

AMENDED AGENDA

**Regular Meeting of the Bedford City Council
Tuesday, May 28, 2013
Bedford City Hall Building A
2000 Forest Ridge Drive
Bedford, Texas 76021**

**Conference Room Work Session 5:00 p.m.
Council Chamber Work Session 5:15 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>**

CONFERENCE ROOM WORK SESSION 5:00 p.m.

- Interviews for appointment to the Beautification and Cultural Commissions. (Amended item)

WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Presentation regarding the Emerging Leaders Program and receive an introduction to the inaugural class participants.
- Presentation on options for over the street banner poles.
- Discussion regarding the Forest Ridge Drive and Bedford Road sidewalk improvements.
- Discussion regarding paving maintenance and rehabilitation.
- Discussion regarding a resident satisfaction survey. **This item requested by Councilmember Nolan.

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:

- a) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to "Project Oatmeal".
- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition.

REGULAR SESSION 6:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Pastor Robert White, Cornerstone Church North)

PLEDGE OF ALLEGIANCE

OPEN FORUM

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

CONSIDER APPROVAL OF ITEMS BY CONSENT

COUNCIL RECOGNITION

1. Proclamation declaring June, July and August 2013 as Summer Reading Club Season.
2. Employee Service Recognition.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:
 - a) May 14, 2013 regular meeting
 - b) May 21, 2013 special meeting

PERSONS TO BE HEARD

4. Pamela Stroud, 1820 Wimbleton Drive, Bedford, Texas – Requested to speak to the Council regarding neighborhood nursing homes and rent homes.

NEW BUSINESS

5. Public hearing and consider an ordinance to amend Ordinance 12-3042 for the property known as Lots 50 and 51, JR Murphy Addition, located at 2709 Murphy Drive, Bedford TX, specifically for an Amended Single-Family Detached Residential Site Plan; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. The property is generally located south of Harwood Road and west of Murphy Drive. (S-056)
6. Consider an ordinance of the City of Bedford, Texas, (“city”) approving and adopting rate schedule “RRM – Rate Review Mechanism” for Atmos Energy Corporation, Mid-Tex Division to be in force in the city for a period of time as specified in the rate schedule; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and ACSC legal counsel.
7. Consider a resolution appointing members to the Beautification and Cultural Commissions. (Amended item)
8. Report on most recent meeting of the following Boards and Commissions:
 - ✓ 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
9. Council member reports
10. City Manager/Staff Reports

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

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

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: **Friday, May 24, 2013 at 5:00 p.m.**, and remained so posted at least 72 hours before said meeting convened.

Michael Wells, City Secretary

(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.)

Date Notice Removed



Council Agenda Background

PRESENTER: Jill McAdams, *SPHR*
Human Resources Director

DATE: 05/28/13

Work Session

ITEM:

Presentation regarding the Emerging Leaders Program and receive an introduction to the inaugural class participants.

City Manager Review: _____

DISCUSSION:

The Emerging Leaders Program is a year-long program developed in-house to encourage and support future leaders within the organization. The presentation will provide Council with a formal overview of the program and a brief introduction to the participants in the first class.

ATTACHMENTS:

N/A



Council Agenda Background

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

DATE: 05/28/13

Work Session

ITEM:

Presentation on options for over the street banner poles.

City Manager Review: _____

DISCUSSION:

The City of Bedford has been notified by Oncor that they will not allow the City to use their poles to hang over the street banners. However, Oncor will allow the City to place their poles in locations that do not interfere with Oncor's lines or other facilities. Staff has been working to receive various estimates in regards to this project.

Banner poles come in a variety of options from plain wooden, similar to Oncor's standard poles, to highly decorative. A standard wooden pole will cost around \$1,500 for Oncor to set the pole. The more decorative metal poles are more expensive. The installation for these types of poles is approximately \$2,500 and the poles range from \$3,500 and up.

There were two locations that were used for over the street banners. One was on Forest Ridge near the Bedford Public Library and the other was on Harwood east of the Forest Ridge intersection. Staff and Don Perfect, with Oncor, have reviewed these areas to identify locations for City-owned banner poles. The area of Forest Ridge near Harwood would accommodate banner poles as Oncor's facilities are further back from the roadway. Areas on Harwood further east than the previous location also look like they will meet Oncor's regulations.

Examples of the events that have been promoted with the over the street banners include:

- 4thFest
- Bluesfest
- Bedford Expo
- Fire Department Open House
- Pet Fair
- Seuss Festival
- Christmas Tree Lighting

Four poles will need to be set to match what the City was using before. The estimated costs for this project are the following:

- Wooden poles - \$6,000
- Decorative poles - \$24,000+

ATTACHMENTS:

Photographs of various poles.

Presented by:  Texas Health
Perkins & Reppold Hospital
1400 E. FM, AUSTIN, TX 78704
www.texashealth.org

City of Bedford Blues & BBQ Festival

www.bedfordbluesfest.com

LABOR DAY WEEKEND



APRIL 26-28 **GRAPEVINE GREAT OUTDOORS WEEKEND**
FUN • FOOD • ENTERTAINMENT
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NO PARKING
ANY TIME

TOLBERG



Council Agenda Background

PRESENTER: Thomas L. Hoover, P.E.
Public Works Director

DATE: 05/28/13

Work Session

ITEM:

Discussion regarding the Forest Ridge Drive and Bedford Road sidewalk improvements.

City Manager Review: _____

DISCUSSION:

At the request of the City Council at their April 23, 2013 regular Council Meeting, the Public Works Department identified the amount of sidewalks that would be required to connect the BRAC with the Library and then continuing to the Old Bedford School. There are sections of existing sidewalk along Forest Ridge Drive on the BRAC side; however, the missing sections of sidewalk are approximately 1,134 linear feet on the west side. The missing section on the north side of Bedford Road that would provide the connection from the Library to the Old Bedford School is about 717 linear feet.

There is existing sidewalk on the east side of Forest Ridge Drive from Harwood to Bedford Road. There is an existing controlled crossover at Lincolnshire that connects to the existing sidewalk on the west side of Forest Ridge Drive and the BRAC. The existing housing south of the BRAC has no adequate sidewalk access to the city facility. The pedestrians can proceed south to Bedford Road and then travel on the east side of Forest Ridge Drive back up to the Lincolnshire crossing to the BRAC.

Bid quotes have been received for sidewalks associated with a recent street project. The average bid for 4' wide sidewalk was \$5.69 per square foot or \$22.76 per linear foot installed. The barrier-free ramps average price was \$1,175.37 for each ramp installed.

Based upon the average prices in the recent publicly bid project, the cost to install the sidewalk and ramps along Forest Ridge Drive would be a minimum amount of \$36,400. The cost to install the sidewalk and ramps along Bedford Road would be a minimum amount of \$32,100. Staff has not obtained any detailed design surveys for these two areas. The detailed surveys will provide information on items that might adversely impact construction cost: light poles, signs, utility poles, telephone pedestals, vaults and extreme grades in the cross slope that would require retaining walls, etc. Engineering and survey services required would be an additional \$13,700.

At the request of the City Council at their May 14, 2013 regular Council Meeting, the Public Works Department was asked to identify other potential sidewalk improvement locations in the southern portions of the City. Staff focused mainly in areas around existing schools and other public facilities.

There is a section of sidewalk that is missing along Forest Ridge Drive on the west side just north of the Schumac Lane intersection. There is a section of sidewalk that is missing along Schumac Lane on the south side just west of the Forest Ridge Drive intersection. Both segments would provide a connection for the pedestrian traffic with the existing controlled crossover at Schumac Lane and then to the existing schools on Schumac Lane. The missing section on the west side of Forest Ridge Drive is about 160 linear feet. The missing section on the south side of Schumac Lane is about 175 linear feet.

Based upon the average prices in a recent publicly bid project, the cost to install the sidewalk and

ramps along Forest Ridge Drive north of Schumac Lane would be a minimum amount of \$10,000. The cost to install the sidewalk and ramps along Schumac Lane west of Forest Ridge Drive would be a minimum amount of \$11,000. Staff has not obtained any detailed design surveys for this area. The detailed surveys will provide information on items that might adversely impact construction cost: light poles, signs, utility poles, telephone pedestals, vaults and extreme grades in the cross slope that would require retaining walls, etc. Engineering and survey services required would be an additional \$3,700.

The projected total of construction cost for the sections of sidewalk improvements for the BRAC to the Library is \$68,500. Funding for Forest Ridge Drive and Bedford Road Sidewalk Improvements will exceed the Maintenance – Sidewalk, Curb and Gutter budget in the current Street and Traffic General Fund (\$38,000). The projected total of construction cost for the sections of sidewalk improvements at the Schumac Lane – Forest Ridge Drive intersection is \$24,700. Funding for the Schumac Lane and Forest Ridge Drive Sidewalk improvements do not exceed the Maintenance – Sidewalk, Curb and Gutter budget in the current Street and Traffic General Fund

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Thomas L. Hoover, P.E.
Public Works Director

DATE: 05/28/13

Work Session

ITEM:

Discussion regarding paving maintenance and rehabilitation.

City Manager Review: _____

DISCUSSION:

The challenge that the City faces each year with the street program is how to spend the money allocated for street maintenance and repair in a cost effective manner.

The City generally maintains the asphalt streets by: 1) crack sealing the existing asphalt surface; 2) repair the portions of the subgrade showing base failure with flexible base material and installing a new asphalt surface; or, 3) install a micro-surface over the existing asphalt surface. For Item 1) the current budget amount is about \$60,000. Item 2) varies each year but usually averages about \$45,000 per year. Item 3) is currently budgeted for \$100,000 for FY 12/13.

All paving surfaces have an expected life. The length of service for a roadway surface is adversely affected by the condition of the subgrade and the amount of cars/trucks that use the roadway. That is why maintenance is critical to the expected life of a pavement.

Once the expected life of a paving surface has been achieved, the cost of rehabilitation is generally more efficient than to continue to provide repair/patch to larger and larger sections of the roadway. The City generally rehabilitates the existing streets by: 1) milling off the top portion of the existing asphalt surface and then placing new asphalt pavement; or, 2) removing the entire existing pavement and replacing with reinforced concrete or asphalt pavement.

The Public Works Department will present a report on various options, along with the pros and cons for each method and the fiscal impact.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Patricia Nolan, Council Member

DATE: 05/28/13

Council Request

ITEM:

Discussion and possible staff direction regarding conducting a resident satisfaction survey. **This item requested by Councilmember Nolan.

City Manager Review: _____

DISCUSSION:

Councilmember Nolan requested that this item be placed on the agenda for discussion.

ATTACHMENTS:

Letter of Request

From: "Nolan, Patricia" <Patricia.Nolan@bedfordtx.gov>
Date: May 20, 2013, 9:06:25 PM CDT
To: "Wells, Michael" <Michael.Wells@bedfordtx.gov>
Subject: **May 28 Council Meeting**
Reply-To: "Nolan, Patricia" <Patricia.Nolan@bedfordtx.gov>

Michael

Please add to the work session discussion for resident satisfaction survey.

Thanks

Patricia Nolan

City Councilmember,Place 4



Council Agenda Background

PRESENTER: Mayor Jim Griffin

DATE: 05/28/13

Council Recognition

ITEM:

Proclamation declaring June, July and August as Summer Reading Club Season.

City Manager Review: _____

DISCUSSION:

Maria Redburn will accept the Summer Reading Club Proclamation on behalf of the Library.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, the summer season brings to mind the joy of playing with friends, swimming at the Bedford Splash water park and reading whatever you wanted to. You could follow your superhero in a comic book. Learn about cars and spaceships. You could explore future worlds or times gone by; and

WHEREAS, recreational reading that takes place during the summer is valuable to a child's success and happiness. Self selected recreational reading creates a healthy atmosphere that facilitates the desire to read and write. It improves reading scores. It builds life-long learners. Helps develop vocabulary, fluency, comprehension, and a joy of the written word. Children can participate in the Library's LEGO program to further their understanding of math and science during the summer months; and

WHEREAS, adults lead best by example. Pick up a book and join the Library's Summer Reading Club. Have your child participate in the program for praise, compliments, accomplishments, and prizes.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim June, July and August, 2013 as:

Summer Reading Club Season

in the City of Bedford and invite all residents to register for the reading club at the Bedford Public Library.

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this
28th day of May, 2013.*

JIM GRIFFIN, MAYOR





Council Agenda Background

PRESENTER: Beverly Griffith, City Manager

DATE: 05/28/13

Council Recognition

ITEM:

Employee Service Recognition

City Manager Review: _____

DISCUSSION:

The following employee has completed a service period and is eligible for recognition:

Pamela Dhanoolal 10 years Development Department

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 05/28/13

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) May 14, 2013 regular meeting
- b) May 21, 2013 special meeting

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

May 14, 2013 regular meeting
May 21, 2013 special meeting

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 May, 2013 with the following members present:

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

constituting a quorum.

Councilmember Brown was absent from tonight's meeting.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Administrative Services Director
Roger Gibson	Police Chief
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Bill Syblon	Development Director

WORK SESSION

Mayor Griffin called the Work Session to order 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: 4, 7, 8, 10, 11, 12 and 13.

Managing Director of Community Services Mirenda McQuagge-Walden presented information regarding Item #7. This is for an ordinance to amend Chapter 86, Parks and Recreation of the Code of Ordinances, to allow for off leash use to make way for the new dog park. Since the Chapter had not been amended since 1990, there were further changes to address formatting issues and inconsistencies. These changes include: removing language regarding the prohibition of carrying firearms as it is preempted by State law; including the ability to have signs for regularly scheduled events without having to go to the Board; and removing inconsistencies with the operational hours of the parks, which also does not match current signage. In regards to the hours, parks would be open from 5:00 a.m. and 11:00 p.m.; however, certain activities and locations, including fishing and the dog park, would be from sunrise to sunset. One of the bigger changes is that currently alcohol is completely prohibited from the parks and the recommendation is to allow the Trinity Arts Guild building, OnStage, the Boys Ranch Activity Center and the Senior Center to serve alcohol, such as at receptions, with the permission of the City Manager. If a group outside of the parks system wants to serve alcohol, they would need permission from the City Council. In answer to questions from Council, she stated that current signs that have park hours as 7:00 a.m. to 10:00 p.m. would be changed to reflect the new

hours; that there will be signage at the dog park with the hours being from sunrise to sunset; and that the prohibited activities listed under Section 86.3 does not affect the Beautification Commission.

Ms. McQuagge-Walden presented information on Item #8. This is to extend the franchise agreement with Atmos Energy, for gas services to the City, through 2027. The franchise fee remains at 5%, which was an increased from 4% in 2008. The City is a member of the Atmos Cities Steering Committee, which has approximately 154 cities as members. Per Lloyd Gosselink, an attorney with the Committee, there are no cities that have a higher rate than 5%. Further, Atmos is not open to a higher rate. She stated that because so many cities are involved, they have more clout working together and if a change is to be made, it is better to do so with Bedford's sister cities. In 2008, the City still had the option to remain at 4% and the increase in the franchise fee is a pass-through to the citizens. Payments will remain on a quarterly basis and the City collects approximately \$270,000 a year in fees. Atmos agreed to pay for any utility movements for street, water or sewer line projects. In answer to questions from Council, Ms. McQuagge-Walden and Ms. Mary Jean Moloney with Atmos Energy stated that in regards to upgrading or maintaining equipment, there are no cast iron lines within the City and that equipment is regulated by the Railroad Commission and other utility requirements. In regards to the timeframe for the agreement, it was stated that the City Attorney's office did not recommended entering into an agreement for longer than 15 years and that a shorter timeframe allows the City to renegotiate earlier.

Administrative Services Director Cliff Blackwell presented information on Item # 10. This is to contract with the law firm of Linebarger, Goggan, Blair & Sampson, LLP for the collection of delinquent court costs, fines and fees as well as the imposition of a collection fee of 30%. In December of 2009, the City entered into a contract with a different law firm based out of Round Rock. Since that time, the City has referred approximately \$7M in cases to them. There is \$5.6M outstanding and a net collection of \$1.084M, or 19.2%. The City was recently approached by Linebarger regarding switching over to them. The City currently has a relationship with Linebarger going back to 1993 for property tax collection. They have a collection rate of 60.3% in North Richland Hills, 30% in Grapevine and 38.5% in Keller. He stated that Council can make the effective date of the contract with Linebarger today's date and a notice of termination would then be sent to the other firm. The other firm is entitled to continue collection efforts on their current cases for six more months; after those six months, they would hand over all outstanding cases to the City, which would then be passed onto Linebarger. In answer to questions from Council, Mr. Blackwell stated that if a person does not handle their ticket, they are issued a warning letter, then a warrant is issued and, after 60 days, the case is forwarded to a collection agency; that Section 3.01(a) of the contract is accurate; and that the 30% collection fee is on top of the fine.

Public Works Director Tom Hoover presented information on Item #12. He stated that back in December, there was a hydraulic leak from one of Allied Waste's trucks. The City negotiated with Allied Waste for clean-up and repair of the affected streets. Several items were tried, including solvents, but they were unable to get the streets to a level that was acceptable. Allied has agreed to pay for micropaving on those streets, with a process that was used on the eastern portion of Cummings. It is not the same process that was used on Harwood Road or Bedford Road, in that it is a smaller aggregate with a smoother ride and a better adherence to the pavement. Staff met on-site with Viking Construction, who has a contract with the City of Euless. The work is guaranteed for two years. This item is specifically for a memorandum of understanding for the City to be reimbursed by Allied Waste. In answer to a question from Council, Mr. Hoover stated that it is common for there to be a two-year maintenance bond on water line and street projects.

Mr. Hoover presented information on Item #13. This is to piggyback on the City of Euless' contract with Viking Construction. The cost for microsurfacing is \$3.04 per square yard, which is higher than last year due to an increase in the price of oil. The Allied Waste portion of the microsurfacing is approximately 10,000 square yards. There are an additional three cul-de-sacs in the subdivision that were on the list to be cracksealed in the future; however, by doing the microsurfacing, this no longer has to be done. There is money for microsurfacing these cul-de-sacs in the 4B fund for residential streets. In answer to questions from Council, he stated that there were two companies that did microsurfacing, Viking Construction and Ballou, who was purchased by another company and disassembled; and that microsurfacing cannot be done in the winter and that Viking will be doing this particular work between big projects.

- **Discussion regarding the Forest Ridge Drive and Bedford Road sidewalk improvements.**

Mr. Hoover presented information on the Forest Ridge Drive and Bedford Road sidewalk improvements. At the previous Council meeting, there was discussion on connecting the Boys Ranch Activity Center (BRAC), the Library and the Old Bedford School (OBS). He stated that there is a sidewalk on the east side of Forest Ridge Drive from Harwood Road to Bedford Road with a controlled crossover at Lincolnshire. There are missing segments of sidewalk on the west side of Forest Ridge and by installing the missing sections, access would be provided from the BRAC to the Library. The length of the missing sections is 1,034 linear feet. On Bedford Road, there is 717 linear feet of missing sections. The City has taken bids on a recent street project and has fairly current pricing for new sidewalks. A four-foot wide sidewalk would cost \$23 a running foot. Installation of compliant handicap ramps or barrier free access ramps would be between \$1,000 and \$1,500. Based on the pricing and distances, the Forest Ridge sidewalk would be approximately \$36,000 and the Bedford Road sidewalk would be approximately \$32,000. He stated that they have not performed detailed surveys. The cost projection for professional services, including surveying and hiring a consultant for plans and specifications, was approximately \$13,000. The total cost would be approximately \$80,000, which exceeds the current year's budget for new sidewalks.

There was discussion that having a sidewalk on the east side of Forest Ridge would encourage people to cross at mid-street instead of going to the light; combining this with the budgeted amount for next year; and looking at possibilities of other sidewalks south of Highway 183 along major thoroughfares. Council was of the consensus for staff to perform research and discuss alternatives at a future Council meeting.

Mayor Griffin adjourned the Work Session at 6:05 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:

- a) **Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for Community/Group Homes.**
- b) **Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to “Project Oatmeal”.**
- c) **Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition.**
- d) **Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Chandra Gupta.**
- e) **Pursuant to Section 551.074: personnel matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager. **This item requested by Councilmember Nolan**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for Community/Group Homes; Section 551.087, deliberation regarding economic development negotiations relative to “Project Oatmeal”; Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2 Lot 4, Bedford Lake Addition; Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Chandra Gupta; and Section 551.074: personnel matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager at 6:08 p.m.

Council reconvened from Executive Session at 6:29 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 7:20 p.m.

Council reconvened from Executive Session at 8:11 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. He stated that Councilmember Brown was out of town and was unable to attend tonight's meeting.

INVOCATION (Senior Pastor Nosa Onaiwu, Arise & Shine Int'l Ministries)

Senior Pastor Nosa Onaiwu of Arise & Shine Int'l Ministries gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak under tonight's Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Olsen, seconded by Councilmember Davisson, to approve the following items by consent: 4, 7, 8, 10, 11, 12 and 13.

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

COUNCIL RECOGNITION

1. Proclamation recognizing the week of May 19 - 25, 2013 as Public Works Week.

Mayor Griffin read a proclamation recognizing the week of May 19 - 25, 2013 as Public Works Week. Mr. Hoover accepted the proclamation.

2. Proclamation recognizing the week of May 19 - 25, 2013 as Emergency Medical Services Week.

Mayor Griffin read a proclamation recognizing the week of May 19 - 25, 2013 as Emergency Medical Services Week. Deputy Chief Bobby Sewell, Battalion Chief Michael Ross, Firefighter/Paramedic Josh Brown and Firefighter/Paramedic Mark Mertens were on hand to accept the proclamation.

3. Proclamation recognizing the Sketch-A-School Art Contest winners.

Mayor Griffin read a proclamation recognizing the Sketch-A-School Contest winners. The following students were recognized: Camren Mobh, Lakewood Elementary – First Place; Kiera Greeley, Meadow Creek Elementary – Second Place; Sebastian Cordero, West Hurst Elementary – Third Place; Alissa Patterson, Meadow Creek Elementary – Most Creative; Isaac Swan, Donna Park Elementary – Most Original; Kara Williams, Bell Manor Elementary – Honorable Mention; and Karen Gutierrez, Bell Manor Elementary – Honorable Mention.

APPROVAL OF THE MINUTES

**4. Consider approval of the following City Council minutes:
a) April 23, 2013 regular meeting**

This item was approved by consent.

PERSONS TO BE HEARD

This item was moved after Item #6.

5. James Trigg, 1316 Wade Drive, Bedford, Texas – Requested to speak to the Council regarding an update on the zoning violation at 604 Donna.

James Trigg, 1316 Wade Drive – Mr. Trigg discussed the permitting process and that when he first presented this issue, the owner of the property came in under the radar and did not even have a permit until Mr. Trigg contacted the City. He stated that characters of this nature are still going to be out there and hopefully the community will get behind this and report these types of things. Police and citizen patrols can go by, take down these addresses and send it over to Code Enforcement. He asked if this process would require a zoning change or a change in the zoning requirements and it was stated by Council that it would. He further asked if one of these homes comes into the neighborhood, would the neighbors be notified and if a building permit for a group home was requested, whether that would be made public. It was stated by Council that this has not yet been explored with staff but that they will take note of it. Mr. Trigg stated that he first advised Council of this issue on February 12, appeared in front of Council for the first time on February 26 and the process has taken almost three months. The owner of this property has two more properties in Grand Prairie that are one block apart. He urged Council to make this a priority and that he does not want to see another group home on the other side of him. He wants and expects the half-mile rule to be enforced.

OLD BUSINESS

6. Receive an update on the ordinance regarding Community/Group Homes.

This item was presented prior to Item #5.

Mayor Griffin presented an update on the ordinance regarding Community/Group Homes. He stated that they have looked at several different things including the permitting process and the Zoning Ordinance. Staff is working on a set of rules, permits and reporting requirements to address the location and operation of group homes in residential neighborhoods. They are proceeding on amendments to the Zoning Ordinance as well as permitting and reporting requirements. These items are being defined in two ways: community homes, which are allowed by State law, and group homes. Any future community home would require a site plan, which would go before the Planning and Zoning Commission and the City Council for approval. There would also be a half-mile distance radius. Future group homes would require a specific use permit, which would go before the Commission and Council for approval. There would be the half-mile distance radius as well; however, applicants would have the ability to appeal. Another item being worked on is putting an annual registration process in place. Current group/community homes would also be required to register. In regards to the process, staff has to complete their work and bring it to the Commission for them to make their recommendation to Council before Council can make a ruling. They are targeting bringing this to the Commission at their June meeting. One other item is they will be looking at the building permit process to ensure that as applicants come in, there are mechanisms in place to ensure the information.

NEW BUSINESS

7. Consider an ordinance amending Chapter 86 – Parks and Recreation of the City of Bedford Code of Ordinances by repealing it in its entirety and replacing it with a new Chapter 86 – Parks and Recreation; providing a penalty clause; providing for a severability clause; and declaring an effective date.

This item was approved by consent.

8. **Consider an ordinance granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to furnish, transport and supply gas to the general public in the City of Bedford, Tarrant County, Texas, for the transporting, delivery, sale, and distribution of gas in, out of, and through said municipality for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys, and public ways; repealing all previous Atmos Energy gas franchise ordinances; providing that it shall be in lieu of other fees and charges, excepting ad valorem taxes; prescribing the terms, conditions, obligations and limitations under which such franchise shall be exercised; providing a most favored nations clause, and a severability clause; and providing an effective date.**

This item was approved by consent.

9. **Consider a resolution accepting the nomination of Central Pool to be renamed the Roy Savage Pool at Central Park.**

Councilmember Turner presented information regarding this resolution. He stated it was a great privilege to bring this resolution to Council to rename Central Pool after Roy Savage. Mr. Savage has been a long-term volunteer throughout the City. He was retired by term limits after 12 years and four terms on the Council. He is still active through the Community Affairs Commission and other activities. He was much involved in the refurbishing and reopening of Central Pool in 2008. He stated that it was the privilege of the Parks and Recreation Board and the Council to name Central Pool after Mr. Savage. In the future, there will be a ceremony with the appropriate media and signage.

Motioned by Councilmember Turner, seconded by Councilmember Davisson, to approve a resolution accepting the nomination of Central Pool to be renamed the Roy Savage Pool at Central Park.

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

Mayor Griffin presented to Mr. Savage a certificate recognizing that Central Pool is renamed the Roy Savage Pool at Central Park.

Mr. Savage stated that he considered this an honor and thanked Councilmember Turner for bringing this idea to the Park Board. He thanked them for their vote and the entire Council for their support. He thanked his wife Katie for getting him involved and the citizens of Bedford for allowing him to serve.

10. **Consider a resolution authorizing the City Manager to enter into a contract with the law firm of Linebarger, Goggan, Blair & Sampson, LLP for the collection of delinquent court fees, fines and the associated court costs and to allow the imposition of a 30% collection fee on same pursuant to article 103.0031 of the Texas Code of Criminal Procedure.**

This item was approved by consent.

11. **Consider a resolution authorizing the City Manager to enter into agreements with Tech Logic for a Full Service Program Agreement, Self Checkout Software License Renewal and Extended Hardware Warranty in the amount of \$37,228.**

This item was approved by consent.

12. **Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with Republic Services, Inc. for the modified micro-surfacing project in the Country Meadows subdivision.**

This item was approved by consent.

13. Consider a resolution authorizing the City Manager to enter into a Contract with Viking Construction, Inc., in the amount of \$38,636 for the modified micro-surfacing project in the Country Meadows subdivision.

This item was approved by consent.

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

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

Councilmember Olsen reported that the Board met on May 1 and some additions have been made to the manual for the volunteer program. They are currently working on a video that can be used for training. Going forward, the Shelter will have additional resources that will be appreciated by staff.

✓ **Beautification Commission – Councilmember Turner**

Councilmember Turner reported that the Commission had a very successful Clean Up Bedford Day on May 4. There were approximately 70 volunteers. They worked hard for four to five hours and were treated to pizza from Papa John's, sandwiches from Subway and lunch from Cheddar's.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported that the Commission had another successful event with the school safety meeting. He commended Steve Grubbs, Roy Savage and Gary Morlock and expressed his appreciation for what they do for the City.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission met the previous night and they have a great event coming up on June 10 called Arts Talk. It will get artists within the community together to talk and communicate. It will be held at the Old Bedford School, with a reception at 6:00 p.m. and the event at 6:30 p.m.

✓ **Library Board – Councilmember Brown**

No report was given.

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

Councilmember Davisson reminded everybody about the grand opening of the Bark Park on June 1.

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

No report was given.

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

Councilmember Olsen gave a big shout out to Council and the City Manager for attending the Scholarship Banquet. She reminded everybody that this Thursday night is Papa John's pizza night, where a portion of a one's payment goes to benefit Teen Court if they present a coupon.

15. Council member reports

Mayor Griffin reported that this Saturday is the Black and Blue Run at Pennington Field spearheaded by 6Stones. This event is to raise funds for backpacks for middle school and high school students. There will be a 1K run/walk, a 5K run and a 10k run, as well as food and music.

16. City Manager/Staff Reports

City Manager Beverly Griffith reported that the Police Department Open House will be held this Saturday from 10:00 a.m. to 2:00 p.m. It is a free event that includes equipment demonstrations, tours, hotdogs, a face painter, balloons and more. On Thursday, May 16, the musical act for Twilight Thursdays is the Rumble Kings and the featured food truck is Wayne's Flame. The next Thursday, the musical act is Havana Energy and the featured food truck is What's Cooking Chef. She reported that the Library is still taking registrations for Summer Reading Club (SRC) through May 23. The dates for SRC are June 1 through July 31. If one registers by May 23, they can be the City's guests at Bedford Splash for a summer preview party on May 24 from 5:00 p.m. to 8:00 p.m.

17. 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 8:11 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 Special Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 21st day of May, 2013 with the following members present:

Roy W. Turner
Michael Boyter
Chris Brown

Mayor Pro Tem
Council Members

constituting a quorum for the purposes of canvassing the election.

Mayor Griffin and Council Members Davisson, Olsen and Nolan were absent from the meeting.

Staff present included:

Beverly Griffith
David Miller
Michael Wells

City Manager
Deputy City Manager
City Secretary

SPECIAL SESSION

Mayor Pro Tem Turner called the meeting to order at 6:30 p.m.

ELECTION CANVASS

- **A resolution to receive and accept as true and correct the canvassed voting results for the General Election held on May 11, 2013 for the election of Council Members Place 3 and Place 5 and the Municipal Court Judge as presented by the City Secretary.**

Motioned by Councilmember Brown, seconded by Councilmember Boyter, to approve a resolution to receive and accept as true and correct the canvassed voting results for the General Election held on May 11, 2013 for the election of Council Members Place 3 and Place 5 and the Municipal Court Judge as presented by the City Secretary.

Motion approved 3-0-0. Mayor Pro Tem Turner declared the motion carried.

Mayor Pro Tem Turner stated that several Council members were out for business or on vacation. Per the Election Code, only two Council Members needed to be present to canvass the election.

INAUGURATION OF NEWLY ELECTED OFFICIALS

- **Administer Statement of Elected Officer and Oath of Office to newly elected Council Members Place 3 and Place 5 and presentation of the Certificate of Election.**

City Secretary Michael Wells administered the Statement of Elected Officials and Oath of Office to newly elected Council Members Ray Champney – Place 3 and Roy W. Turner, Place 5. Mayor Pro Tem Turner presented the Certificate of Election to Councilmember Champney and Councilmember Brown presented the Certificate of Election to Mayor Pro Tem Turner.

Councilmember Champney stated that he was delighted to be returned by the voters. He looks forward to making a difference and to work on behalf of all of the residents.

Mayor Pro Tem Turner appreciated everybody getting out and voting and would like to see voter turnout increased. He thanked the citizens including Karen Killian and Roy and Katie Savage. He stated these were exciting times and that this is a good Council.

ADJOURNMENT

Mayor Pro Tem Turner adjourned the meeting at 6:37 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: See below

DATE: 05/24/13

Persons to be Heard

ITEM:

a) Pamela Stroud, 1820 Wimbleton Drive, Bedford, Texas – Requested to speak to the Council regarding neighborhood nursing homes and rental homes.

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Letter of Request

From: Pamela Stroud [<mailto:pamiebaby1@me.com>]
Sent: Monday, May 20, 2013 9:24 PM
To: Wells, Michael
Subject: City Council Meeting

I would like to speak at the next city council meeting, or the first one that is available when I might speak. Please advise me as to how to go about it. I have forgotten the procedure.

Thank you,
Pamela Stroud

From: Pamela Stroud [REDACTED]
Sent: Tuesday, May 21, 2013 5:22 PM
To: Wells, Michael
Subject: Re: City Council Meeting

Thank you, Michael. It will be about neighborhood nursing homes. I was sooo impressed with Mr. Trigg. I'm not going away either. I got discouraged, but no more. I need for them to know that the problem across the street is a RENT HOUSE. It is the renters who have turned it into a nursing home. Whatever the council comes up with, they need to be sure that it encompasses rent homes.

Thank you!

Pamela Stroud
1820 Wimbleton Drive
Bedford, TX 76021



Council Agenda Background

PRESENTER: Jacquelyn Reyff, Planning Manager

DATE: 05/28/13

Council Mission Area: Foster economic growth.

ITEM:

Public hearing and consider an ordinance to amend Ordinance 12-3042 for the property known as Lots 50 and 51, JR Murphy Addition, located at 2709 Murphy Drive, Bedford TX, specifically for an Amended Single-Family Detached Residential Site Plan; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. The property is generally located south of Harwood Road and west of Murphy Drive. (S-056)

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

The applicant, Bryan Holland of BDH Portfolio LLC, is requesting to amend the site plan for Ordinance 12-3042, Case Z-228 which was approved in October 2012. Case Z-228 allowed for 18 single-family homes on three parcels of land. This Case, S-056, reconfigures the development from three parcels down to two parcels of land, with a plan for 13 single-family detached homes.

The property is zoned MD-3, Medium-Density Residential Single-Family Detached District. This Zoning District is established to provide for adequate space for innovative medium-density single-family developments, such as Cluster Home, Zero Lot Line, and Courtyard or Patio Home Development approaches, which are designed to encourage individual home ownership.

Over the last 20 years, Murphy Drive has seen similar types of development where a large single-family residential property is subdivided and replatted to allow for the construction of more medium-density, single-family type of homes. Classic Court is an example of this type of development occurring in the area.

Development Standards for the MD-3 Zoning Designation, Section 4.7.D. of the Zoning Ordinance, which apply to the proposed Amended Site Plan are as follows:

- The site plan submitted by the applicant indicates the conceptual intent of the elevation for the homes would be met as referenced by the example indicated on the plan.
- In some instances, the applicant's proposed configuration would be in excess of what is required by this zoning district. An example of this is seen in the average lot size, which in the MD-3 is required to be not less than 4,000 SF; however, the lot size range provided on the proposed Amended Site Plan, is between 5,400 SF and 6,550 SF.
- The lot widths are in excess of the required 45 feet, and in fact average closer to 50 feet. The MD-3 zoning district also permits zero-lot line products, but the applicant has chosen to include traditional five-foot side yards on both sides, which has been indicated in the notes section on the plan.
- The applicant's exhibit has included the minimum floor area (or the air-conditioned space) to be not less than 1,800 SF in size as shown in the notes section of the plan.
- The lot coverage shall not exceed 70% of the individual lot and the average lot coverage in the development shall not exceed 50%, which meets the MD-3 Zoning Ordinance requirements. Lot 8 is designated to be common area and drainage or a detention pond for the development.
- Garages shall be set back 20 feet from the street.

- A six foot wood stockade fence shall be constructed at the rear of each individual lot by the builder, which has been indicated in the notes section on the amended site plan;
- The Homeowners Association (HOA) will be responsible for maintaining the detention pond (open space Lot 8) and the masonry wall along Murphy Drive.

At the time of platting, issues related to engineering and drainage for the proposed subdivision will be required to meet the City of Bedford's Ordinances and Standards.

Comprehensive Plan:

The Comprehensive Plan indicates the location of 2709 Murphy Drive to be residential; therefore, the use of detached single-family homes would not conflict with the Comprehensive Plan.

The Planning and Zoning Commission recommended approval of this item at their April 25, 2013 meeting by a vote of 7-0-0.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance to amend Ordinance 12-3042 for the property known as Lots 50 and 51, JR Murphy Addition, located at 2709 Murphy Drive, Bedford TX, specifically for an amended Single-Family Detached Residential Site Plan; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. The property is generally located south of Harwood Road and west of Murphy Drive. (S-056)

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
 April 25, 2012 Planning & Zoning Minutes
 Copy of Legal Ad Published in Star Telegram
 Application
 Zoning Map of Referenced Property
 8 ½ x 11 drawings

ORDINANCE NO. 13-

AN ORDINANCE TO AMEND ORDINANCE 12-3042 FOR THE PROPERTY KNOWN AS LOTS 50 AND 51, JR MURPHY ADDITION, LOCATED AT 2709 MURPHY DRIVE, BEDFORD, TEXAS, SPECIFICALLY FOR AN AMENDED SINGLE-FAMILY DETACHED RESIDENTIAL SITE PLAN; DECLARING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EFFECTIVE DATE. (S-056)

WHEREAS, it is deemed expedient and for the benefit of the City of Bedford, Texas that Ordinance 12-3042 be amended for the property known as Lots 50 and 51, JR Murphy Addition, located at 2709 Murphy Drive, Bedford, Texas, specifically for an Amended Single-Family Detached Residential Site Plan. The property is generally located south of Harwood Road and west of Murphy Drive. (S-056)

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

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

the property known as Lots 50 and 51, JR Murphy Addition, and located at 2709 Murphy Drive, Bedford, Texas, shall be shown as approved by this ordinance.

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

SECTION 3. That approval of this amended ordinance is subject to no stipulations.

SECTION 4. That from and after the final passage of this ordinance, the land described herein shall be subject to the regulations and uses of Medium-Density Residential – Single-Family Detached District (MD-3).

SECTION 5. That this ordinance shall be cumulative of all provisions of other ordinances of the City of Bedford, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting revisions of such ordinances are hereby repealed.

SECTION 6. That it is hereby declared the intention of the City Council of the City of Bedford, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7. That any person, organization, corporation, partnership or entity that violates, disobeys, omits, neglects or fails to comply with the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense or violation. Each day that an offense or violation occurs shall constitute a separate offense.

SECTION 8. This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

ORDINANCE NO. 13-

PRESENTED AND PASSED this 28th day of May, 2013 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

PLANNING AND ZONING COMMISSION
MEETING MINUTES OF APRIL 25, 2013

APPROVED

REGULAR SESSION

The Planning and Zoning Commission convened in the Council Chamber at 7:00 PM and the Regular Session began.

CALL TO ORDER

Chairman Stroope called the meeting to order at 7:01 PM.

INVOCATION

Vice Chairman Reese gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

APPROVAL OF MINUTES

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

a) March 28, 2013

Motion: Commissioner Hall made a motion to approve the meeting minutes of March 28, 2013, correct as written.

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

Ayes: Commissioners Fisher, Sinisi, Henning, Pierson, Hall, Chairman Stroope

Nays: None

Abstention: Vice Chairman Reese

Motion approved 6-0-1 Chairman Stroope declared the motion approved.

PUBLIC HEARING

-  **2. A public hearing and consideration of a request for an amended single-family detached residential site plan, Case S-056. The property address is 2709 Murphy Drive, known as Lots 50 and 51 JR Murphy Addition, "MD3" Medium-Density Residential-Single-Family Detached District. The property is generally located south of Harwood Road and west of Murphy Drive (amending Ordinance 12-3042, Z-228).**

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager who reviewed Site Plan Case S-056.

Chairman Stroope recognized Bryan Holland, 5101 Oak Timbers Court, Colleyville, Texas who was there to present this application.

**PLANNING AND ZONING COMMISSION
MEETING MINUTES OF APRIL 25, 2013**

APPROVED

Chairman Stroope opened the public hearing at 7:08 PM and recognized Cindy Spradling, 2701 Murphy Drive, Bedford, Texas. Ms. Spradling was concerned about stagnant water being in the retention pond.

Chairman Stroope recognized Mr. Holland who addressed Ms. Spradling's concern and explained the area in reference was a dedicated retention easement.

Chairman Stroope closed the public hearing at 7:13 PM.

The Commission discussed the application.

Motion: Commissioner Henning made a motion to approve Site Plan Case S-056.

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

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

ADJOURNMENT

Chairman Stroope adjourned the Planning and Zoning meeting at 7:15 PM.

**Chairman Stroope
Planning and Zoning Commission**

ATTEST:

**Yolanda Alonso
Planning and Zoning Secretary**



CITY OF
BEDFORD

Discover the Center

May 3, 2013

PLEASE DELIVER TO:

Legal Publications
Attn: Christine Lopez
Fort Worth Star-Telegram
400 West 7th Street
Fort Worth, TX 76102

SENT VIA E-MAIL: clopez@star-telegram.com on Friday, May 3, 2013.

FROM:

City of Bedford
Yolanda Alonso, Planning and Zoning

Dear Christine,

Please publish the following in "Legal Notices" Tuesday, May 7, 2013.

MESSAGE:

CITY OF BEDFORD
PUBLIC HEARING

The City of Bedford City Council will hold a Public Hearing on the following zoning item on Tuesday, May 28, 2013 at 6:30 PM, at City Hall, Council Chamber, 2000 Forest Ridge Drive, Building A, Bedford, Texas:

Public hearing and to consider Amending Ordinance 12-3042, for the property known as Lots 50 and 51, JR Murphy Addition, located at 2709 Murphy Drive, Bedford, Texas, specifically for an amended single-family detached residential site plan. The property is zoned "MD-3" Medium-Density-Residential-Single-Family-Detached District. The property is generally located south of Harwood Road and west of Murphy Drive (S-056).

Yolanda Alonso
Planning and Zoning

Alonso, Yolanda

From: Lopez, Christine [clopez@star-telegram.com]
Sent: Friday, May 03, 2013 3:38 PM
To: Alonso, Yolanda
Subject: Re: Legal Notice CC 052813

ad received :)
Christine

Christine Lopez
Legal Representative
Fort Worth Star-Telegram
Phone: 817 - 390 -7522

Star-Telegram Media Services & DFW Online Network
[Advertise with us](#) | [Interact with us](#) | [Use our apps](#) | [Subscribe](#)

On Fri, May 3, 2013 at 3:29 PM, Alonso, Yolanda <Yolanda.Alonso@bedfordtx.gov> wrote:

Please place the attached ad in the May 7th, Legal Notice Section of the newspaper.

--

Yolanda Alonso
Planning and Zoning Coordinator
City of Bedford
2000 Forest Ridge Drive, Bedford, Texas 76021
Office: [817-952-2137](tel:817-952-2137) | Fax: [817-952-2210](tel:817-952-2210) | Yolanda.Alonso@bedfordtx.gov



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**City of Bedford
Site Plan Review Application**

S-056

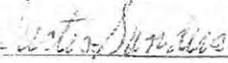
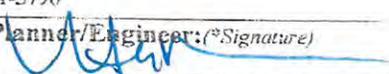
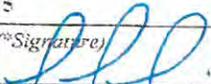
Date: March 6, 2013

⇒ Applicant (Printed Name) Bryan L. Holland, BDH Portfolio, LLC (Signature) 
 Address: 5101 Oak Timbers Court, Colleyville, Texas 76034
 Telephone number: (817) 875-5215 Fax number: (817) 581-4160

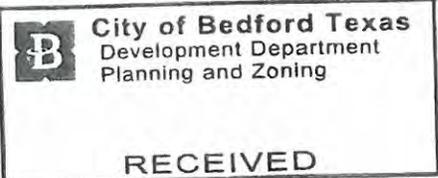
Legal Description:

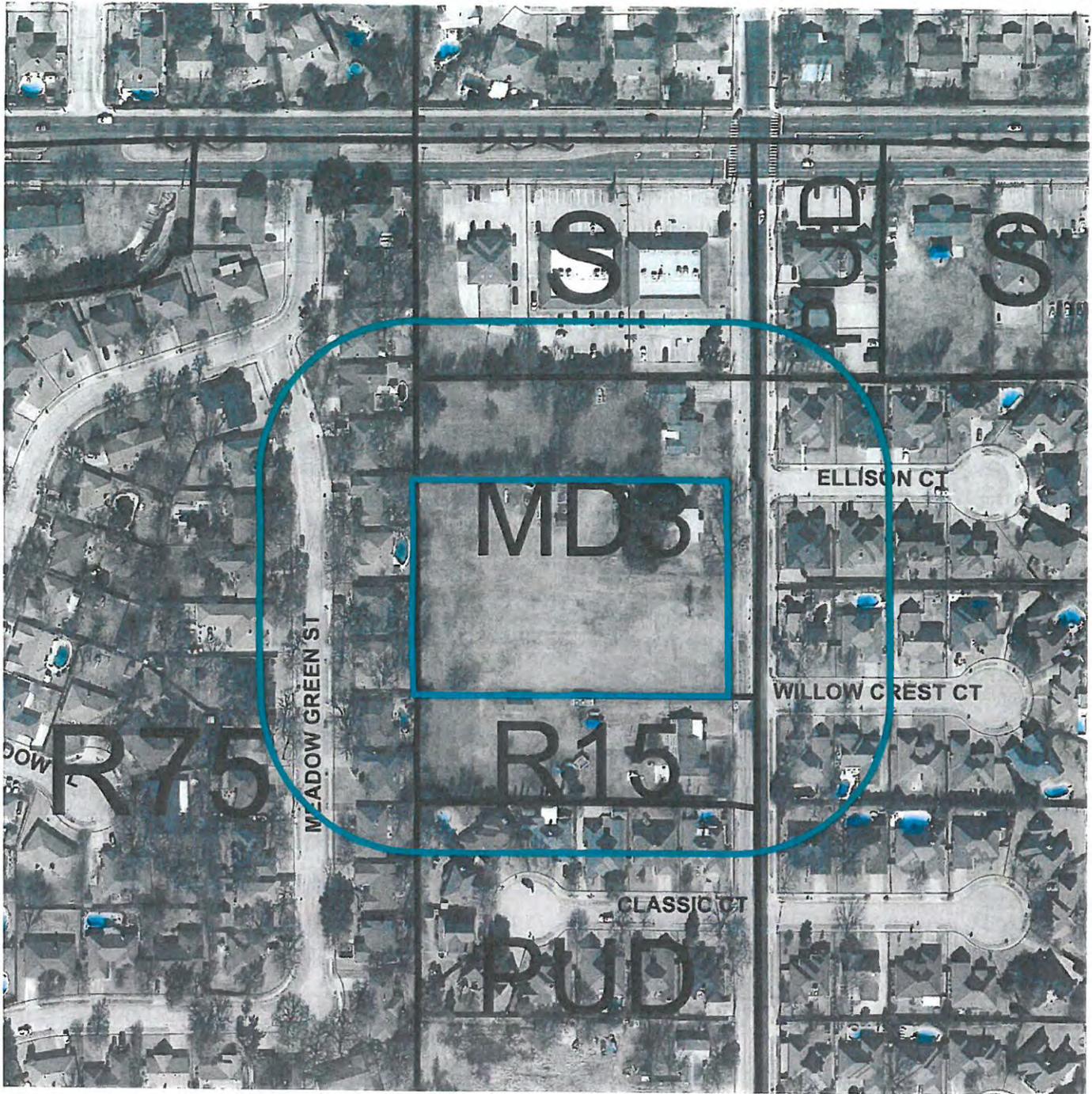
Lot(s) 50 and 51, Block(s) _____, Addition(s) JR Murphy Addition or
 Tract(s) _____, Abstract(s) _____, Survey(s) AJ Woodson Survey
 of the City of Bedford, Texas.
 Street Address 2709 Murphy Drive, Bedford, Texas

Fee: (\$205.00 plus \$205.00 per acre over one.) \$205.00 + \$205.00 x (2.409 ac -- 1 ac) 1.409 = \$493.85
 Payable by cash, Visa, MasterCard or check made out to the City of Bedford. (* of acres) (total fee)

Property Owner: (*Signature) 		Developer: (*Signature) 	
(Printed name) Curtis Sanders		(Printed name) Bryan Holland	
(Company name) Individual		(Company name) BDH Portfolio, LLC	
(Street Address, City, State & Zip Code) 3012 Cactus Road, Willow Park, Texas 76987		(Street Address, City, State & Zip Code) 5101 Oak Timber Court, Colleyville, Texas 76034	
(Email address) Crsanders@uwmail.com		(Email address) bholland@bdhportfolio.com	
(Telephone number) (817) 441-5790	(FAX number)	(Telephone number) (817) 875-5215	(FAX number) (817) 581-4160
Land Planner/Engineer: (*Signature) 		Surveyor: (*Signature) 	
(Printed name) Keith Hamilton		(Printed name) David Lewis	
(Company Name) Hamilton Duffy Engineers		(Company Name) Spry Surveyors	
(Street Address, City, State & Zip Code) 8241 Mid-Cities Blvd., Ste. 100 North Richland Hills 76182		(Street Address, City, State & Zip Code) 8241 Mid Cities Blvd. Ste. 100, North Richland Hills 76182	
(Email address) khamilton@hamiltonduffy.com		(Email address) david@sprysurveyors.com	
(Telephone number) 817-268-0408	(FAX number) 817-284-8408	(Telephone number) (817) 896-6150	(FAX number)

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





City of Bedford, Texas

Hearing Date: 04-25-13

S-056

**Address: 2709 Murphy Drive
Bedford, Texas 76021**

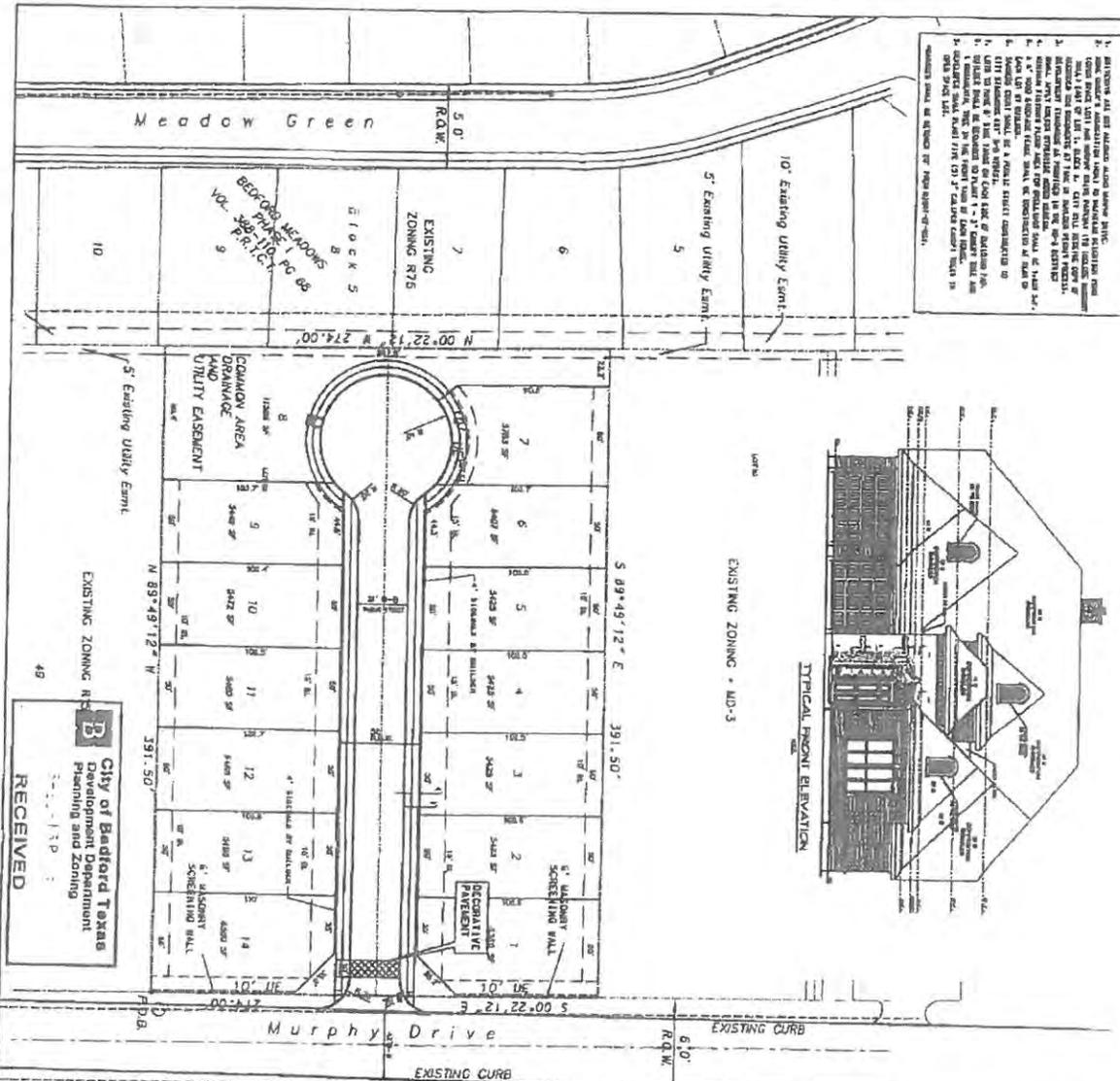
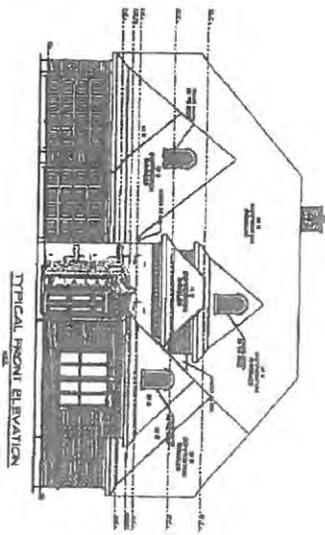
Legal Description: Lots 50 and 51, JR Murphy Addition



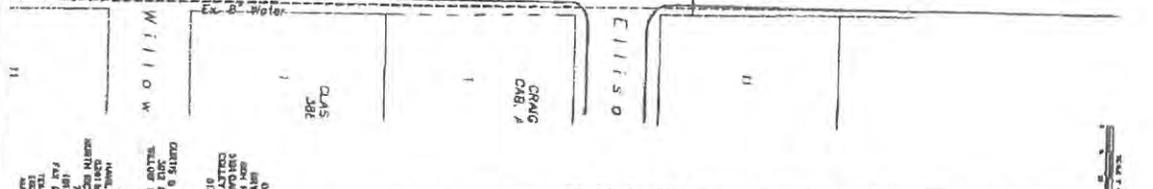
-  Parcel Boundary
-  Subject Parcel and Buffer

DISCLAIMER
The City of Bedford makes no representation or warranty as to the accuracy of this map and its information or to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further agrees to not hold the City of Bedford liable from any damage, loss, or liability arising from any use of the map product. Independent verification of all information contained on this map should be obtained by the end user.

1. ALL OTHERS ARE TO BE MAINTAINED AS SHOWN UNLESS OTHERWISE SPECIFIED.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS.
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8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS.
9. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS.
10. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DALLAS.



RECEIVED
 City of Bedford Texas
 Development Department
 Planning and Zoning
 3-6-13



LAND USE TABLE

AREA OR DEVELOPMENT	ZONING	AREA (ACRES)	PERCENTAGE OF TOTAL AREA
RESIDENTIAL SINGLE-FAMILY UNITS	MS-3	1.00	100%
OPEN SPACE	MS-3	0.00	0%
LOT COVERED AREA	MS-3	0.00	0%
LOT COVERED AREA TO BE MAINTAINED	MS-3	0.00	0%
LOT COVERED AREA TO BE MAINTAINED	MS-3	0.00	0%

DEVELOPER: SANDERS ADDITION
OWNER: SANDERS ADDITION
DATE OF PREPARATION: 3-6-13



Council Agenda Background

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

DATE: 05/28/13

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

ITEM:

Consider an ordinance of the City of Bedford, Texas, (“city”) approving and adopting rate schedule “RRM – Rate Review Mechanism” for Atmos Energy Corporation, Mid-Tex Division to be in force in the city for a period of time as specified in the rate schedule; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and ACSC legal counsel.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The City of Bedford, along with 154 other cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”). In 2007, ACSC and Atmos Mid-Tex agreed to implement an annual rate review mechanism for Atmos Mid-Tex, known as the Rate Review Mechanism (“RRM”), as a temporary replacement for the statutory mechanism known as GRIP (the “Gas Reliability Infrastructure Program”). This first RRM tariff expired in 2011 and now the ACSC and the Company have reached an agreement on the form of the RRM tariff to be in effect for a four-year period from 2013 to 2017. If the RRM process is to continue to function as a substitute for the GRIP process, cities that exercise original jurisdiction must adopt a tariff that authorizes the process.

As background, the RRM tariff was originally approved by ACSC member cities as part of the settlement agreement resolving the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. The RRM process was created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP rate adjustment process. GRIP, like the RRM, is a form of expedited rate relief for gas utilities that avoids the long and costly process of a full rate filing. However, ACSC strongly opposes the GRIP process because it constitutes piecemeal ratemaking, does not allow any review by cities of the reasonableness of capital expenditures, and does not allow participation by cities in the Railroad Commission’s review of the annual GRIP filings, or recovery by cities of their rate case expenses. The Railroad Commission undertakes only an administrative review of GRIP filings (instead of a full hearing) and the rate increases go into effect without any material adjustments. In ACSC’s view, the GRIP process unfairly raises customers’ rates without any real regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings.

Atmos Mid-Tex has stated if it were to file for a rate adjustment in 2013 under the GRIP provisions, it would request approximately \$5 million more in rate relief than it plans to request in a filing under this revised RRM tariff. ACSC assumes that this is because the GRIP process only evaluates changes to capital investment. The RRM process looks at revenues (that may be increasing) and expenses (that may be declining), as well as capital investment. Additionally, the statute authorizing the GRIP rate adjustment process allows the Company to place the entirety of any rate increase in the unavoidable monthly customer charge portion of its rates. If the Company were to file for an increase under the GRIP provisions, the entire amount of the increase would be collected through the fixed portion of the bill, rather than the volumetric charge that varies by a customer’s usage. Between 2007 and 2012, ACSC was able to negotiate rate design results that constrained residential customer charges to the \$7.00 to \$7.50 range. However, the Railroad Commission has

recently raised the residential customer charge to \$17.70.

The Company has agreed that for the first filing under the revised RRM tariff, there will be no increase to the residential customer charge. Thus, some of the primary benefits of the attached RRM tariff are that it moderates the impact of rate adjustments on residential customers by not changing the residential customer charge for the first RRM period. In subsequent years only 40% of the proposed increase in revenues to the residential class will be recovered through the fixed customer charge, and in no event will the residential customer charge increase by more than \$.50 per month. No such constraints exist under the GRIP process.

Under the RRM tariff, cities are also able to review the Company's annual expenses and capital investments and make adjustments, or disallowances, for any such expenses or investments that are considered to be unreasonable or unnecessary. The cities' costs in reviewing the annual filings, such as fees associated with the hiring of expert consultants and legal counsel, will be reimbursed by the Company on a monthly basis.

If cities do not approve the RRM tariff, the Company has stated that it will reinstitute its annual filings under the GRIP provisions. The anticipated GRIP adjustment for 2013 would be approximately \$5 million higher than the Company anticipates requesting through an RRM filing. Additionally, GRIP rate adjustments would place the entire amount of the Company's requested increase into the customer charge.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance of the City of Bedford, Texas, ("city") approving and adopting rate schedule "RRM – Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division to be in force in the city for a period of time as specified in the rate schedule; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and ACSC legal counsel.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
RRM – Attachment A

ORDINANCE NO. 13-

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS, (“CITY”) APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL.

WHEREAS, the City of Bedford, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “the Company”); and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of cities, most of whom retain original jurisdiction over the rates and services of Atmos Mid-Tex; and

WHEREAS, in 2007 ACSC member cities and Atmos Mid-Tex collaboratively developed the Rate Review Mechanism (“RRM”) Tariff that allows for an expedited rate review process controlled by cities as a substitute for the legislatively-constructed Gas Reliability Infrastructure Program (“GRIP”); and

WHEREAS, the GRIP mechanism does not permit the City to review rate increases, and constitutes piecemeal ratemaking; and

WHEREAS, the RRM process permits City review of requested rate increases and provides for a holistic review of the true cost of service for Atmos Mid-Tex; and

WHEREAS, the initial RRM tariff expired in 2011; and

WHEREAS, ACSC’s representatives have worked with Atmos Mid-Tex to negotiate a renewal of the RRM process that avoids litigation and Railroad Commission filings; and

WHEREAS, the ACSC’s Executive Committee and ACSC’s legal counsel recommend ACSC members approve the negotiated new RRM tariff; and

WHEREAS, the attached Rate Schedule “RRM – Rate Review Mechanism” (“RRM Tariff”) provides for a reasonable expedited rate review process that is a substitute for, and is superior to, the statutory GRIP process; and

WHEREAS, the expedited rate review process as provided by the RRM Tariff avoids piecemeal ratemaking; and

WHEREAS, the RRM tariff reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the most recent Atmos Mid-Tex rate case, G.U.D. No. 10170; and

WHEREAS, the RRM Tariff provides for an annual reduction in Atmos Mid-Tex’s requested rate increase of at least \$3 million; and

WHEREAS, the RRM Tariff provides for a lower customer charge than if Atmos Mid-Tex pursued GRIP filings; and

WHEREAS, the attached RRM Tariff as a whole is in the public interest;

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

SECTION 1. That the findings set forth in this Ordinance are hereby in all things approved.

SECTION 2. That the City Council finds that the RRM Tariff, which is attached hereto and incorporated herein as Attachment A, is reasonable and in the public interest, and is hereby in force and effect in the City.

- SECTION 3.** That to the extent any resolution or ordinance previously adopted by the City Council is inconsistent with this Ordinance, it is hereby repealed.
- SECTION 4.** That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- SECTION 5.** That if any one or more sections or clauses of this Ordinance is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.
- SECTION 6.** That this Ordinance shall become effective from and after its passage.
- SECTION 7.** That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs for Atmos Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PRESENTED AND PASSED on this 28th day of May 2013, 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

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 1 OF 6

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers in the Mid-Tex Division of Atmos Energy Corporation ("Company") except such customers within the City of Dallas. This Rate Review Mechanism ("RRM") provides for an annual adjustment to the Company's Rate Schedules R, C, I and T ("Applicable Rate Schedules"). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

"Test Period" is defined as the twelve months ending December 31 of each preceding calendar year.

The "Effective Date" is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is June 1. The 2013 filing Effective Date is October 15, 2013.

Unless otherwise noted in this tariff, the term "Final Order" refers the final order issued by the Railroad Commission of Texas in GUD 10170.

The term "System-Wide" means all incorporated and unincorporated areas served by the Company.

"Review Period" is defined as the period from the Filing Date until the Effective Date.

The "Filing Date" is as early as practicable but no later than March 1 of each year with the exception of 2013, which shall have a Filing Date of July 15, 2013. The last annual Effective Date is June 1, 2017.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service ("COS") that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD} - \text{ADJ}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared

RATE SCHEDULE:	RRM – Rate Review Mechanism	
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consistent with the rate making treatments approved in the Final Order. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order.

RI = return on investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, except that no post Test Period adjustments will be permitted. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes) and the return on equity from the Final Order. However, in no event will the percentage of equity exceed 55%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order.

CD = interest on customer deposits.

ADJ = Downward adjustment to the overall, System-Wide test year cost of service in the amount of \$3,000,000.00, adjusted by a percentage equal to the total percentage increase in base-rate revenue sought pursuant to this tariff.

IV. Annual Rate Adjustment

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 3 OF 6

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 40% of the increase may be recovered in the customer charge. The increase to the Residential customer charge shall not exceed \$0.50 per month in any given year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. The Company will forgo any change in the Residential customer charge with the first proposed rate adjustment pursuant to this tariff. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within ten (10) calendar days after the Filing Date.

The 2013 Filing Date will be July 15, 2013.

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non-recurring items included in the filing.

VI. Evaluation Procedures

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
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Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on June 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by May 31, the rates proposed in the Company's filing shall be deemed approved effective June 1. (2013 filing RRM rate will be effective October 15, 2013 if no action is taken). Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by May 31, the rates finally approved by the regulatory authority shall be deemed effective as of June 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices

RATE SCHEDULE:	RRM – Rate Review Mechanism	
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for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than August 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before August 30 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;

RATE SCHEDULE:	RRM – Rate Review Mechanism	
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- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment be obtained.



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 05/28/13

Council Mission Area: Encourage citizen involvement.

ITEM:

Consider a resolution appointing members to the Beautification and Cultural Commissions.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

The City Secretary's Office received an application from Andy Sioco to serve on the Beautification Commission and JoLynne Jensen to serve on the Cultural Commission. There are currently four openings on the Beautification Commission and one opening on the Cultural Commission.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution appointing members to the Beautification and Cultural Commissions.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution

RESOLUTION NO. 13-

A RESOLUTION APPOINTING MEMBERS TO THE BEAUTIFICATION AND CULTURAL COMMISSIONS.

WHEREAS, the City Council of Bedford, Texas desires to fill openings on the Beautification and Cultural Commissions.

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

SECTION 1. That Andy Sioco is appointed to Place 6 on the Beautification Commission with a term expiring in December of 2014.

SECTION 2. That JoLynne Jensen is appointed to Place 8 – Alternate on the Cultural Commission with a term expiring in December of 2014.

PASSED AND APPROVED this 28th day of May 2013, 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

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney