60% effective. It is part of the overall control method and it is the method of last resort. The City continually monitors mosquito test pool results as well as uses larvacide to prevent mosquito eggs from hatching along creeks, ponds and untended swimming pools; however, public education is the main focus of their efforts. What would do the most good is for citizens to look in their yards to find areas where mosquitoes could breed. After a two-week surveillance, it will be determined if there is a need for more spraying. He emphasized the four D's of protection: 1) drain standing water; 2) using insect repellent containing DEET; 3) avoid being outdoors at dawn or dusk; and 4) dress to protect oneself with long sleeves and pants.

Council and staff generally discussed West Nile Virus and the effects of spraying. In answer to questions from Council, Mr. Kubala stated that the spraying application has been approved by the EPA and there does not appear to be any significant health issues. The City has received a lot of complaints when it was not spraying and is receiving them now that it is spraying. Most cities use the program of utilizing larvacide before spraying. The City has not dealt with the firm doing the spraying; however, they are spraying in other cities and they submitted their list of chemicals to the City. The information he presented has been posted to the City's website and a DeltAlert was sent out notifying residents in the area about spraying. Citizens can also opt out of spraying by contacting the Public Works Department. Mosquito traps are generally set around creeks but not in anybody's back yard unless they are given permission. Press releases have been issued and homeowner associations have also been notified.

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

✓ Animal Control Board – Councilmember Olsen

No report was given.

✓ Animal Shelter Advisory Board - Councilmember Olsen

Councilmember Olsen reported that the Shelter is in the process of putting together volunteers and vendors for their fall pet fair.

✓ Beautification Commission – Councilmember Turner

Councilmember Turner reported that the next Commission meeting is Monday, August 20.

✓ Community Affairs Commission - Councilmember Boyter

Councilmember Boyter reported that the Commission is continuing to work and finalize plans on the business roundtable and are continuing their efforts to improve the Shop Bedford First program.

✓ Cultural Commission - Councilmember Nolan

Councilmember Nolan reported that the Commission met the previous night and is in the process of sending out surveys to artists to receive feedback about opportunities in the City. There will be a Cultural Crawl on October 6 sponsored by the Trinity Arts Guild.

✓ **Library Board – Councilmember Brown**

Councilmember Brown reported that the Board will meet the next day at 7:00 p.m.

✓ **Parks & Recreation Board - Councilmember Davisson**

No report was given.

✓ **Senior Citizen Advisory Board - Councilmember Turner**

No report was given.

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

No report was given.

17. Council member reports

Mayor Griffin stated he had the privilege of attending the Summer Reading Club award celebration ceremony and that his wife served as the MC. The 17 top readers read a total of 3,168 hours. For the fourth year in a row, Meadow Creek Elementary won the award for the most hours read with 5,708 hours.

Along with Councilmember Brown, the Mayor attended the Tarrant County Mayor's meeting. They are pursuing a collaborative effort on a radar project for storms and tornados. Cities will be responsible to contribute to the project starting in 2014.

Mayor Griffin encouraged citizens to shop at and use businesses along the highway to keep them viable as construction begins to pick up steam.

18. City Manager/Staff Reports

City Manager Beverly Griffith reminded everybody of the Labor Day Blues and BBQ Fest on September 1 and 2, which will be held adjacent to City Hall next to the old library. The gates open at 2:00 p.m. There will be a lot of blues with Keb' Mo' and Kenny Wayne Shepherd. On Saturday, there will be the People's Choice BBQ from 2:00 p.m. to 5:00 p.m. On Sunday, there will be the Battle of the BBQ with the professional teams from 2:00 p.m. to 5:00 p.m.

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

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

ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:53 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 5:00 p.m. at the Law Enforcement Center, 2121 L. Don Dodson, Bedford, Texas, on the 16th day of August, 2012 with the following members present:

Jim Griffin	Mayor
Chris Brown	Council Members
Jim Davisson	
Sherrri Olsen	
Patricia Nolan	
Roy W. Turner	

constituting a quorum.

Councilmember Boyter arrived at 5:36 p.m.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Michael Wells	City Secretary
Russell Hines	Building Official
Tommy Peterson	Code Enforcement Manager
Paula Archibald	Code Enforcement Officer

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the Work Session to order at 5:04 p.m.

WORK SESSION 5:00 p.m.

- **Council strategic planning session to include discussion regarding the Council's visions, goals and related topics.**

Mayor Griffin stated that the purpose of this meeting was to work on certain items which can be closed out rather quickly. Other items will take more discussion. In regards to Code Enforcement, he wants to build a framework and future meetings can be planned to work out the details.

Councilmember Turner discussed recognizing former Councilmember Savage by naming the Senior Center after him. He served twelve full years on the Council before being term limited and he has been intimately involved with the Center including serving as the Council liaison. In speaking with the City Manager and City Attorney, it would be appropriate to do this. Council was of the consensus to move forward on this issue. A written nomination, including evidence of community support such as a petition, will be submitted to the City Manager.

Councilmember Olsen discussed the possibility of including the \$0.50 Park Donation Fund back onto the water bill, as well as adding other opportunities such as for the Library and the Animal Shelter.

Previously, the donation had been included in the total of the water bill and if a citizen were not interested, they could subtract that amount. That has since changed to an opt-in provision and the total amount collected has dropped from \$50,000 a year to approximately \$10,000 a year.

Council and staff discussed issues related to this item including the limitations on the number of items that can be put on a bill, which is a function of the billing software; the inability currently to make donations with on-line payments, which would require a new vendor and software; that the opt-out provision is legal as long as it is voluntary and made clear to the customer; how advertising for the Park Donation Fund has been handled including inserts in the water bills; the costs associated with changing the billing system or vendor; that apartments are not billed individually but are pro-rated; and the public relations needed if they move forward with the opt-out provision.

Council was of the consensus to move forward with investigating what it would take to implement the opt-out provision on the water bill as well as the possibility of doing it on-line. There was further discussion about how the Council was to present this item to the citizens including adding an opt-out form to the water bills prior to it being implemented.

Council discussed issues with Boards and Commissions including possible consolidation, attendance requirements, expanding membership and establishing a system whereby the Council has the opportunity to meet with each Board or Commission as a whole to discuss ideas and goals for the next year. In regards to an attendance policy, Council discussed empowering the chairpersons of each Board or Commission, excused versus unexcused absences, adding alternate members and the mechanism to start the process of removing members including the number of meetings that need to be missed. Council was of the consensus that after missing two consecutive meetings, a member would be eligible to be removed. A letter would be sent from the City Secretary's Office, copied to the Board or Commission chairperson, stating that the member is eligible to be removed and that they need to contact their chairperson. It would then be up to the chairperson to recommend to the Council the member's removal. It was further discussed that after the attendance policy is implemented, that a work session would be held to discuss the mission statement of each Board or Commission.

City Manager Beverly Griffith discussed with Council the desire of the Cultural Commission to add two alternates. Council was of the consensus to move forward with that action.

Councilmember Olsen discussed merging the Animal Control and Animal Shelter Advisory Boards, including working on a mission statement. She recommended increasing the number of citizens on the Animal Shelter Board appointing one of the citizens as the chairperson and having them meet every other month. She stated that Deputy Chief Les Hawkins is working on a mission statement and would be presenting in to the Board.

Deputy City Manager David Miller presented information regarding Code Enforcement. 83% of violations occur in the following order: high grass/weeds, nuisance, watering/illegal, brush/trees, construction/fence/no permit, parking/illegal, substandard fences, obstruction of public rights-of-way, construction/roof/no permit and garbage/general. He gave the definition of nuisance, parking/illegal, all weather surface, public street/right of way/obstruction and garbage/general as they are defined in the current ordinances. He displayed examples of what would be considered violations or not a violation for high grass/weeds, nuisance, fences, illegal parking as well as examples of violations for watering, brush, public street/right of way and garbage/general.

Mr. Miller stated that the biggest issue is that a citizen will call in a code violation and officers go out to investigate but no violation exists. However, in the mind of the citizen, it does. Staff does its best to follow-up on complaints; however, they are oftentimes out in the street and not in their offices.

He presented an example of a house that was in bad repair and when Code Enforcement investigated, they came across an elderly widow who was financially unable to make repairs to the house. The

resident was referred to 6Stones to be put in their cycle. It is Code Enforcement's philosophy that compliance is easier through voluntary means than enforcement. He stated that if Council desires, a zero tolerance policy could be adopted but that would take away the discretionary powers of the Code Enforcement officers.

Mr. Miller asked Council if there were certain things that they feel needed to be addressed in terms of Code Enforcement and what their philosophy was as a whole, including what their level of tolerance was in terms of the City's ability to enforce it. He stated that most ordinances give a certain number of days for code issues to be resolved and the municipal judge has set criteria in order for cases to be heard. He offered that in the ten key areas mentioned previously there were ways to tighten down the time constraints in the governing ordinances.

Mr. Miller informed the Council about recent changes to Code Enforcement's schedule whereby there is an officer working on Saturdays. This has had an impact on "bandit" signs; there were 1,681 confiscated in 2011 and 1,123 confiscated so far this year. In regards to citations, in order to prosecute, the person putting out the signs needs to be cited as the company cannot be cited. Council directed staff to examine the possibility of going after the companies.

Mayor Griffin stated that in regards to establishing a framework, the key things to accomplish are the following: 1) tightening up on following-up with citizens, specifically complainants; 2) enhancements to the Codes; 3) tightening up on violations and the enforcement process; 4) directing staff to structure a vacant building ordinance; and 5) setting aside funding to help with Code Enforcement, which could come in the form of an additional officer and ensuring compliance such as mowing.

In answer to questions from Council, Mr. Miller stated that a vacant building ordinance would target more towards houses that have been foreclosed on to make the mortgage holder more financially accountable. In regards to swimming pools, the current ordinance states that the bottom drains have to be visible. There is no regulation regarding pools that do not have any water in them. The option could be explored of introducing a requirement that water be kept in a pool in a manner to keep it from buckling and shifting out of the ground, as well that it have chemicals from a health and safety standpoint. Staff will research how other cities handle this issue and structure an enforceable ordinance.

Council and staff discussed a zero-tolerance policy; fences, specifically on the use of like materials when they are replaced; citing policies varying by ordinance; window fines at the Municipal Court, which staff will provide to Council; issues with repeat offenders; tightening down time frames and subsequent violations; the discretion of Code Enforcement Officers to issue citations; what to do with the funding set aside for Code Enforcement, including hiring an additional officer to work on weekends so that they can make contact with people while they are home and using the additional money to offset the cost of mowing; policies for following up with complainants; and options for high grass/weeds and nuisances. In regards to fences, it can be built into the ordinance that if a fence needs to be replaced, it is required to be replaced with like materials; however, it cannot be made retroactive. There was further discussion on a program in Arlington where the management teams from all city departments attends training and then go out in the neighborhoods. She also mentioned that they post their multi-family inspection scores on-line.

In answer to questions from Council, Building Official Russell Hines stated that the Code Enforcement Department is made up of two permit techs, three code enforcement officers, one code enforcement manager, one building inspector and himself as the building official. Each of them, except for the permit techs, is a licensed code enforcement officer. There was discussion of using the permit techs to perform follow-up duties such as contacting citizens.

Council directed staff to bring back additional information at a Work Session on September 20 on the following: ordinances related to swimming pools, fences, high grass/weeds and nuisances; tightening up

timeframes; improvements in the notification process; and a recommendation for the \$85,000 for code enforcement.

Mayor Griffin adjourned the Work Session at 8:18 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: Wendy Hartnett, Special Events Manager

DATE: 08/28/12

Staff Report

ITEM:

Update on the 2012 Blues & BBQ Festival.

City Manager Review: _____

DISCUSSION:

Staff will present an update on the upcoming 2012 Blues & BBQ Festival.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Clifford Blackwell, C.G.F.O., Director of Administrative Services

DATE: 08/28/12

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

ITEM:

Public hearing on the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2012 through September 30, 2013; levying taxes for 2012 tax year.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

Article IV-Section 4.06 of the City Charter states that “At the time advertised or at any time to which such a public hearing shall be adjourned, the council shall hold a public hearing on the budget as submitted, at which time all interested persons shall be given an opportunity to be heard for or against the estimates or any item therein. After the conclusion of the public hearing, the council may make such changes, if any, in the budget as in their judgment the law warrants and the best interests of the taxpayers of the city demand. The budget, as amended, shall then be adopted by ordinance which shall also fix the property tax rate per on hundred dollars (\$100.00) assessed value, which shall apply to the current tax year. The City Manager shall file a copy of the budget with the county clerk of Tarrant County.”

In accordance with the requirements in the City Charter, the budget for the City of Bedford, as compiled by the City Manager, has been submitted. On August 14, 2012, the City Council called for a public hearing to be held on August 28, 2012 to receive public comments on the budget.

Exhibit A to this agenda item reflects a summary of the budget as presented. An ad valorem tax of \$0.499197 per \$100 valuation is required to fund this budget as shown in the attachment. This tax rate will decrease taxes for maintenance and operations on a \$100,000 home by approximately \$5.13 per year (see Exhibit B).

Upon conclusion of the public hearing, staff will be prepared to answer questions and provide additional information as needed.

RECOMMENDATION:

Staff recommends the following motion:

Hold a public hearing to receive citizen comments on the proposed budget for FY2012-2013. No other action required.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Exhibit A: Summary of Revenue and Expenditures by Fund – 2012/2013 proposed budget.

Exhibit B: Calculation of M&O on \$100,000 home.

CITY OF BEDFORD
SUMMARY OF REVENUE AND EXPENDITURES BY FUND
FISCAL YEAR 2012-2013

FUND NAME	BEGINNING BALANCE	REVENUE			EXPENDITURE					TOTAL EXPENDITURE	FY 12-13 DIFFERENCE	ENDING BALANCE
		PROPOSED	SUPPLEMENTAL	REVENUE	PROPOSED	SUPPLEMENTAL	COUNCIL ADD.	EXPENDITURES	COMPENSATION			
GENERAL FUND	\$ 4,628,696	\$ 27,475,032	\$ -	\$ 27,475,032	\$ 26,917,133	\$ 218,105	\$ 289,749	\$ 27,424,987	\$ 474,503	\$ 27,899,490	\$ (424,458)	\$ 4,204,238
TOURISM FUND	60,204	1,122,275	-	1,122,275	829,922	49,540	-	879,462	4,165	883,627	238,648	298,852
WATER AND SEWER FUND	2,812,989	19,345,797	8,910	19,354,707	18,309,326	176,670	-	18,485,996	52,060	18,538,056	816,651	3,629,640
STORMWATER UTILITY FUND	394,074	1,305,000	-	1,305,000	1,272,365	6,930	-	1,279,295	8,085	1,287,380	17,620	411,694
UTILITY REPAIR & MAINT. FUND	1,464,692	206,000	-	206,000	-	-	-	-	-	-	206,000	1,670,692
DRUG ENFORCEMENT FUND	59,619	25,000	-	25,000	10,000	-	-	10,000	-	10,000	15,000	74,619
COURT SECURITY FUND	8,800	31,580	-	31,580	35,000	-	-	35,000	-	35,000	(3,420)	5,380
COURT TECHNOLOGY FUND	86,237	45,000	-	45,000	19,555	-	-	19,555	-	19,555	25,445	111,682
PARK DONATIONS FUND	36,393	10,000	-	10,000	25,000	-	-	25,000	-	25,000	(15,000)	21,393
BEAUTIFICATION COMMISSION	34,719	10,000	-	10,000	10,000	-	-	10,000	-	10,000	-	34,719
POLICE TRAINING FUND	6,917	-	-	-	-	-	-	-	-	-	-	6,917
ECONOMIC DEVELOPMENT	277,204	-	-	-	180,205	-	-	180,205	-	180,205	(180,205)	96,999
STREET IMPROVEMENT ECONOMIC DEVELOPMENT CORPORATION	1,411,102	2,310,000	-	2,310,000	1,949,536	157,000	-	2,106,536	-	2,106,536	203,464	1,614,566
DEBT SERVICE FUND	1,558,635	6,657,244	-	6,657,244	6,714,080	-	-	6,714,080	-	6,714,080	(56,836)	1,501,799
PEG	68,243	60,000	-	60,000	8,400	-	-	8,400	-	8,400	51,600	119,843
TRAFFIC SAFETY FUND	254,958	500,000	-	500,000	616,399	-	-	616,399	1,322	617,721	(117,721)	137,237
COMPUTER REPLACEMENT	102,916	50,000	-	50,000	42,500	-	-	42,500	-	42,500	7,500	110,416
AQUATICS MAINTENANCE	134,079	50,000	-	50,000	25,716	-	-	25,716	-	25,716	24,284	158,363
FACILITY MAINTENANCE	311,733	100,000	-	100,000	32,119	-	-	32,119	-	32,119	67,881	379,614
EQUIPMENT REPLACEMENT	263,727	50,000	-	50,000	25,845	188,279	-	214,124	-	214,124	(164,124)	99,603
WATER/SEWER VEHICLE REPLACEMENT	50,000	50,000	-	50,000	-	-	-	-	-	-	50,000	100,000
	\$ 14,025,939	\$ 59,402,928	\$ 8,910	\$ 59,411,838	\$ 57,023,101	\$ 796,524	\$ 289,749	\$ 58,109,374	\$ 540,135	\$ 58,649,509	\$ 762,329	\$ 14,788,268



BUDGET PUBLIC HEARING

Exhibit B

<u>Tax Year</u>	<u>Home Value</u>	<u>Effective M&O Rate</u>		
2011	100,000	\$ 0.311257	\$	311.26
			\$	(5.13) Difference
2012	100,000	\$ 0.306125	\$	306.13

<u>Tax Year</u>	<u>Avg Taxble Home Value</u>	<u>Effective M&O Rate</u>		
2011	145,765	\$ 0.311257	\$	453.70
			\$	(7.51) Difference
2012	145,754	\$ 0.306125	\$	446.19

<u>Tax Year</u>	<u>Avg Taxble Home Value</u>	<u>Total Tax Rate</u>		
2011	145,765	\$ 0.504329	\$	735.14
			\$	(7.54) Difference
2012	145,754	\$ 0.499197	\$	727.60



Council Agenda Background

PRESENTER: Mirenda McQuagge-Walden, Managing
Director of Community Services

DATE: 08/28/12

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

ITEM:

Consider a resolution authorizing the City Manager to enter into a Lease Agreement with Planet Kidz for the purpose of holding the Fun Time Live Program at the Boys Ranch Activity Center.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

This item is an annual renewal of an existing contract with Planet Kidz to hold the Fun Time Live program at the Boys Ranch Activity Center. This program, for children in the 3rd – 8th grades, has been offered at the Boys Ranch for over 10 years. The average attendance is about 250 per Saturday night and participants enjoy games, contests, dancing and concessions. This is a renewal of an ongoing contract with a term of 12 months. The Planet Kidz program schedule follows the HEBISD school calendar and only meets when school is in session.

The agreement is for Planet Kidz to pay a fee of \$445 per Saturday. The agreement has worked extremely well over the years and both staff and the Planet Kidz Inc. are pleased with the arrangement. Therefore, there are no proposed changes to the agreement.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a Lease Agreement with Planet Kidz for the purpose of holding the Fun Time Live Program at the Boys Ranch Activity Center.

FISCAL IMPACT:

\$13,500 revenue for the General Fund

ATTACHMENTS:

Resolution
Agreement

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH PLANET KIDZ FOR THE PURPOSE OF HOLDING THE FUN TIME LIVE PROGRAM AT THE BOYS RANCH ACTIVITY CENTER.

WHEREAS, the City Council of Bedford, Texas wishes to provide Planet Kidz meeting space to hold a Saturday night program to the youth of Bedford; and,

WHEREAS, the staff of the City of Bedford Boys Ranch Activity Center wishes to provide supervision of the Lease Agreement to Planet Kidz for the purposes of holding the Fun Time Live Program.

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

SECTION 1. That the City Council does hereby authorize the City Manager to enter into a Lease Agreement for a term of one year with Planet Kidz for the purposes of holding the Bedford Saturday for \$445 payable weekly each time that the Fun Time Live Program is held.

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

PASSED AND APPROVED this 28th day of August 2012, 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

LEASE AGREEMENT

THIS LEASE AGREEMENT, made as of the 28th day of August, 2012, by and between the City of Bedford, Texas (herein called "Lessor"), and PLANET KIDZ, INC., whose principal mailing address is 2010 Industrial Blvd. #604 Rockwall, Texas 75087 Organization, (herein called "Lessee").

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

Boys Ranch Activity Center
2801 Forest Ridge Dr.
Bedford, TX 76021

The subject property is herein called the "Leased Premises" or the "Leased Property". The Leased Premises includes the exclusive use of the Boys Ranch Activity Center as further described below. Tenant shall use the Leased Premises for "Youth Activity Program". No other activities are allowed.

The following, hereto and incorporated herein by reference constitute the provisions of the Lease.

WITNESSETH:

WHEREAS, Lessor presently owns and maintains a facility located at **2801 Forest Ridge Dr.** in the City of **Bedford**, Texas, known as the Leased Premises, and

WHEREAS, Lessee wishes to utilize a portion of said Leased Premises for the purpose of operating therein during the term hereof a "Youth Activity Program", and

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

1. Grant. Lessor hereby grants Lessee permission to utilize the Leased Premises to conduct a Youth Activity Program in the manner and during the term hereafter specified.

2. Leased Premises. For purposes hereof, the Leased Premises shall include the **Gym, classroom A, B, & C along with the lobby** located at **2801 Forest Ridge Dr.** in the City of Bedford, Texas known as the **Boys Ranch Activity Center.**

3. Access to Leased Premises. Lessee shall have exclusive use of the Leased Premises each **Saturday** night during the term hereof, from the hours of 7:00 p.m. until 11:00 p.m., in order to conduct its activities hereunder. It is understood that Lessee operates following the HEBISD school calendar. Lessee shall give Lessor 14 days notice if program is not going to occur on a given Saturday. Further, Lessee shall have non-exclusive access to the Leased Premises for one (1) hour

preceding and one (1) hour following each such period for the limited purposes of setting up and cleaning up the Leased Premises. Lessee shall have no right or access to the Leased Premises at any other time.

4. Temporary Suspension. The Parties agree that the Lessor shall have right from time to time to terminate this Lease or suspend Lessee's right hereunder to possession of the Leased Premises in the event such Premises become necessary, in sole opinion and discretion of the Lessor, for other Lessor activities or functions. In the event of such temporary suspension, the Lessor shall use reasonable efforts to reschedule Lessee's use of the Leased Premises at another available date. In no event, however, shall any such temporary suspension give rise to any claim against the Lessor by the Lessee, whether for lost profits, cost, overhead or otherwise.

5. Youth Activity Program. For purposes hereof, Youth Activity Programs shall mean organized, supervised youth activities including, but not limited, to the following:

(a) Game activities, such as volleyball, basketball, walleyball, dancing, ping pong, video games as permitted, relay games, etc.;

(b) Audio and video activities, including performances of persons to coordinate or direct the playing of records, compact discs, videos, laser discs, etc.;

(c) Concession activities, including the sale of soft drinks, sandwiches, chips, candy, pennants, tee-shirts, etc.; and

(d) Advertising and marketing promotions related to the Youth Activity Program.

6. Restrictions on Use. Lessee shall operate or utilize the Leased Premises for no purpose other than the Youth Activity Program defined herein, which shall be subject to the following restrictions:

(a) All participants in the Youth Activity Program shall be in grades 3-8. **Lessee shall provide age appropriate activities for all participants.**

(b) Lessee shall not allow more than maximum building capacity on contract premises at any time.

(c) Lessee shall make food and drink concessions available during the hours of operation. **Lessee shall provide all equipment and supplies needed for concession operations.** Prior to commencement thereof, **Lessee shall submit for approval by Lessor a schedule of proposed menu items.**

(d) Lessee shall provide adequate supervision at all times. All supervisors shall be at least eighteen (18) years of age and have passed a "Criminal History Check". Lessee shall staff supervisors at a ratio of not less than one (1) supervisor to every thirty (30) Youth Activity Program participants.

(e) Lessee shall provide adequate security at all times. Such security shall include, **at Lessee's expense** one (1) off-duty officer. Every effort will be made to secure a Bedford police officer. If a Bedford officer is not available Lessee must get prior approval to use security from another agency.

(f) Lessee shall conduct the activities provided for herein on each **Saturday** night during the term hereof, save for legal holidays, upon which Lessee shall not be required to conduct its activities.

(g) Lessee shall at all times conduct its activities provided for hereunder in a wholesome, diligent, and efficient manner.

(h) Preparation of the Leased Premises for Lessee's activities and clean-up of the Leased Premises following such activities shall be the sole responsibility of Lessee. **Lessee agrees that the Lessor will not provide storage for any equipment, supplies, concession products or any other items need by Lessee.** Lessee agrees that it will, following each use of the Leased premises, restore same to as good a condition as existed prior to such use by Lessee. **Lessee agrees to complete a facility walk through with BRAC staff prior to opening Fun Time Live program as well as after the Fun Time Live program prior to leaving the premises. Lessor will be responsible for any damages to property.**

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

(j) Lessee shall be allowed to use and display its company logo banner each night of said event.

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

7. Term of Agreement. The term of this Agreement shall be from date August 28, 2012 until August 31, 2013. Lessee shall operate each **Saturday** night during the term of this lease from the hours 7:00 p.m. to 11:00 p.m. only, commencing upon the effective date hereof.

8. Payment to Lessor. As payment for the rights granted hereunder, Lessee shall agree to pay to the Lessor **a flat fee of \$445.00.** All such sums payable to Lessor shall be due at the conclusion of each weekly event. Lessee agrees that Lessor shall have the right, upon reasonable notice, to audit all sign-in sign-out sheets of Lessee to determine compliance with the payment provisions set forth hereinabove.

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

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

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

12. Assignment and Subletting. The Lessee shall **not** have the right to assign or sublet to a qualified licensee with liability on assignment **without the express** written approval by Lessor. Any assignment or sublet shall not release Lessee of any responsibilities under this agreement.

13. Notices. All notices to be sent to the offices of PLANET KIDZ, INC. 2010 Industrial Blvd. #604 Rockwall, Texas 75087 for the duration of the lease or any extensions thereof. **All notices shall be to the City of Bedford, at the following address 2801 Forest Ridge Dr., Bedford, Texas 76021.**

14. Termination. The parties agree that the Lessor or Lessee shall have the right to terminate this agreement upon **thirty (30)** days written notice without cause.

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

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

(a) Workers' Compensation as required by the laws of the State of Texas with the policy endorsed to provide a waiver of subrogation as to the Lessor; Employer's Liability insurance of not less than \$100,000 for each accident.

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

General Aggregate	\$2,000,000
Each Occurrence	\$1,000,000
Products – Comp/Op Agg	\$1,000,000
Personal & Adv injury	\$1,000,000
Damage to rented premises	\$ 100,000

Lessee's insurance shall be primary and shall be endorsed to provide a waiver of subrogation in favor of the Lessor. The Commercial General Liability Policy should be endorsed using Endorsement No. CA000014104-01

Deductibles on each insurance policy shall no greater than \$1,000.00

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

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

19. Lessor agrees to include leasee in all publications used to promote programs of said location (for the purpose of advertising the PLANET KIDZ, INC., AMERICA'S KIDZ, COMMUNITIES FOR KIDZ, FUN TIME LIVE and FRIDAY NITE LIVE Program).

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

Lessor City of Bedford

Lessee: PLANET KIDZ, INC. &
COMPANIES

By: _____
Beverly Griffith, City Manager

By: _____
Dale A. Oakes, President

Date: _____

Date: _____



Council Agenda Background

PRESENTER: Roger Gibson, Police Chief

DATE: 08/28/12

Council Mission Area: Demonstrate excellent customer service in an efficient manner.

ITEM:

Consider a resolution authorizing the City Manager to enter into the second year of a four-year contract with Scobee Foods, Inc., for the purchase of prisoner meals for the Detention Facility.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The Police Department provides meals to all individuals held at the Bedford Detention Facility, including those detained by Immigration and Customs Enforcement (ICE).

Prisoner meals consist of three meals per day (breakfast, lunch and dinner) and all three meals combined must meet a minimum of 2,400 calories, per ICE contract guidelines. To simplify the feeding process, all individuals housed at the Bedford Detention Facility are provided the same meals.

On September 13, 2011, the Police Department awarded Scobee Foods, Inc. the contract to provide prisoner meals. Scobee Foods, Inc. was awarded the contract based upon prior performance and submitting the lowest bid. The contract duration is for four years, with a yearly contract renewal.

The Police Department has utilized Scobee Foods, Inc. since 2004 and has been pleased with their level of service.

The quantity of prisoner meals purchased varies year to year based upon prisoner counts, especially ICE detainees. Based upon current fiscal year expenditures, the Police Department projects prisoner meals to total approximately \$35,000.

A portion of the revenues received through the ICE contract offsets the costs incurred with providing meals to ICE detainees.

The contract was reviewed and approved by the City Attorney.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into the second year of a four-year contract with Scobee Foods, Inc., for the purchase of prisoner meals for the Detention Facility.

FISCAL IMPACT:

Approximately \$35,000 paid out of Prisoner Care in the Detention Services budget.

ATTACHMENTS:

Resolution
Prisoner Meal Contract
Exhibit "A" (Quote Sheet)

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SECOND YEAR OF A FOUR-YEAR CONTRACT WITH SCOBEE FOODS, INC., FOR THE PURCHASE OF PRISONER MEALS FOR THE DETENTION FACILITY.

WHEREAS, the City Council of Bedford, Texas determines the need to provide prisoner meals for those individuals held at the Detention Facility; and,

WHEREAS, the City Council of Bedford, Texas recognizes that in order to meet Immigration and Customs Enforcement contract guidelines, three meals containing a combined minimum of 2,400 calories must be provided each day.

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

SECTION 1. That the City Manager is hereby authorized to enter into the second year of a four-year contract with Scobee Foods, Inc., for the purchase of prisoner meals for the Detention Facility.

PASSED AND APPROVED this 28th day of August, 2012, 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

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE SECOND YEAR OF A FOUR-YEAR CONTRACT WITH SCOBEE FOODS, INC., FOR THE PURCHASE OF PRISONER MEALS FOR THE DETENTION FACILITY.

WHEREAS, the City Council of Bedford, Texas determines the need to provide prisoner meals for those individuals held at the Detention Facility; and,

WHEREAS, the City Council of Bedford, Texas recognizes that in order to meet Immigration and Customs Enforcement contract guidelines, three meals containing a combined minimum of 2,400 calories must be provided each day.

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

SECTION 1. That the City Manager is hereby authorized to enter into the second year of a four-year contract with Scobee Foods, Inc., for the purchase of prisoner meals for the Detention Facility.

PASSED AND APPROVED this 28th day of August, 2012, 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

**STANDARD FORM OF AGREEMENT
BETWEEN THE CITY OF BEDFORD AND CONTRACTOR**

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2012 by and between the City of Bedford (hereinafter called OWNER) and

SCOBEE FOODS, INC.

of the City of Dallas, County of Dallas, State of Texas (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. PROJECT SCOPE

The PROJECT for the WORK detailed under the Contract Documents (see Article 8 of this Agreement for items included in the Contract Documents) is generally identified as following:

**CONTRACTOR'S Service Quotation – Exhibit "A"
Subject: Prisoner Meals**

Article 2. CONTRACT TIME.

The Work will be completed in accordance with CONTRACTOR'S Service Quotation as outline in the attached hereto exhibit "A".

Article 3. CONTRACT PRICE.

3.1. OWNER shall pay CONTRACTOR the prices in the CONTRACTOR'S price agreement proposal plus additional work performed or when authorized by OWNER.

Article 4. PAYMENT PROCEDURES.

4.1. Payment to CONTRACTOR will be paid as addressed on the quotation from the CONTRACTOR. All charges are to be less sales tax as OWNER is tax exempt.

Article 5. CONTRACTOR'S REPRESENTATIONS.

In order to induce OWNER to enter into this agreement, CONTRACTOR makes the following representations:

5.1. CONTRACTOR has familiarized itself with the nature and extent of the Contract Documents and Specifications.

5.2. CONTRACTOR has correlated the results of all such observations and studies with the terms and conditions of the Contract Documents.

5.3. CONTRACTOR has given OWNER written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution by OWNER is acceptable to CONTRACTOR.

Article 6. MISCELLANEOUS.

6.1. ASSIGNMENTS: No assignments by a party hereto of any rights under or interest in the Contract Documents will be binding on another party hereto without written consent of the party sought to be bound; and specifically but without limitation moneys that may come due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may limited by law), and unless specifically stated to the contrary in written consent to an assignment will release the assignor from any duty or responsibility under the Contract Documents.

6.2. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

6.3. TERMINATION: OWNER may terminate the Contract by giving CONTRACTOR a **ten day notice** in writing. Upon delivery of such notice by OWNER to CONTRACTOR, CONTRACTOR shall discontinue all services in connection with the performance of the Contract and shall proceed to cancel promptly all existing orders and contracts insofar as such orders or contracts are chargeable to this Contract. As soon as practicable after receipt of notice of termination, CONTRACTOR shall submit a statement, showing in detail the services performed under this Contract to the date of termination. OWNER shall then pay CONTRACTOR that portion of the prescribed charges which the services actually performed under this Contract bear to the total services called for under this Contract less such payments on account of the charges as have been previously made.

6.4. SUBCONTRACTING:

1. CONTRACTOR shall not award any work to any subcontractor until CONTRACTOR submits to OWNER a written statement concerning the proposed award to the subcontractor, which statement shall contain such information as OWNER may require.

2. CONTRACTOR shall be fully responsible to OWNER for the acts and omissions of his subcontractors, and of persons either directly or indirectly employed by them, as he is for acts and omissions of persons directly employed by him.

3. Nothing contained in this Contract shall create any contractual relation between any subcontractor and OWNER. CONTRACTOR is an independent contractor.

Article 7. GOVERNING LAWS, VENUE.

The Contract shall be construed according to the laws of the State of Texas; and, venue shall lie in the State district courts of Tarrant County, Texas.

Article 8. CONTRACT DOCUMENTS.

The Contract Documents which comprise the entire agreement between the OWNER and CONTRACTOR, same being attached hereto and incorporated herein as Exhibit A, consist of the following:

8.1 CONTRACTOR'S Service Quotation

Article 9. INDEMNIFICATION.

The CONTRACTOR hereby agrees to defend, indemnify, and hold the City and all of its officers, agent, employees, and elected officials whole and harmless against any and all claims for damages, cost, and expenses of persons or property that may arise out of, or be occasioned by, of from any negligent act, or omission of the CONTRACTOR, or any agent, servant, or employee of the CONTRACTOR in the execution of performance of this Contract, without regard to whether such persons are under the direction of City agents or employees.

Executed on behalf of the CONTRACTOR by its owner shown below, and on behalf of the OWNER by its City Manager, or authorized representative, this agreement will be effective

on the _____ day of _____, 2012.

OWNER:

CITY OF BEDFORD
2000 FOREST RIDGE DRIVE
BEDFORD, TEXAS 76021

By: Beverly Griffith, City Manager

CONTRACTOR:

Name: Scobee Foods, Inc.

Address: 1812 Corinth Street

City: Dallas

State & Zip: TX, 75215

By: _____

Richard Inge
(214)421-0898

(City Attorney review if Contracted Service Cost is Greater than \$15,000)

Approved as to Form and Legality this _____ day of _____ 2012.

City Attorney

CONTRACTOR'S Seal (if incorporated)

EXHIBIT "A"

QUOTE SHEET

The quantities listed are estimates only and the City reserves the right to order more or less during the term of the contract.

This contract is for twelve months with three consecutive twelve month renewals. Each renewal will require a 30 day advance notice from the contractor. A price increase at the time of renewal will be considered by the City based on the consumer price index, but not to exceed 5% of the total annual contract.

ITEM	ITEM DESCRIPTION	UNIT PRICE
Breakfast	SEE ATTACHMENT	
Lunch		
Dinner		

AUTHORITY TO QUOTE

I agree to meet the stated minimum requirements as set forth in these specifications and in the Instructions to Bidders for the quoted prices indicated above.

Date: 7/26/2011

Bidder/Company Name: SCUBEE FOODS, INC.

Authorized Representative: RICHARD PGE

Signed: Richard PGE Title: VP BUSINESS DEVELOPMENT

Address: 1812 CORWATH ST.

City, State & Zip: DALLAS, TX 75215

Phone: 214-421-0898 E-mail: RICHARD@SCUBEE-FOODS.COM

NON-DISCRIMINATION

Contractor shall not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, ancestry, national origin, disability, or place of birth. Contractor shall take action to ensure that applicants are employed and treated without regard to their race, age, color, religion, sex, ancestry, national origin, disability, or place of birth. This action shall include, but is not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship.

VENDOR COMPLIANCE WITH STATE LAW

The 1985 Session of Texas Legislature passed House Bill 620 relative to the award of contracts to non-resident bidders. This law provides for non-resident bidders to bid projections for construction, improvements, supplies or services in Texas. To be awarded these contracts, the non-resident bidder must bid an amount lower than the lowest Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a non-resident bidder to obtain a comparable contract in the state of the non-resident principal place of business.

NOTE: A non-resident bidder is a contractor whose corporate offices or principal place of business is located outside the State of Texas.

ITEM A: ALL BIDDERS

I hereby certify that our principal place of business is in the State of Texas: Yes No

ITEM B: NON-RESIDENT BIDDERS

Non-resident vendors in _____ (State), our principal place of business, are required to bid _____% lower than resident bidders by State Law. A copy of the statute is attached.

Non-resident vendors in _____ (State), our principal place of business, are **NOT** required to underbid resident bidders.

Richard Fox
Signature

Richard WGE
Printed Name

SCOBEE FOODS, INC.
Company Name

VP BUSINESS DEVELOPMENT
Title

DALLAS, TX 75215
Company City, State Zip

AFFIDAVIT AGAINST PROHIBITED ACTS

I hereby affirm that I am aware of the provisions of the Texas Penal Code Sec. 36.02, 36.08, 36.09, and 36.10, dealing with Bribery and Gifts to Public Servants. I further affirm that I will adhere to such rules and instruct and require all agents, employees and subcontractors to do the same. I am aware that any violation of these rules subjects this agreement to one or more of the following: revocation, removal from bid lists, prohibiting contract/subcontract work, revocation of permits and/or prosecution.

SCOBBE FOODS, INC.
Signature

7/26/2011
Date

Robert [Signature]
Attest (if Contractor is a Corporation)

7/26/2011
Date

