

# **AMENDED AGENDA**

**Regular Meeting of the Bedford City Council  
Tuesday, September 24, 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 6:00 p.m.  
Council Chamber Regular Session 6:30 p.m.**

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

## **CONFERENCE ROOM WORK SESSION 5:00 p.m.**

- Discussion and interviews of finalist firms to conduct a citizen satisfaction survey.

## **COUNCIL CHAMBER WORK SESSION 6:00 p.m.**

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Present a report on the 2013 City of Bedford Blues Fest.

## **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 Block 1, Lot 1Rb, Bedford Meadows Shopping Center.
- b) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments.
- 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 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot A1, Dallas Federal Addition. (Amended Item)

## **REGULAR SESSION 6:30 P.M.**

### **CALL TO ORDER/GENERAL COMMENTS**

**INVOCATION (Reverend Melvin Brown, Cathedral of Faith Church of God in Christ)**

### **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. Employee Service Recognition
2. Recognition of Megan Jakubik, Budget Analyst, for a Bedford Employee Commitment Award (BECA).
3. Proclamation recognizing October 2013 as Fire Prevention Month in the City of Bedford.
4. Proclamation recognizing October 2013 as Crime Prevention Month in the City of Bedford.
5. Proclamation recognizing October 1, 2013 as the official day for National Night Out in the City of Bedford.

#### **APPROVAL OF THE MINUTES**

6. Consider approval of the following City Council minutes:
  - a) September 10, 2013 regular meeting

#### **PERSONS TO BE HEARD**

7. The following individual has requested to speak to the Council tonight under Persons to be Heard.
  - a) Rev. Melvin Brown, Sr., 2813 Airport Freeway, Suite #416, Bedford, Texas 76021 – Requested to speak to the Council regarding a Cultural Diversity Initiative for Bedford.

#### **NEW BUSINESS**

8. Public hearing and consider an ordinance to rezone a portion of the property known as Lot 10R, Block 6, Bedford Meadows Addition, located at 2807 Central Drive, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment, specifically for a Specific Use Permit to allow for outside seating for a restaurant, Crazy Cowboy Restaurant and Bar; 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 Central Drive. (Z-238)
9. Public hearing and consider an ordinance amending Ordinance number 2275, specific to Section 1.2.B. *Definitions* to include the definition of a shopping center and Section 2.3.G *Structures Located on Shopping Center Premises*; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. (A-034)
10. Consider and act upon an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance No. 10-2975; providing a repealing clause; providing a severability clause; and declaring an effective date.
11. Consider and act upon an ordinance amending the schedule of sewer rates by amendment of Section 1., Ordinance No. 10-2974; providing a repealing clause; providing a severability clause; and declaring an effective date.
12. Consider an ordinance amending a Fiscal and Budgetary Policy; authorizing the City Manager to designate a funding source for a special revenue fund, the Economic Development Fund; and declaring an effective date.
13. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the City of Fort Worth in the amount of \$47.00 per voucher to allow for the collection and disposal of household hazardous waste for Bedford households at the permanent collection site from October 1, 2013 to September 30, 2014.

14. Consider a resolution authorizing the City Manager to enter into a contract with Saber Development Corporation for the Northwest Pressure Plane Project in the amount of \$2,269,855.25.
15. Consider a resolution appointing 15 members to the City's Charter Review Committee and selecting a Chairperson of the Committee.
16. Consider a resolution to nominate individuals to serve on the Board of Directors for the Tarrant Appraisal District.
17. Report on most recent meeting of the following Boards and Commissions:
  - ✓ Animal Shelter Advisory Board - Councilmember Boyter
  - ✓ Beautification Commission - Councilmember Turner
  - ✓ Community Affairs Commission - Councilmember Boyter
  - ✓ Cultural Commission - Councilmember Nolan
  - ✓ Library Board - Councilmember Davisson
  - ✓ Parks & Recreation Board - Councilmember Davisson
  - ✓ Senior Citizen Advisory Board - Councilmember Turner
  - ✓ Teen Court Advisory Board - Councilmember Champney
18. Council member reports
19. City Manager/Staff Reports
20. 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, September 20, 2013 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

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**Michael Wells, City Secretary**

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**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

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**PRESENTER:** Mirenda McQuagge-Walden, Managing Director

**DATE:** 09/24/13

Work Session

**ITEM:**

Discussion and interviews of finalist firms to conduct a citizen satisfaction survey.

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

At the August 13, 2013 meeting, Council directed staff to proceed with an RFQ for the selection of a firm to conduct a citizen satisfaction survey. On Sunday, August 18, there was a notice advertising the RFQ process in the Fort Worth Star-Telegram with a submission deadline of Monday, September 9, 2013. A total of five firms submitted proposals, including:

- Decision Analyst
- ETC Institute
- Raymond Turco and Associates
- UNT Survey Research Center
- The Wolf Group

An employee committee composed of City Secretary Michael Wells, Library Manager Maria Redburn, Budget Analyst Megan Jakubik and Managing Director Mirenda McQuagge-Walden reviewed the proposals, qualifications and references to narrow the field to three candidates. Staff conducted interviews to determine the two finalists for Council's consideration. The two finalists are:

- ETC Institute
- UNT Survey Research Center

**ATTACHMENTS:**

N/A



# Council Agenda Background

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**PRESENTER:** Wendy Hartnett, Special Events Manager

**DATE:** 09/24/13

**Work Session**

**ITEM:**

Present report on the 2013 City of Bedford Blues Fest.

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

Staff will present a wrap-up report on the 2013 City of Bedford Blues Fest.

**ATTACHMENTS:**

Presentation



**August 30 – September 1, 2013**

# OVERALL GOALS

- Increase hotel usage
- Provide a community event
- Foster economic growth
- Encourage citizen involvement
- Produce a phenomenal festival that enhances the image of the City of Bedford



# MISSION

- To continue the popular Bedford BluesFEST with a twist - the BBQ cookoff. This would include a venue where Texas BBQ and music lovers of all demographics can gather to enjoy the Blues and Texas Country. The event will focus on community enrichment as well as enhancing the image of our city.



# Bedford Blues & BBQ

Thanks to our sponsors!



Healing Hands. Caring Hearts.™



# ADVERTISING & MEDIA

The 2013 Bedford Blues & BBQ Festival public relations campaign generated more than 15.3 million print, broadcast and online impressions at a CPM of \$0.78.

- **Fort Worth Star Telegram insert**
- **Ranch Radio**
- **CBS Radio**
- **Dallas Observer**
- **Blues Society e-blast**
- **92.5 Interview**
- **Digital Billboards**

# Bedford Blues & BBQ

- **Statistics**

- 52 art vendors (46 in 2012)
- 20 food vendors
- Online packages continued
- Positive image for the City of Bedford
- Estimated attendance 16,500
- Cash sponsorships
  - \$71,800 in 2013
  - \$60,751 in 2012



# BRING ON THE BBQ

- **BBQ Statistics**

- Increased teams to 91
- 5<sup>th</sup> in the nation out of 450 contests
- Parks department constructed & managed two sections of “BBQ town”
- 9 categories (Wright Bacon, Smithfield, Ranchers Reserve)
- \$3,950 in extra prize money for those teams (43% increase)
- = \$13,150 Total prize money

# BBQ Crawl

BBQ Crawl is a BBQ reality show surrounding a mouth-watering road trip that follows former world champion of pork Danielle Dimovski, aka "Diva Q," as she eats and competes her way through the American south. The show premiered on the Travel Channel in the Spring. Diva Q returned to Bedford for Season 2 of BBQ Crawl.



# BBQ EVENTS

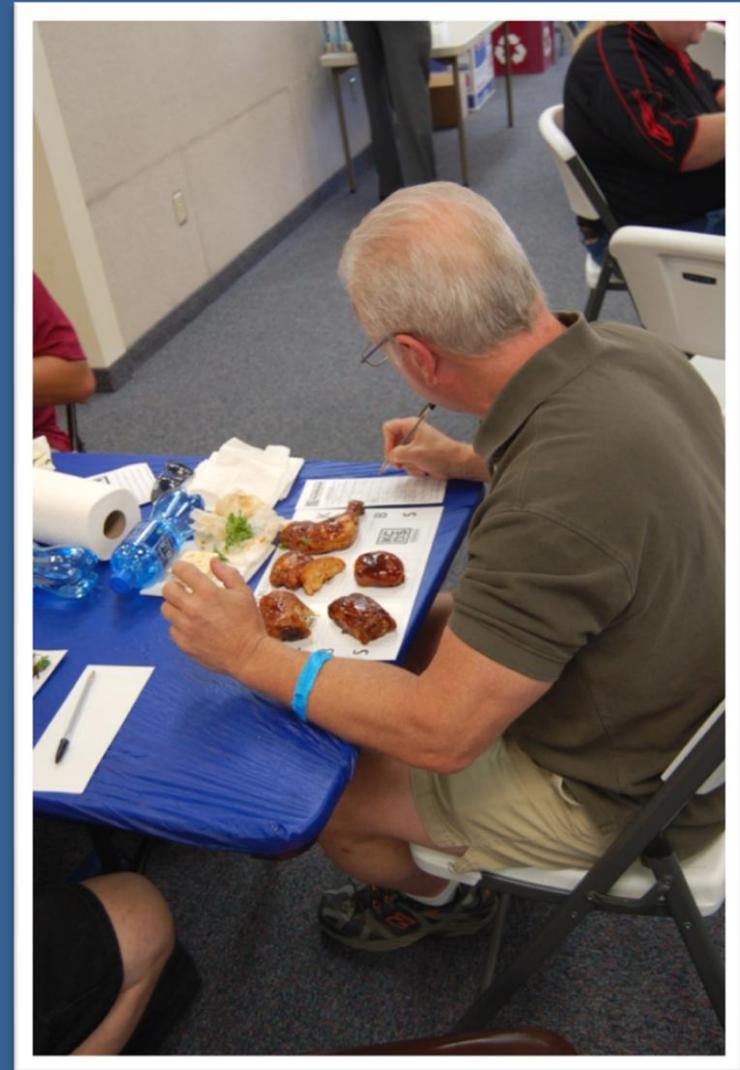
- **BBQ Events**

- People's Choice (Saturday)

- Double the teams
- Incentives in place

- Battle of the BBQ (Sunday)

- \$7,159 in revenue which is 13.5% increase



# SPECIALTY SEATING OPTIONS

- Continued the specialty seating options
  - Simplified ticket features
  - Added Reserved Preferred \$40
    - 82 Saturday
    - 140 Sunday
  - Party Tent Seats \$25
    - 325 Saturday
    - 332 Sunday
  - Reserved Seats \$25
    - 227 Saturday
    - 287 Sunday
  - \$1,285 sold onsite
  - Continued bundles that include weekend packages with parking
  - Additional revenue = \$38,413



# Fuzzy's Friday

Revenue	Expenses	Cost Recovery
\$11,558	\$11,648	99.23%



**FRIDAY FRENZY**

# Bedford Blues & BBQ

	2009	2010	2011	2012	2013
Revenue	\$223,292	\$184,080	\$213,612	\$212,385	\$239,869
Expenses	\$442,292	\$314,583	\$362,106	\$347,979	\$358,005
Cost Recovery	50.43%	58.52%	58.99%	61.03%	67.00%

# CHALLENGES

- Addition of Friday night
- Highway construction - continued
- Sign plan - continued
- Maximize venue space – food court
- Increased & retained sponsors

# LOOKING FORWARD:

- Increase attendance
- Add more sponsors
- Research an additional tiered volunteer structure that will help all year
- Enhance BBQ events/music events
- Survey attendees for feedback
- Look into additional revenue streams
- Decentralize wristband pickup

# Bedford Blues & BBQ



Questions?



# Council Agenda Background

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**PRESENTER:** Beverly Griffith, City Manager

**DATE:** 09/24/13

**Council Recognition**

**ITEM:**

**Employee Service Recognition**

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

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

**Steve Paris                      5 years                      Police Department**

**ATTACHMENTS:**

**N/A**



# Council Agenda Background

**PRESENTER:** Beverly Griffith, City Manager

**DATE:** 09/24/13

Council Recognition

**ITEM:**

Recognition of Megan Jakubik, Budget Analyst, for a Bedford Employee Commitment Award (BECA).

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

The BECA is part of the City of Bedford's Employee Recognition Program. In order for an employee to receive a BECA, he/she must display "above and beyond the call of duty" conduct or actions in their daily job function or other types of meritorious actions or conduct.

Any citizen, business owner or employee may nominate a City employee for a BECA by completing a form. The nominations are reviewed on a periodic basis by the City's senior management team. The senior management team then votes on the nominations.

Megan was nominated by HR staff and Sgt. Jeff Gibson in the Police Department, Professional Standards Division, for volunteering to make the Civilian Application Addendum a PDF, allowing applicants to type on the form. This is a very lengthy document that non-uniformed public safety applicants are required to submit in the hiring process. Both nominating divisions believe that the PDF format will provide a better, streamlined process. Although applicants will still have to print the document because release paperwork has to be signed and notarized, it allows room to sufficiently complete all questions asked. It will also assist the Recruiting Division in the Police Department greatly because the Division will not have to hold a City application until they get an addendum. Having everything together greatly reduces errors or misplaced applications and greatly improves the hiring process for all City departments. Megan saw an opportunity to improve efficiency and acted upon it, thus exhibiting the PRIDE core values.

**ATTACHMENTS:**

None



# Council Agenda Background

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**PRESENTER:** Jim Griffin, Mayor

**DATE:** 09/24/13

Council Recognition

**ITEM:**

Proclamation recognizing October 2013 as Fire Prevention Month in the City of Bedford.

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

Fire Prevention Month is a nationwide effort held each October to encourage Americans to take simple steps to prevent fire emergencies in their homes, businesses and schools. The goal of Fire Prevention Month is to increase public awareness about the importance of preparing for fire emergencies and to encourage individuals to take action.

The Fire Department will host an Open House with live demonstrations and citizen interaction at the Central Fire Station, Saturday, October 12, 2013 from 10:00 a.m. until 2:00 p.m. They will present fire safety and fire prevention programs in the schools throughout the month of October. A fire prevention poster contest will follow at the end of October, allowing over 4,000 students to enter and illustrate what they have learned from the programs.

The national fire prevention theme for 2013 is “Prevent Kitchen Fires!”

Fire Chief James Tindell will be on hand to accept the proclamation.

**ATTACHMENTS:**

Proclamation



CITY OF  
**BEDFORD**

# Proclamation

*WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire. The citizens of Bedford must take action to prevent fires and to protect themselves if fire strikes. Awareness of simple safety practices can help lower fire death and injury rates; and*

*WHEREAS, the City of Bedford and the Bedford Fire Department are committed to the safety and well being of all citizens and visitors to this community; and*

*WHEREAS, the 2013 Fire Prevention theme, "Prevent Kitchen Fires", effectively serves to remind us all of the simple actions we can take to keep our homes and families safe from fire during Fire Prevention Month and year-round; and*

*WHEREAS, citizens are invited to the Bedford Fire Department's Open House, Saturday, October 12, 2013, 10 a.m. until 2 p.m. at the Central Fire Station with life and fire safety demonstrations, preparedness and prevention information, and fun for the whole family.*

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

## ***Fire Prevention Month***

*and call upon the citizens of the City of Bedford to protect your family from fire by having working smoke alarms and plan and practice fire drills. This month is commemorated across North America and supported by the public safety efforts of fire departments, schools and other safety advocates, in conjunction with the National Fire Protection Association.*

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this 24th day of September, 2013.*

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JIM GRIFFIN, MAYOR





# Council Agenda Background

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**PRESENTER:** Jim Griffin, Mayor

**DATE:** 09/24/13

Council Recognition

**ITEM:**

Proclamation recognizing October 2013 as Crime Prevention Month in the City of Bedford.

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

In 1984, the National Crime Prevention Council designated October as Crime Prevention Month. Since 1984, government agencies, civic groups, schools, businesses, and youth organizations have reached out to educate the public, showcase their accomplishments, and explore new partnerships during this special month.

October has become the official month for recognizing and celebrating the practice of crime prevention, while promoting awareness of important issues such as victimization, volunteerism, and creating safer, more caring communities. The month-long celebration spotlights successful crime prevention efforts on the local, state, and national levels.

Police Chief Roger Gibson and Technical Sergeant Randy Gardner will be accepting this proclamation.

**ATTACHMENTS:**

Proclamation



CITY OF  
**BEDFORD**

# Proclamation

*WHEREAS, the vitality of our city depends on how safe we keep our homes, neighborhoods and communities; and*

*WHEREAS, crime and fear of crime destroy our trust in others and in institutions, threatening the community's health, prosperity and quality of life; and*

*WHEREAS, people of all ages must be made aware of what they can do to prevent themselves, their families, neighbors and co-workers from being harmed by drugs, violence and other crime; and*

*WHEREAS, the personal injury, financial loss, and community deterioration resulting from crime are intolerable and require investment from the whole community; and*

*WHEREAS, crime prevention initiatives must include self-protection and security, but they must go beyond these to promote collaborative efforts to make neighborhoods safer for all ages and to develop positive educational and recreational opportunities for young people; and*

*WHEREAS, adults must invest time, resources and policy support in effective prevention and intervention strategies for youth, and teens must be engaged in driving crime from their communities; and*

*WHEREAS, effective crime prevention programs excel because of partnerships among law enforcement, other government agencies, civic groups, schools, faith communities, businesses and individuals as they help to nurture community responsibility and instill pride.*

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

## ***Crime Prevention Month***

*in the City of Bedford and urge all citizens, government agencies, public and private institutions and businesses to invest in the power of prevention and work together for the common good.*

*In witness whereof, I have hereunto set my hand and  
caused the seal of the City of Bedford to be affixed this  
24th day of September, 2013.*

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JIM GRIFFIN, MAYOR





# Council Agenda Background

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**PRESENTER:** Jim Griffin, Mayor

**DATE:** 09/24/13

Council Recognition

**ITEM:**

Proclamation recognizing October 1, 2013 as the official day for National Night Out in the City of Bedford.

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

The 30th Annual National Night Out is a unique, inexpensive crime/drug prevention event that is scheduled for Tuesday, October 1, 2013.

National Night Out was designed to: heighten crime and drug prevention awareness; generate support for, and participation in, local anti-crime efforts; strengthen neighborhood spirit and police-community partnerships; and send a message to criminals letting them know neighborhoods are organized and fighting back.

From 7:00 p.m. to 10:00 p.m. on October 1, residents from Bedford and across Texas are asked to lock their doors, turn on outside lights and spend the evening outside with neighbors and police. Many neighborhoods throughout Bedford will be hosting a variety of special events such as block parties, cookouts and visits from officers and volunteers of the Police Department.

Police Chief Roger Gibson and Technical Sergeant Randy Gardner will be accepting the proclamation.

**ATTACHMENTS:**

Proclamation



CITY OF  
**BEDFORD**

# Proclamation

*WHEREAS, National Night Out, “America’s Night Out Against Crime,” was introduced by the National Association of Town Watch, a nonprofit crime prevention organization, in 1983; and*

*WHEREAS, the 30<sup>th</sup> annual National Night Out Against Crime is a nation-wide event designed to promote neighborhood safety; and*

*WHEREAS, National Night Out activities are designed to heighten crime and drug prevention awareness, generate participation in local anti-crime programs, strengthen neighborhood spirit and community partnerships, and send a message to criminals that neighborhoods are organized and fighting back; and*

*WHEREAS, on October 1<sup>st</sup> neighborhoods across Texas will turn on porch lights in observance of National Night Out.*

*NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim October 1, 2013, as:*

## ***National Night Out***

*in the City of Bedford and urge all citizens to support National Night Out by hosting and participating in neighborhood events and activities.*

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this  
24th day of September, 2013.*

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JIM GRIFFIN, MAYOR





# Council Agenda Background

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**PRESENTER:** Michael Wells, City Secretary

**DATE:** 09/24/13

**Minutes**

**ITEM:**

Consider approval of the following City Council minutes:

- a) September 10, 2013 regular meeting

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

N/A

**ATTACHMENTS:**

September 10, 2013 regular 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 10th day of September, 2013 with the following members present:**

Jim Griffin	Mayor
Michael Boyter	Council Members
Chris Brown	
Ray Champney	
Jim Davisson	
Patricia Nolan	
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
Cliff Blackwell	Administrative Services Director
Bill Cooper	Deputy Director of Information Services
Roger Gibson	Police Chief
Tom Hoover	Public Works Director
Jill McAdams	Human Resources Director
Mirenda McQuagge-Walden	Managing Director
Maria Redburn	Library Manager
Jacquelyn Reyff	Planning 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: 3, 6, 7 and 8.

Police Chief Roger Gibson presented information on Items #7 and #8. These are to enter into a contract with RedFlex for a scofflaw program to address red light camera violations that have been evaluated by RedFlex and staff and where an administrative violation is administered in the amount of \$75.00. There are limited options in recovering those fees. Once a violation is delinquent, there is a \$25.00 late fee, bringing the total up to \$100.00. The City currently works with RedFlex through a collection agency, which recoups the \$25.00 late fee. The agency averages an 11 percent collection rate on those outstanding violations. As of July 31, there are over 14,000 scofflaws for a value of \$1.356M. Of that amount, 11,300 are Tarrant County registered vehicles, amounting to \$1.1M. Staff is proposing to enter into an agreement with RedFlex, whereby they will manage a system and act as the City's agent to enter registration holds. On the initial batch file of 14,000 violations, the typical collection rate is 44 percent. On subsequent batch files, the average increases to 56 percent. RedFlex is also offering to

charge \$38.00 for each violation collected. On the initial batch file, they would charge \$5.00 per successful registration hold. This would only be for vehicles still registered in Texas, to the same person, and over 91 days delinquent on payment. Their typical charge is \$10.00 per successful registration hold. They also agreed that they would not invoice the City for the initial batch file until the City has recovered twice the invoice amount. In conversations with Tax Assessor-Collector Ron Wright, Chief Gibson stated that they will be implementing a contract in the future with all the agencies involved in the scofflaw program. It is unknown whether Mr. Wright's office would assess a fee for those violations that are already in the system, which would be \$5.24 per registration hold in Tarrant County. RedFlex has agreed that if the County does charge this fee, they would only charge \$5.00 for Tarrant County registrations, as opposed to \$10.00.

In response to questions from Council regarding Tarrant County charging for the initial batch file, Chief Gibson explained it would only be for those cases still outstanding for vehicles registered in the County; and that the \$5.24 fee is the same as Dallas County. In response to questions from Council regarding the City handling the program on its own, Chief Gibson explained that with an average of 51 scofflaws a month with three cameras, he did not know if it would justify hiring a full-time employee. In answer to questions regarding the City itself downloading the batch to the State, Chief Gibson explained that the State's system is not able to handle scofflaw violations from multiple entities but that the City is only charged for successful registration holds; and that RedFlex still sends out a letter to the vehicle owner regarding the violation. David Glenn with RedFlex stated that they possess the data that is transferred to TxDMV in a proprietary format. The 14,000 violations is a raw number and that they incur the expenses to send a "probe file" to TxDMV to determine what violations are for vehicles still registered to the same person. Once the file is returned, they submit the list of license plates to put a hold on to TxDMV. Only one hold can be put on per license plate per governmental agency type. RedFlex would send a letter to the violator with a payment coupon at the bottom for the City. The City has access to the "aging report", which is only produced on a monthly basis. Mr. Glenn stated that they would be able to do it quicker and cheaper as they possess the data and can do it in real time. Chief Gibson discussed that the \$38.00 charged by RedFlex would be there whether the City manages the program or not. He further presented information on the tier system as follows: the City is charged \$48.00 for the first 90 violations, \$38.00 for violations from 91-180, and \$28.00 for violations above 180. After RedFlex's fees are subtracted and before the money is split between the City and the State, the City gets to deduct certain expenses. The City would get at a minimum \$13.50 if a violation is paid and \$26.00 if a late fee is added; the number goes back down to \$13.50 if a collection agency is used. He believes with the proposal from RedFlex, the City would bring in a minimum of \$24.00 per violation.

There was discussion on how much the City would collect; that RedFlex would not charge for the initial batch file until the City collects twice the amount; and that RedFlex would have a higher collection rate than the collection agency; that there may be vehicles that never get collected on. In answer to further questions from Council, it was stated that the collection agency fees would go away except on vehicles not registered in the State and where partial payments have been made; and that it does not make a difference if the person tries to register at a grocery store, on-line or at the County. There was discussion that the City would be going into the agreement at a reduced rate, would still come out ahead even with the County fees due to the reduced rate and offsets, and that more revenue would be generated with a higher collection rate.

Deputy City Manager David Miller presented information regarding Item #9. It is for the renewal of a 380 agreement with 6Stones for the revitalization of older and dilapidated homes. The program has grown from three homes initially to 14 this year thus far. The initial agreement was for \$25,000, with a \$10,000 cap on expenditures. The agreement was amended two years ago to \$35,000, with \$25,000 for administrative costs. The renewal agreement covers the following: a reimbursement to 6Stones for \$7,026.87 this fiscal year because they exceeded their cap for expenses; an additional \$10,000 to the expenditure cap due to the popularity of the program and the increase in the number of applications; and a perpetual clause, that allows the agreement to be renewed annually unless one party wants to change or terminate the agreement. Mr. Miller presented information on how the revitalization program works.

There was discussion that the receipts received from 6Stones include the amount of money spent on materials, the amount of time and volunteer hours, and the amount that would have been spent if the

work had been contracted out. In regards to how the owner is verified, Mr. Miller explained that it is verified through the Tarrant Appraisal District that the person who submitted the application is the same person who owns the house, followed by 6Stones interviewing the property owner. In answer to questions and concerns from Council regarding administrative costs, Mr. Miller stated those costs are equivalent to what the other cities pay; that the City caps the reimbursable amount at \$20,000 while the other cities have a 30 percent match; and that 6Stones puts hours into the program with site visits and collecting donations. In regards to the value of the improvements, it was stated that it was \$96,030 for the 14 homes. In regards to the perpetual clause, Mr. Miller stated that no amendment to the contract could be made without going through the proper channels and that the agreement has an out clause. There was Council discussion on the administrative costs being operational expenses and result in a decrease in expenditures for materials and labor; the program keeping property values from deteriorating; having 6Stones present to Council regarding the benefit of the City's investment after each Blitz; 6Stones acting as a general contractor or a project manager on the program; and 6Stones limitations and guidelines regarding costs as a 501(c)3. Mr. Miller stated that if approved, the additional \$10,000 was included in the budget proposal. There was further Council discussion on concerns over the administrative costs. Council was of the consensus to vote on this item during the Regular Session.

Mayor Griffin recessed the Work Session at 6:29 p.m.

- **Discussion regarding the status of the City's water and sewer system infrastructure and the history of its water/sewer rate increases.**

This item was discussed at the end of the Regular Session.

Public Works Director Tom Hoover stated that as previously discussed with Council, the Trinity River Authority (TRA) increased costs to the City for the production of water and getting it to the City as well as treating wastewater. Staff asked Council to look at increasing rates to pay for the improvements. Council then asked staff to have a detailed utility infrastructure report to justify this need. Mr. Hoover displayed pictures of the water and sewer system, including brick manholes, which allows water to infiltrate through the mortar, and clay pipes, which allow intrusion by roots. In regards to the water system, there are less than 10 miles of line that are ten years old or younger, which makes up five percent of the system. A lot of the work on the water system was done 30-40 years ago, with older sections, 50-60 years old, in the southwest portion of the City. There are 150 miles of sewer lines, which follow the same pattern as the water lines since the system was developed when the subdivisions came in. 80 percent of the water and sewer system is 30 years old or older. These older water and sewer mains are either cast iron or clay. The amount of water main breaks each year has been trending upwards.

Administrative Services Director Cliff Blackwell presented the reasoning for rate increases. He showed financially where the City has been borrowing money. He displayed a chart showing the debt issuances for water and sewer projects going back to 2007 and a history of base rates going back to 2004, when water was at \$10.00 and wastewater was at \$8.00. From 2006-2010, there were steady inclines in the rates due partially to increases from TRA. Currently, the base rate for water is \$18.37 per month and wastewater is \$10.88 per month. Mr. Blackwell displayed graphs showing the volume rate history for the City compared to TRA, which showed that historically there were times that TRA charged the City more than the City charged residents. Justifications for the rate increase include the age of the infrastructure; the NTE utility relocates, which will deplete the Utility Maintenance Fund; the TRA pass-throughs, and completing capital improvements on a cash basis instead of issuing debt. On water rates, the proposed base rate increase of three percent would raise the rate on regular customers to \$18.92, or \$0.55, and on senior customers to \$17.20, or \$0.50. Passing through the \$0.13 TRA rate increase and a three percent increase would raise the volume rate from \$2.89 to \$3.11, or \$0.22, per 1,000 gallons. On wastewater rates, the proposed base rate increase is to \$11.21, or \$0.33, on regular customers and to \$10.18, or \$0.30, on senior customers. The proposed volume rate increase is to \$2.10, or \$0.38, per 1,000 gallons. On the average bill of 6,000 gallons, a regular customer would see an increase from \$70.64 to \$75.17, or \$4.53, and a senior customer would see an increase from \$66.87 to \$71.32, or \$4.45. The recommended timeline to have the rate increases go into effect is after January 1 in order to give staff enough time to post information on the website and put inserts into the water bill. In answer to questions from Council, Mr. Blackwell stated that all residents pay the base rate; that there are no bond

refunding opportunities coming up in the near future; and that any bonds that would mature would not do so until the 2020s. Mr. Hoover stated that improvements on the sewer system would decrease the number of inflows being treated and that they have been doing \$1M a year in sewer improvements. There was discussion that if the City does not move forward with the increases, the option is when something breaks, the City would have to pay the same amount of money with interest; on the amount of debt issuances and interest; and that the extra \$1M would help to do repairs and infrastructure upgrades. In answer to questions from Council, Mr. Hoover stated that sewer lines are easily lined but it is more difficult with water lines due to valves and bends; that they would look at older, larger mains that service areas and then start on neighborhoods; that they would do water projects before road projects; that the TRA is a private, water supply corporation established by the State; and the life expectancy of cast iron pipes being 50-60 years.

### **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 Block 1, Lot A1, Dallas Federal Addition.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 2 Lot 4, Bedford Lake Addition.**
- c) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road.**

Council was unable to meet in Executive Session prior to the Regular Session.

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot A1, Dallas Federal Addition; Section 551.087, deliberation regarding economic development negotiations relative to Block 2 Lot 4, Bedford Lake Addition; and Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road at 7:49 p.m.

Council reconvened from Executive Session at 8:25 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 6:34 p.m.

### **CALL TO ORDER/GENERAL COMMENTS**

Mayor Griffin called the meeting to order.

### **INVOCATION (Lead Pastor Robert White, Cornerstone Church North)**

Lead Pastor Robert White of Cornerstone Church North gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

### **OPEN FORUM**

Nobody chose to speak under Open Forum.

### **CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following

items by consent: 3, 6, 7 and 8.

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

### **COUNCIL RECOGNITION**

#### **1. Recognition of Loquita Traylor, Customer Service Supervisor, for a Bedford Employee Commitment Award (BECA).**

Loquita Traylor was recognized with the Bedford Employee Commitment Award for assisting a citizen with their household hazardous waste.

#### **2. Proclamation declaring September 2013 as Blood Cancer Awareness Month.**

Mayor Griffin read a proclamation declaring September 2013 as Blood Cancer Awareness Month. Linda Peddy with the Leukemia and Lymphoma Society was on hand to accept the proclamation.

### **APPROVAL OF THE MINUTES**

#### **3. Consider approval of the following City Council minutes: a) August 27, 2013 regular meeting**

This item was approved by consent.

### **NEW BUSINESS**

#### **4. Consider and act upon an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2013 through September 30, 2014; levying taxes for 2013; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.**

Mr. Blackwell presented information regarding this ordinance. It is to adopt the annual budget for the period from October 1, 2013 through September 30, 2014, levy taxes for 2013, provide for intra-fund and intra-departmental transfers, and provide for the investment of idle funds. The base budget when first submitted was \$58,368,758. Supplemental requests in the amount of \$919,656 brought the total to \$59,288,414. During the budget work session, Council asked staff to add seed money in the amount of \$100,000 to the Economic Development Fund, funds in the amount of \$2,860 for Planning and Zoning Commission training, and \$13,348 for an intern in the General Government Division, bringing the total to \$59,404,622. Staff was also asked to come back with a compensation plan, in the amount of \$486,272 and is based on a 2.5 percent merit based compensation pool, which brings the total proposed budget to \$59,890,894. The total proposed revenue for the budget is \$60,853,003. The proposed tax rate is equal to the effective tax rate at \$0.495050 per \$100 valuation. At the previous Council meeting, staff followed up on items including the reconciliation of the Economic Development Fund. One area to be followed up on is the City's fiscal policy to include language on how the Council would like to fund the Economic Development Fund for future years. As related to the next item on the agenda, because the City has to follow State law, they have to recognize an increase in tax revenues even though the tax rate is lower.

In answer to a question from Council regarding employee raises, City Manager Beverly Griffith stated that the timeframe for implementation would be after the performance review cycle in January. There was Council discussion on decreasing the budget by \$5,783 by passing a tax rate of \$0.4948303 per \$100 valuation; decreasing the tax rate in a year with a probable increase in water rates; the bond election; infrastructure and park improvements; garnering good faith with the residents by decreasing the tax rate; preparing for challenges in the near future; and leaving the tax rate at \$0.495050 per \$100 valuation and putting money into the Economic Development Fund or another use. In answer to questions from Council regarding the process of changing the tax rate, Ms. Griffith stated the motion would need to be amended by changing the tax rate to \$0.4948303 per \$100 valuation, and reducing the General Fund revenue and expenditures by \$5,783, or taking it from the fund balance. There was

discussion on not funding items that will be coming to the voters in the regular budget and issuing debt in January; putting more money into the Economic Development Fund; and increases in expenses, including gas, insurance and cost-of-living.

Motioned by Councilmember Brown, seconded by Councilmember Champney, to adopt a tax rate of \$0.4948303 per \$100 assessed valuation; and approve an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal year of October 1, 2013 through September 30, 2014; and reducing the General Fund revenue and expenditures by \$5,783.

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

Voting in favor of the motion: Councilmember Boyter, Councilmember Davisson, Councilmember Nolan, Councilmember Champney and Councilmember Brown.

Voting in opposition to the motion: Mayor Griffin and Councilmember Turner.

**5. Consider a resolution to ratify the property tax increase as reflected in the 2013/2014 City of Bedford Program of Services (Budget).**

No action was taken on this item.

**6. Consider a resolution accepting the City of Bedford Investment Policy.**

This item was approved by consent.

**7. Consider a resolution authorizing the City Manager to enter into an agreement with Redflex Traffic Systems, Inc. for the purpose of implementing a Scofflaw Program for unpaid administrative red light camera/photo enforcement violations.**

This item was approved by consent.

**8. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the Texas Department of Motor Vehicles for the purpose of implementing a Scofflaw Program for unpaid administrative red light camera/photo enforcement violations.**

This item was approved by consent.

**9. Consider a resolution approving an amendment to the Economic Development Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with 6Stones, L.L.C. ("6Stones")**

There was discussion regarding 6Stones making a presentation to Council.

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve a resolution approving an amendment to the Economic Development Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with 6Stones, L.L.C.

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

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

Voting in opposition to the motion: Councilmember Davisson

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

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

Councilmember Boyter reported that the Board is continuing to get ready for the Pet Fair. They are continuing to review and discuss opportunities to support the Animal Shelter and to see that more animals find families. It was the majority opinion of the Board to endorse a program to encourage the City to engage in a trap, neuter and release program for feral cats. They should be coming to the Council in November or December with a proposal.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner stated that the Commission will meet the following Monday.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported that the Commission is anticipating the Mayor's presentation at the upcoming roundtable on September 19. They are also thinking ahead to host an event to educate the citizens on the upcoming bond election.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the second part of the Commission's strategic planning committee met the previous night. The report will be tallied and presented in the near future.

✓ **Library Board - Councilmember Davisson**

Councilmember Davisson reported that the Board will meet later this month.

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

Councilmember Davisson reported that the Board met the other evening and discussed the upcoming bond election and will be working hard at the upcoming public meetings. One will be on September 17 at the Boys Ranch Activity Center and the other will be on October 17 at the Library. There was discussion of outside forces looking to defeat bond elections. The Board came up with the slogan "Local Park, Local Decision." The Board is looking at long term planning to improve the dog park including adding culvert pipes, increasing the height of the fencing and putting in some sort of shade.

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

Councilmember Turner reported that the Board will meet in October.

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

Councilmember Champney reported that the Board met the previous Thursday and had a discussion on the upcoming banquet and scholarships. They are going to have up to eight applicants for the scholarships. They discussed having a younger speaker for the banquet and he suggested Councilmember Brown. The Board will meet again in October and November.

## **11. Council member reports**

Councilmember Turner presented a report on the Investment Committee. They meet quarterly and go over the investment portfolio. The market value of the portfolio is \$28,301,460 and the City's average yield is 0.22 percent. The City is limited to what it can invest in based on safety. Year-to-date interest is just short of \$50,000. The City tries to diversify its portfolio, with 56 percent in money market fund pools, 30 percent in CDs, and 14 percent in compensating balance. The City's investment advisors help it to increase the yield. They have put \$4M in the bank at no interest; however, bank fees in the amount of \$34,000 are waived equating to 116 basis points.

## **12. City Manager/Staff Reports**

Ms. Griffith reported that the Crud Cruiser event will be held on Saturday, September 21 from 9:00 a.m. to 11:00 a.m. at Meadow Park. The list of items that can and cannot be accepted are on the City's website. The Regal Opera Company will be performing the Mystery of Sherwood Manor on September 20 and 21 at 7:30 p.m. at the Old Bedford School. Tickets are \$18.00 or \$15.00 for seniors, students and children.

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

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

**ADJOURNMENT**

Mayor Griffin adjourned the meeting at 8:27 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary



# Council Agenda Background

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**PRESENTER:** See below

**DATE:** 09/24/13

**Persons to be Heard**

**ITEM:**

- a) Rev. Melvin Brown, Sr., 2813 Airport Freeway #416, Bedford, Texas 76021 – Requested to speak to the Council regarding a Cultural Diversity Initiative for Bedford.

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

N/A

**ATTACHMENTS:**

Letter of Request

Mr. Mike Wells;

Per our conversation, attached is the presentation for the Council Meeting. I appreciate the Mayor and Council including me on the Agenda and having an open mind for a proposed Cultural Diversity Initiative for Bedford Texas.

1. Invocation
2. Power Point Presentation

Thank you in advance,  
Rev. Melvin E. Brown Sr.





# Council Agenda Background

**PRESENTER:** Jacquelyn Reyff, Planning Manager

**DATE:** 09/24/13

**Council Mission Area:** Foster economic growth.

**ITEM:**

Public hearing and consider an ordinance to rezone a portion of the property known as Lot 10R, Block 6, Bedford Meadows Addition, located at 2807 Central Drive, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment, specifically for a Specific Use Permit to allow for outside seating for a restaurant, Crazy Cowboy Restaurant and Bar; 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 Central Drive. (Z-238)

**City Attorney Review:** N/A

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

The applicant is proposing to operate a restaurant, Crazy Cowboy Restaurant and Bar, with outside seating at 2807 Central Drive. The restaurant size is approximately 2,100 SF and the outside seating area will be approximately 400 SF for a total of approximately 2,500 SF. The outside seating will be a fenced-in deck alongside the inline restaurant space seating approximately 25 people.

The property is zoned H, Heavy Commercial. The Heavy Commercial zoning district is established to provide for development of retail and commercial uses, including higher intensity commercial uses. Outside Seating Establishment is a permitted use within the H zoning district when it has completed the Specific Use Permit process.

The total expected occupancy of the restaurant is up to 98 people based on the number of seats the applicant provided for on the proposed floor plan. Parking remains from the previous shopping center development of the whole complex, which has 397 parking spaces. Therefore, the parking as it exists is in excess of what is required, and is in compliance for the proposed use per Section 5.2.A.(3) of the City of Bedford Zoning Ordinance.

The existing landscaping is from a previous development and does not have to be brought into compliance with the Zoning Ordinance if it were shown to be deficient per Section 5.6.J. for the entire shopping center. However, shrubbery will be placed along the outside of the deck area. All conditions for the Specific Use Permit are met by this request.

The Comprehensive Plan indicates the location of 2807 Central Drive to be commercial. Therefore, the proposed use of a restaurant and outside seating with an SUP at this location would not conflict with the Comprehensive Plan.

The Planning and Zoning Commission approved this item at their August 22 meeting with the following stipulations:

- Lighting on wood posts located in the outside seating area to be faced into the restaurant.
- Inclusion of a masonry screening wall below the deck area with complementary stone matching the existing shopping center.
- The hours of operation for the outside seating area are not to exceed midnight.
- There is to be no audio or video located in the outside seating area.
- Construct a wood hand rail around outside seating area.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance to rezone a portion of the property known as Lot 10R, Block 6, Bedford Meadows Addition, located at 2807 Central Drive, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment, specifically for a Specific Use Permit to allow for outside seating for a restaurant, Crazy Cowboy Restaurant and Bar; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. (Z-238)

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance  
Application  
8 1/2 x 11 drawings (separate attachment)  
11x17 drawing (separate attachment)  
Zoning Map of Referenced Property  
August 22, 2013, Planning & Zoning Minutes  
Copy of Legal Ad Published in Star Telegram

**ORDINANCE NO. 13-**

**AN ORDINANCE TO REZONE A PORTION OF THE PROPERTY KNOWN AS LOT 10R, BLOCK 6, BEDFORD MEADOWS ADDITION, LOCATED AT 2807 CENTRAL DRIVE, BEDFORD, TEXAS, FROM HEAVY COMMERCIAL TO HEAVY COMMERCIAL/SPECIFIC USE PERMIT/OUTSIDE SEATING ESTABLISHMENT, SPECIFICALLY FOR A SPECIFIC USE PERMIT TO ALLOW FOR OUTSIDE SEATING FOR A RESTAURANT, CRAZY COWBOY RESTAURANT AND BAR; DECLARING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EFFECTIVE DATE. (Z-238)**

**WHEREAS, it is deemed expedient and for the benefit of the City of Bedford, Texas, that the Comprehensive Zoning Ordinance be rezoned for a portion of the property known as Lot 10R, Block 6, Bedford Meadows Addition, located at 2807 Central Drive, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment specifically to allow for a restaurant with outside seating. The property is generally located south of Harwood Road and west of Central Drive. (Z-238)**

**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:**

**A portion of the property known as Lot 10R, Block 6, Bedford Meadows Addition, and located at 2807 Central 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 the following stipulations:**

- Lighting on wood posts located in the outside seating area to be faced into the restaurant.**
- Inclusion of a masonry screening wall below the deck area with complementary stone matching the existing shopping center.**
- Hours of operation for outside seating area not to exceed midnight.**
- There is to be no audio or video located in the outside seating area.**
- Construct a wood hand rail around outside seating area.**

**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 Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment.**

**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.**

**ORDINANCE NO. 13-**

**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.** That this Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Bedford and the laws of the State of Texas.

**PRESENTED AND PASSED** this 24th day of September, 2013 by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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**Jim Griffin, Mayor**

**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**

**City of Bedford  
Change of Zoning Application**

City of Bedford, Texas  
Development Department  
Planning and Zoning  
06-11-13P03:02 RCVD

Date **Z-238**

Applicant Name (Print): Brad Powell (\*Signature): [Signature]

Address: 2807 Central Dr Bedford, TX 76033

Telephone number: 817 908-3656 Fax number: \_\_\_\_\_

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

From: H To: H / SUP / outside Seating Establishment

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

Legal Description: Lot 1021 Block 6 Addition Bedford Meadows Addition  
Tract \_\_\_\_\_ Abstract \_\_\_\_\_ Survey \_\_\_\_\_ to the City of Bedford, Texas.  
Street Address 2807 Central Dr Bedford, TX 76031

Fee: (\$205.00 plus \$205.00 per acre over one.) \$205.00 + \$205.00 x \_\_\_\_\_ = \_\_\_\_\_  
Payable by cash, Visa, MasterCard, or check made out to the City of Bedford. (# of acres) (total fee)

Property Owner (if not applicant): (\*Signature)

(Print name) Kevin Booknole

(Company name) Colless International (Business Agent)

(Street Address, City, State & Zip Code) 1717 McKinney Dr Suite 900 Dallas, TX 75202

(Telephone number) (214) 217-1238 (FAX number)

Land Planner/Engineer/Surveyor: (\*Signature) N/A

(Print Name)

(Company Name)

(Street Address, City, State & Zip Code,)

(Telephone number) (FAX number)

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

**City of Bedford  
Change of Zoning Application**

Date \_\_\_\_\_

Applicant Name (Print): \_\_\_\_\_ (\*Signature): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

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

From: \_\_\_\_\_ To: \_\_\_\_\_

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

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Addition \_\_\_\_\_  
Tract \_\_\_\_\_ Abstract \_\_\_\_\_ Survey \_\_\_\_\_ to the City of Bedford, Texas.  
Street Address \_\_\_\_\_

Fee: (\$205.00 plus \$205.00 per acre over one.) \$205.00 + \$205.00 x \_\_\_\_\_ = \_\_\_\_\_  
Payable by cash, Visa, MasterCard, or check made out to the City of Bedford. (# of acres) (total fee)

Property Owner (if not applicant): (\*Signature)

(Print name)

Jennifer Janecke



(Company name)

Colliers International as agent for The Northern Trust Company and Bruce McAllister + Margot McAllister

(Street Address, City, State & Zip Code)

1717 McKinney Ave, Suite 900, Dallas TX 75202

(Telephone number)

214 217 1270

(FAX number)

214 692 7600

Land Planner/Engineer/Surveyor: (\*Signature)

(Print Name)

(Company Name)

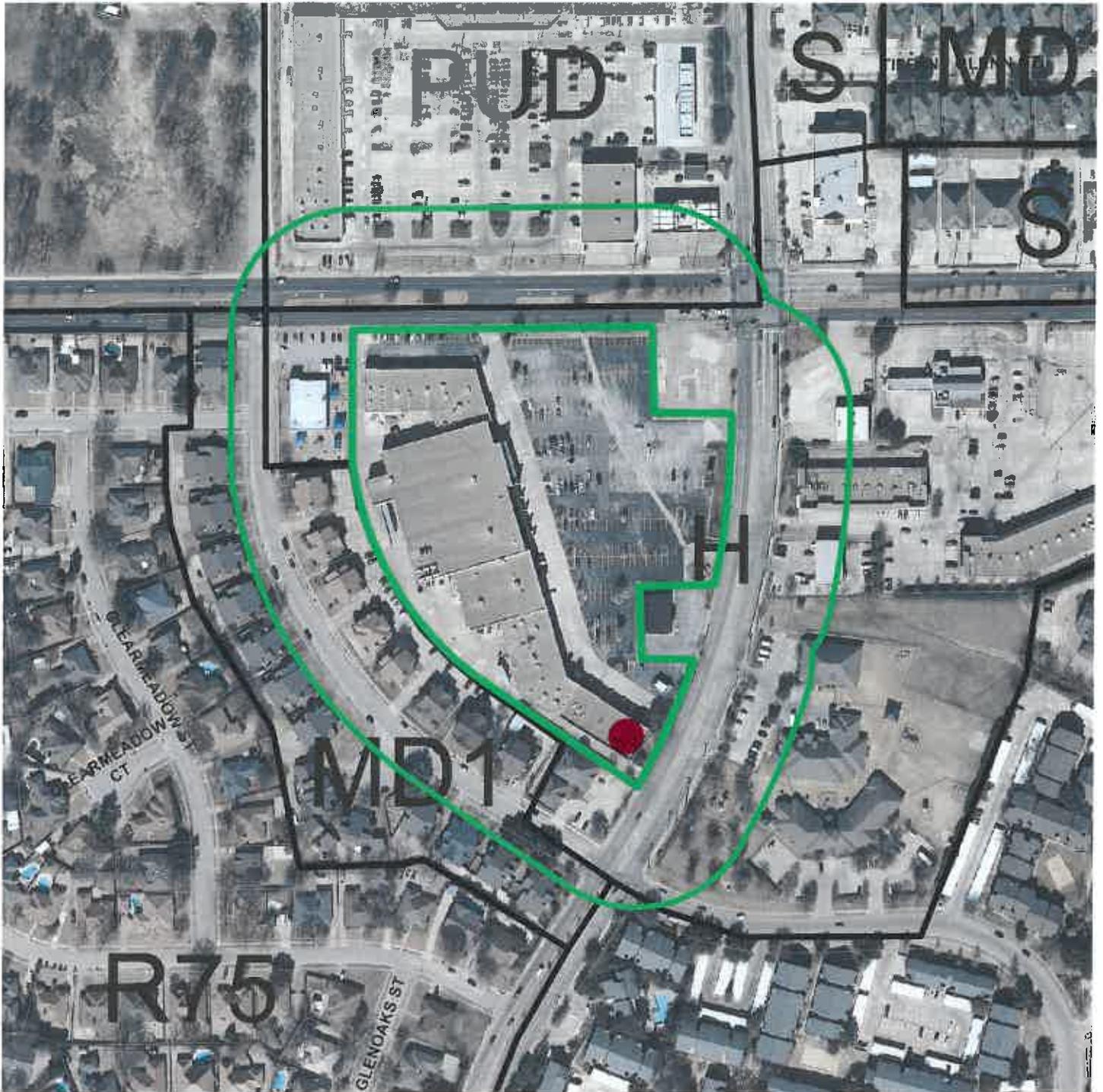
(Street Address, City, State & Zip Code)

(Telephone number)

(FAX number)

\*Signatures certify that all information provided is true and correct.

(Please indicate sole contact for the City purposes with an arrow "→".)



**City of Bedford, Texas**

**Hearing Date: 08/22/13      Z-238**

**Address: 2807 CENTRAL DR  
Addition: BEDFORD MEADOWS ADDITION  
Bedford, TX 76021**

**SUBNUM:    BLOCK: 6    LOT: 10R**



-  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.

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF AUGUST 22, 2013**

**DRAFT**

**REGULAR SESSION**

The Planning and Zoning Commission convened in the Council Chamber at 7:02 PM and the Regular Session began.

**CALL TO ORDER**

Chairman Stroope called the meeting to order at 7:02 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) **July 25, 2013**

Motion: Commissioner Henning made a motion to approve the meeting minutes of July 25, 2013, correct as written.

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

**Ayes:** Commissioners Sinisi, Henning, Pierson, Vice Chairman Reese, Chairman Stroope

**Nays:** None

**Abstention:** Commissioners Fisher, Austin

Motion approved 5-0-2. Chairman Stroope declared the motion approved.

**PUBLIC HEARING**

2. **Zoning Case Z-238, public hearing and consideration of a request to rezone a portion of Lot 10R, Block 6, Bedford Meadows Addition, located at 2807 Central Drive, Bedford, Texas from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment, for Crazy Cowboy Restaurant and Bar. The property is generally located south of Harwood Road and west of Central Drive.**

Chairman Stroope recognized William Syblon, Development Director who reviewed Zoning Case Z-238.

Chairman Stroope recognized Brad Powell and Dick Powell, 2807 Central Drive, Bedford, Texas who were there to present this application.

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF AUGUST 22, 2013**

**DRAFT**

Chairman Stroope opened the public hearing at 7:13 PM and recognized Rachel Tinsman, 2710 Meadow Park Drive, Bedford, Texas who spoke in opposition to this application because the proposed business was in close proximity to her home. She was concerned about the noise that would be generated from the outdoor patio during the evening hours. Also, there would be more cars parking on Meadow Park Drive by the business patrons.

Chairman Stroope closed the public hearing at 7:27 PM.

The Commission discussed the application.

Motion: Commissioner Fisher made a motion to approve Zoning Case Z-238 with the following conditions:

1. The lighting on the wood post of outside seating area is to face into the restaurant.
2. Add a masonry screening wall below the outside seating area with complementary stone to what is existing in the shopping center.
3. The hours of operation of the outside seating area are not to exceed midnight.
4. No audio or video on the outside seating area.
5. There is to be a wood hand rail around the outside seating area

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

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

3. **Request to amend City of Bedford Zoning Ordinance, specific to Section 1.2.B Definitions to include a definition for Shopping Center, and Section 2.3 Nonconformities to include a new Section, Section 2.3.G, Structures Located on Shopping Center Premises (A-034).**

Chairman Stroope recognized William Syblon, Development Director who reviewed Zoning Ordinance Amendment A-034.

Chairman Stroope opened the public hearing at 7:38 PM, and there being no one to speak closed the public hearing at 7:38 PM.

The Commission discussed the application.

Motion: Commissioner Henning made a motion to deny Zoning Ordinance Amendment Case A-034.

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

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



CITY OF  
**BEDFORD**

2000 Forest Ridge Drive - Bedford, TX 76021  
(817)952-2100 www.bedfordtx.gov

August 27, 2013

**PLEASE DELIVER TO:**

**Legal Publications  
Attn: Christine Lopez  
Fort Worth Star-Telegram  
400 West 7<sup>th</sup> Street  
Fort Worth, TX 76102**

**SENT VIA E-MAIL: [clopez@star-telegram.com](mailto:clopez@star-telegram.com) on Tuesday, August 27, 2013**

**FROM:**

**City of Bedford**

**Yolanda Alonso, Planning and Zoning**

**Dear Christine,**

**Please publish the following in "Legal Notices" Thursday, August 29, 2013.**

**MESSAGE:**

**CITY OF BEDFORD  
PUBLIC HEARING**

**The City of Bedford City Council gives notice of a public hearing on Tuesday, September 24, 2013 at 6:30 PM, at City Hall, Council Chamber, 2000 Forest Ridge Drive, Building A, Bedford, Texas:**

**Public hearing and consideration of an ordinance to rezone a portion of Lot 10R, Block 6, Bedford Meadows Addition, located at 2807 Central Drive, Bedford, Texas from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment, for Crazy Cowboy Restaurant and Bar. The property is generally located south of Harwood Road and west of Central Drive (Z-238).**

**Public hearing and consideration of an ordinance to amend the City of Bedford Zoning Ordinance, specific to Section 1.2.B Definitions to include a definition for Shopping Center and Section 2.3 Nonconformities to include a new Section, Section 2.3.G, Structures Located on Shopping Center Premises (A-034).**

**All interested citizens will be given the opportunity to speak and be heard.**



# Council Agenda Background

**PRESENTER:** William Syblon, Development Director  
Jacquelyn Reyff, Planning Manager

**DATE:** 09/24/13

**Council Mission Area:** Foster economic growth.

**ITEM:**

Public hearing and consider an ordinance amending Ordinance Number 2275, specific to Section 1.2.B. *Definitions* to include the definition of a shopping center and Section 2.3.G *Structures Located on Shopping Center Premises*; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. (A-034)

**City Attorney Review:** N/A

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

Direction was given by the City Council for the Planning and Zoning Commission to consider amending the City of Bedford Zoning Ordinance, specific to Section 1.2.B. *Definitions*, to include the definition of a shopping center and Section 2.3 *Nonconformities*, to include an additional Section 2.3.G entitled “Structures Located on Shopping Center Premises.”

During a public hearing discussion on the Master Highway Corridor Overlay held on April 23, 2013, the City Council noted concern by one shopping center owner regarding the impact of a catastrophic loss (destruction of 50% or more) as it relates to the Master Highway Corridor Overlay.

Currently, if 50% or more of the structure is damaged, it then has to be rebuilt in conformance with current zoning. Staff researched and proposed an amendment that would allow a shopping center that was destroyed by 50% or more to be rebuilt to its pre-existing condition. Thereby, the nonconformities would remain, and the shopping center would be allowed to rebuild under the regulations that it was originally built.

In considering the change to the nonconformity section, staff also determined that it would be prudent to define the term “shopping center.” The current Zoning Ordinance does not formally address such a definition. The new definition of “shopping center” provides for a unified grouping, in one or more buildings whether connected or not, of retail shops, stores, and offices which are planned and developed as an operating unit.

The Planning and Zoning Commission discussed this case at their August 22 meeting and voted unanimously to recommend denial of the ordinance amendments. Based on their discussion, it was felt that if the ordinance amendment to legal nonconforming was approved, it would conflict with the work done on the Master Highway Corridor Overlay District.

Since the Planning and Zoning Commission recommended denial of these ordinance amendments, a super-majority vote of the City Council would be required to approve the amendments.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance to amend Zoning Ordinance Number 2275, specific to Section 1.2.B *Definitions* to include the definition of a shopping center and Section 2.3.G *Structures Located on Shopping Center Premises*; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty; and declaring an effective date. (A-034)

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance  
Exhibit "A"  
Memo  
August 22, 2013, Planning & Zoning Minutes  
Copy of Legal Ad Published in Star Telegram

ORDINANCE NO. 13-

AN ORDINANCE AMENDING ZONING ORDINANCE NUMBER 2275, SPECIFIC TO SECTION 1.2.B DEFINITIONS TO INCLUDE DEFINITION FOR SHOPPING CENTER AND SECTION 2.3.G STRUCTURES LOCATED ON SHOPPING CENTER PREMISES; PROVIDING EXHIBIT "A" BEING THE TEXT AMENDMENTS TO THE ZONING ORDINANCE; DECLARING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EFFECTIVE DATE. (A-034)

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

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

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

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

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

- SECTION 1. That *Section 1.2.B. Definitions* shall be amended to include a definition of a "shopping center". *Shopping Center – Provides for a unified grouping, in one or more buildings whether connected or not, of retail shops, stores, and offices which are planned and developed as an operating unit.*
- SECTION 2. That *Section 2.3.G Structures Located on Shopping Center Premises* be included in *Section 2.3 Nonconformities* as provided in Exhibit "A".
- SECTION 3. That approval of this ordinance is subject to no stipulations.
- SECTION 4. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.
- SECTION 5. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6.** That this Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

**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.** That this Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Bedford and the laws of the State of Texas.

**PASSED AND APPROVED** this 24th day of September 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

# Exhibit A

## Section 2.3 Nonconformities

### 2.3.A INTENT

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment.

- (1) It is the intent of this ordinance to permit those non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (2) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses which would be prohibited generally in the district involved.
- (3) To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding. Such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

### 2.3.B NONCONFORMING LOTS OF RECORD

- (4) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Zoning Board of Adjustment.
- (5) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

### 2.3.C NONCONFORMING USE OF LAND

Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- (3) If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

### **2.3.D NONCONFORMING STRUCTURES**

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Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continue as long as it remains otherwise lawful, subject to the following provisions:

- (1) Such structure may not be enlarged in a way, which increases its nonconformity.
- (2) Such structure may not be altered in a way, which increases its nonconformity.
- (3) Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- (4) Should such structure be moved for any reason for any distance, it shall conform to the regulations for the district in which it is located.

### **2.3.E NONCONFORMING USES OF STRUCTURES**

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If a lawful use of a structure, or of structure and premises in combination, exist at the effective date of adoption or amendment of this ordinance, which would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (2) Any nonconforming use may be extended throughout any parts of a building, which were manifestly arranged or designated for such use at the time of adoption or amendment for this ordinance, but no such use shall be extended to occupy any land outside such building.
- (3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- (4) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen (18) months during any three (3) year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.
- (5) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (6) Where nonconforming use status applies to a conforming structure, such use shall be immediately terminated upon transfer to another ownership or lease.

### **2.3.F REPAIRS AND MAINTENANCE**

---

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixture, wiring or plumbing, to an extent not exceeding ten (10%) percent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance will not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official.

### **2.3.G STRUCTURES LOCATED ON SHOPPING CENTER PREMISES**

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- (1) Nonconformities located on premises used for shopping centers shall be subject to the following regulations.
- (2) For the purpose of this section a Shopping Center Premise shall be any lot or collection of lots or parcels containing multiple retail or service uses (more than one) on multiple lots, parcels, or tracts which utilize shared driveway entrances, fire lanes, signage, parking and drive areas and are identified as a recognized shopping center. The structures on the premise may be connected physically or tied together by sidewalks, pedestrian ways, and parking and drive areas.
- (3) The Development Director or his or her designee, shall determine the extent of a recognized Shopping Center. The definition of a Shopping Center is determined by Section 1.2 Definitions. An appeal to this determination may be made to the Zoning Board of Adjustment.
- (4) The provision of Section 2.3.D(3) regarding percentage of structure shall apply to the combined structures located within the Shopping Center Premises
- (5) Structures subject to this section shall include only those existing at the time of the effective date of this Section 2.3.G. The expansion, enlargement, or increase of any nonconformity is not permitted by this section, which applies only to situations where the nonconformity is being reconstructed due to natural or accidental catastrophe.
- (6) **Upon approval of the Zoning Board of Adjustment** structures damaged beyond fifty percent of the value of the structure shall be permitted to rebuild to the extent of the pre-existing non-conformity but shall not be permitted to increase the non-conformity beyond the original condition.

### **2.3.H STATUS OF SPECIAL EXCEPTION USES**

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Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district only for the single property granted such exception.

Memorandum

A-034

To: DRC Members

From: Jacquelyn Reyff, Planning Manager 

Date: May 14, 2013

Re: Definition of a Shopping Center

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The City of Bedford Zoning Ordinance does not currently have a definition for how a shopping center is defined. I am requesting a definition of what a shopping center is be placed in the Ordinance to be located in Section 1.2.B.

In considering recent Zoning Cases, there exists a specific example as to why this definition should be inserted into the Zoning Ordinance. Specifically, the property located at 404 Airport Freeway emphasizes why the inclusion of this definition is necessary. Since 2008, there have been three SUP applications for numerous different types of businesses to be operated out of one building at this location. The building located on this property was built as a restaurant, a McDonalds. This building was not created or designed to function as a shopping center. Thereby having a definition of what a shopping center is will avoid a situation like this in the future.

Therefore, based on researching other neighboring communities, the American Planning Association's database, and an overall internet search, I recommend using the definition below as follows:

1. *Shopping Center – provides for a unified grouping, in one or more buildings whether connected or not, of retail shops, stores, and offices which are planned and developed as an operating unit.*

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF AUGUST 22, 2013**

**DRAFT**

Chairman Stroope opened the public hearing at 7:13 PM and recognized Rachel Tinsman, 2710 Meadow Park Drive, Bedford, Texas who spoke in opposition to this application because the proposed business was in close proximity to her home. She was concerned about the noise that would be generated from the outdoor patio during the evening hours. Also, there would be more cars parking on Meadow Park Drive by the business patrons.

Chairman Stroope closed the public hearing at 7:27 PM.

The Commission discussed the application.

Motion: Commissioner Fisher made a motion to approve Zoning Case Z-238 with the following conditions:

1. The lighting on the wood post of outside seating area is to face into the restaurant.
2. Add a masonry screening wall below the outside seating area with complementary stone to what is existing in the shopping center.
3. The hours of operation of the outside seating area are not to exceed midnight.
4. No audio or video on the outside seating area.
5. There is to be a wood hand rail around the outside seating area

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

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

- 
3. **Request to amend City of Bedford Zoning Ordinance, specific to Section 1.2.B Definitions to include a definition for Shopping Center, and Section 2.3 Nonconformities to include a new Section, Section 2.3.G, Structures Located on Shopping Center Premises (A-034).**

Chairman Stroope recognized William Syblon, Development Director who reviewed Zoning Ordinance Amendment A-034.

Chairman Stroope opened the public hearing at 7:38 PM, and there being no one to speak closed the public hearing at 7:38 PM.

The Commission discussed the application.

Motion: Commissioner Henning made a motion to deny Zoning Ordinance Amendment Case A-034.

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

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

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF AUGUST 22, 2013**

**DRAFT**

**ADJOURNMENT**

Chairman Stroope adjourned the Planning and Zoning meeting at 7:40 PM.

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**Chairman Stroope  
Planning and Zoning Commission**

**ATTEST:**

---

**Yolanda Alonso  
Planning and Zoning Secretary**



CITY OF  
**BEDFORD**

2000 Forest Ridge Drive - Bedford, TX 76021  
(817)952-2100 www.bedfordtx.gov

**August 27, 2013**

**PLEASE DELIVER TO:**

**Legal Publications  
Attn: Christine Lopez  
Fort Worth Star-Telegram  
400 West 7<sup>th</sup> Street  
Fort Worth, TX 76102**

**SENT VIA E-MAIL: [clopez@star-telegram.com](mailto:clopez@star-telegram.com) on Tuesday, August 27, 2013**

**FROM:**

**City of Bedford**

**Yolanda Alonso, Planning and Zoning**

**Dear Christine,**

**Please publish the following in "Legal Notices" Thursday, August 29, 2013.**

**MESSAGE:**

**CITY OF BEDFORD  
PUBLIC HEARING**

**The City of Bedford City Council gives notice of a public hearing on Tuesday, September 24, 2013 at 6:30 PM, at City Hall, Council Chamber, 2000 Forest Ridge Drive, Building A, Bedford, Texas:**

**Public hearing and consideration of an ordinance to rezone a portion of Lot 10R, Block 6, Bedford Meadows Addition, located at 2807 Central Drive, Bedford, Texas from Heavy Commercial to Heavy Commercial/Specific Use Permit/Outside Seating Establishment, for Crazy Cowboy Restaurant and Bar. The property is generally located south of Harwood Road and west of Central Drive (Z-238).**

**Public hearing and consideration of an ordinance to amend the City of Bedford Zoning Ordinance, specific to Section 1.2.B Definitions to include a definition for Shopping Center and Section 2.3 Nonconformities to include a new Section, Section 2.3.G, Structures Located on Shopping Center Premises (A-034).**

**All interested citizens will be given the opportunity to speak and be heard.**



# Council Agenda Background

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

**DATE:** 09/24/13

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

**ITEM:**

Consider and act upon an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance No. 10-2975; providing a repealing clause; providing a severability clause; and declaring an effective date.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

As discussed during both the Budget work session on August 9, 2013 and the City Council work session on September 10, 2013, it has become necessary to recommend an increase in water rates in order to cover the increased costs of water purchased from the Trinity River Authority (TRA) as well as build enough working capital to replace portions of the City's aged and outdated infrastructure on an annual basis without having to issue additional debt.

Staff informed the Council about TRA increasing its volume rate per 1,000 gallons from an estimated \$2.507 to \$2.64. This represents an increase of \$0.133 per 1,000 gallons. The City of Bedford is proposing to pass through the increase in its volume rates, thus amending the total volume rate from \$2.89 to \$3.02 per 1,000 gallons.

In addition, staff shared with the Council the condition of the City's infrastructure. Approximately 80% of the water and sewer system is aged 30 or more years. According to the Public Works Director, a significant portion of the system has reached its recommended life due to the current condition of the piping which houses the water. Staff recommends adding \$500,000 to the Water operations budget as part of a transfer amount to build enough working capital to replace water mains on an annual basis. The intent will be to complete several capital improvements on a cash basis rather than issuing additional debt.

In order to add \$500,000 to Water operations, while maintaining an increased working capital balance above the 90-day threshold, staff is recommending a 3% increase to the base and volume water rates for the City of Bedford. The residential base water rate is proposed to increase from \$18.37 to \$18.92 per month. The senior base water rate is proposed to increase from \$16.70 to \$17.20 per month. The balance of the base water rate charges by meter size are proposed to increase proportionally.

In addition to the increase in the base rate, the per-thousand gallon rate is proposed to increase from the recommended pass-through of \$3.02 to \$3.11.

The impact this increase will have on a water bill that has used 6,000 gallons is an additional \$1.90 (\$1.85 if age is 65 and over) per month.

This proposed increase in the water rates is necessary to provide sufficient revenue to cover the operating costs of the Water/Sewer Fund, debt service, revenue bond covenant requirements, and net working capital requirements.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance 10-2975; providing a repealing clause; providing a severability clause; and declaring an effective date.

**FISCAL IMPACT:**

Budget FY 13/14: \$0  
Actual Amount: \$500,000  
Variance: \$500,000

**ATTACHMENTS:**

Ordinance

ORDINANCE NO. 13-

AN ORDINANCE AMENDING THE SCHEDULE OF WATER RATES BY AMENDMENT OF SECTION 1. ORDINANCE NO. 10-2975; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1. That Ordinance 10-2975, Section 1, SCHEDULE OF WATER RATES is hereby amended to read as follows:

**“WATER RATES”**

A schedule of monthly rates and charges for water service furnished by the City’s Waterworks System shall be and is hereby adopted and established as follows:

(a) With the exception of multi-family dwellings the minimum charge for various size meters per month shall be:

	<u>New Rates</u>	<u>Old Rates</u>
1) 5/8 or 3/4” meter	\$ 18.92	\$ 18.37
2) 5/8 or 3/4” meter (65 & over)	\$ 17.20	\$ 16.70
3) 1” meter	\$ 36.73	\$ 36.73
4) 1” meter (65 & over)	\$ 34.40	\$ 33.40
5) 1 1/2” meter	\$ 75.67	\$ 73.47
6) 2” meter	\$ 121.12	\$ 117.59
7) 3” meter	\$ 227.10	\$ 220.49
8) 4” meter	\$ 363.40	\$ 352.82
9) 6” meter	\$1,362.73	\$1,323.04
10) 6” Fire Hydrant meter	\$ 200.44	\$ 194.60

(b) The water charges inside the City limits shall be:

1) Minimum charge per month in (a) above.

2) All water used per month:	<u>New Rates</u> \$3.11/ 1,000 gal.	<u>Old Rates</u> \$2.89/ 1,000 gal.
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(c) The water charges outside the City limits – Single Family and Commercial, Duplex, and Multifamily rates, shall be:

1) Twice the amount as charged to a like resident of the City.

SECTION 2. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bedford, and shall not operate to repeal or affect any of such other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 3. That if any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall not be deemed to affect the validity of any other section or provisions of said ordinance.

**ORDINANCE NO. 13-**

**SECTION 4.** That this ordinance shall become effective with all water billed on or after January 1, 2014.

**PRESENTED AND PASSED** on this 24th day of September 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**



# Council Agenda Background

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

**DATE:** 09/24/13

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

**ITEM:**

Consider and act upon an ordinance amending the schedule of sewer rates by an amendment of Section 1., Ordinance No. 10-2974; providing a repealing clause; providing a severability clause; and declaring an effective date.

**City Attorney Review:** N/A

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

As discussed during both the Budget Work Session on August 9, 2013 and the City Council Work Session on September 10, 2013, it has become necessary to recommend an increase in sewer rates in order to cover the increased costs of sewer collected from the Trinity River Authority (TRA) as well as build enough working capital to replace portions of the City's aged and outdated infrastructure on an annual basis without having to issue additional debt.

Staff informed the council about TRA increasing its volume rate per 1,000 gallons from an estimated \$1.801 to \$2.124. This represents an increase of \$0.323 per 1,000 gallons. The City of Bedford is proposing to pass through the increase in its volume rates, thus amending the total volume rate from \$1.72 to \$2.04 per 1,000 gallons.

In addition, staff shared with the Council the condition of the City's infrastructure. Approximately 80% of the water and sewer system is aged 30 or more years. According to the Public Works Director, a significant portion of the system has reached its recommended life due to the current condition of the piping and the sewer manholes. Staff recommends adding \$500,000 to the Sewer operations budget as part of a transfer amount to build enough working capital to replace sewer mains and manholes on an annual basis. The intent will be to complete several capital improvements on a cash basis rather than issuing additional debt.

In order to add \$500,000 to Sewer operations, while maintaining an increased working capital balance above the 90-day threshold, staff is recommending a 3% increase to the base and volume sewer rates for the City of Bedford. The residential base sewer rate is proposed to increase from \$10.88 to \$11.21 per month. The senior base sewer rate is proposed to increase from \$9.88 to \$10.18 per month. The balance of the base sewer rate charges by meter size are proposed to increase proportionally.

In addition to the increase in the base rate, the per-thousand gallon rate is proposed to increase from the recommended pass-through of \$2.04 to \$2.10.

The impact this increase will have on a sewer bill that has used 6,000 gallons is an additional \$2.63 (\$2.60 if age is 65 and over) per month.

This proposed increase in the sewer rates is necessary to provide sufficient revenue to cover the operating costs of the Water/Sewer Fund, debt service, revenue bond covenant requirements, and net working capital requirements.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending the schedule of sewer rates by amendment of Section 1., Ordinance 10-2974; providing a repealing clause; providing a severability clause; and declaring an effective date.

**FISCAL IMPACT:**

Budget FY 13/14: \$0  
Actual Amount: \$500,000  
Variance: \$500,000

**ATTACHMENTS:**

Ordinance

ORDINANCE NO. 13-

AN ORDINANCE AMENDING THE SCHEDULE OF SEWER RATES BY AMENDMENT OF SECTION 1., ORDINANCE NO. 10-2974; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1. That Ordinance 10-2974, Section 1, SCHEDULE OF SEWER RATES is hereby amended to read as follows:

“SEWER RATES”

A schedule of monthly rates and charges for sewer service furnished by the City’s Waterworks and Sewer System shall be and is hereby adopted and established as follows:

(a) With the exception of multi-family dwellings the minimum charge for various size meters per month shall be:

	<u>New Rates</u>	<u>Old Rates</u>
1) 5/8 or 3/4” meter	\$ 11.21	\$ 10.88
2) 5/8 or 3/4” meter (65 & over)	\$ 10.18	\$ 9.88
3) 1” meter	\$ 16.84	\$ 16.35
4) 1” meter (65 & over)	\$ 15.30	\$ 14.85
5) 1 1/2” meter	\$ 26.25	\$ 25.49
6) 2” meter	\$ 37.51	\$ 36.42
7) 3” meter	\$ 67.55	\$ 65.58
8) 4” meter	\$ 101.41	\$ 98.46
9) 6” meter	\$ 195.41	\$ 189.72

(b) A monthly volume charge shall also be charged to all customers in an amount per 1,000 gallons of water used, or wastewater produced, as more specifically set forth hereinafter:

<u>New Rates</u>	<u>Old Rates</u>
\$2.10/ 1,000 gal.	\$1.72/1,000 gal.

1) The monthly volume charges for Residential Class customers will be based on the individual customers average monthly water billed during the preceding Winter quarter months of December, January and February; but in no event shall the volume used to compute this monthly charge exceed 12,000 gallons. The volumes used to compute these charges are based on the amount of water used by the Residential Class customer as measured by the meter. Where no preceding winter quarter average is available from records, the Administrative Services Director shall estimate a volume to be used for this monthly volume charge, such estimated volume not to exceed 12,000 gallons.

(c) A monthly service charge shall also be charged to all customers in the amount of \$11.21 per unit for multi-family residence occupancy. And a monthly volume charge shall also be charged to all multi-family residences per unit in the amount of \$2.10 per 1,000 gallons of water used, or wastewater produced, as more specifically set forth hereinafter.

(d) The monthly charges to Commercial and Industrial Class customers will be based on total water use as measured by appropriate meters, with the provision that if a customer can show to the satisfaction of the Director of Public Works that a significant portion of the metered

ORDINANCE NO. 13-

water usage does not enter the sanitary sewers, the customer will be charged for only that volume entering the sewers, as determined by a method approved by the Director of Public Works.

- (e) The Director of Public Works shall establish a Monitored Group Class, consisting of those customers whose wastewater strength is, in the Director's judgment, abnormally high or low, and charges to customers in this class shall be computed in accord with the following five-part rate schedule:

**"MONITORED GROUP"**

Customer Monthly Service Charge	Based on meter size ( <i>shown above</i> )
Volume Charge	\$2.10 per 1,000 gallons
B.O.D. Strength Charge	\$0.06954 per pound of B.O.D.
Suspended Solids Strength Charge	\$0.05748 per pound of Suspended Solids
Monitoring Charge	Total Cost to City

The monitoring charge shall consist of all costs for personnel, material, and equipment used to collect and analyze samples from the customer wastewater to determine the strength of the wastewater produced.

The monitored customer's wastewater shall be tested a minimum of once per year, but may be tested on a more frequent basis if deemed necessary by the Director of Public Works, or if the monitored customer requests more frequent testing.

This schedule shall replace all other charges previously made for industrial waste strength.

**SECTION 2.** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bedford, and shall not operate to repeal or affect any of such other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

**SECTION 3.** That if any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall not be deemed to affect the validity of any other section or provisions of said ordinance.

**SECTION 4.** That this ordinance shall become effective with all water billed on or after January 1, 2014.

**PRESENTED AND PASSED** on this 24th day of September 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

**ORDINANCE NO. 13-**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**



# Council Agenda Background

**PRESENTER:** Clifford Blackwell, CGFO  
Director of Administrative Services

**DATE:** 09/24/13

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

**ITEM:**

Consider an ordinance amending the Fiscal and Budgetary Policy; authorizing the City Manager to designate a funding source for a special revenue fund, the Economic Development Fund; and declaring an effective date.

**City Attorney Review:** N/A

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

The annual budget each year includes the City of Bedford's Fiscal and Budgetary Policy Statements. This policy is the official statute by which the City governs its financial practices.

In November 2011, the City Council amended the Fiscal and Budgetary Policy to adhere to the standards presented by the Governmental Accounting Standards Board (GASB Statement No. 54) requiring governmental entities to define and establish a fund balance policy.

During the budget work session on August 9, 2013, Council directed staff to identify a revenue source to continually fund the Economic Development Fund. All building permit, sales and property tax abatements will be paid directly from the resource in which those incentives are originally collected (i.e. the General Fund). The Economic Development Fund, however, will be used to account for the non-tax/permit related rebates. For instance, the City recently paid a business to relocate its utility lines and paid another business for the construction of a monopole as part of their incentive agreements with the City. The Economic Development Fund will to be used for the purpose of funding those types of incentives.

Staff is recommending the City Council consider the following criteria when establishing funding resources for the Economic Development Fund:

- O&M property tax revenue generated from new construction taxable values
- 1% of General Fund sales tax revenues
- 50% of actual General Fund surplus in excess of \$100,000 at year's end

For example, in the July Certified Tax Roll, new construction taxable value equaled \$6,293,903. The O&M property tax revenues generated from this new construction value would have been \$19,084 to be transferred to the Economic Development Fund. Similarly, the sales tax budget would be reduced to 99% of expected income, net of approved rebates, and 1% budgeted as revenue to the Economic Development Fund. In Fiscal Year 2013-14, that amount would have been \$72,846.50. The variance would be calculated at the end of each fiscal year and will be contingent on meeting the unassigned reserve requirements outlined with the fiscal policies. Due to the seed money already incorporated in the current year budget, staff would apply these policies to the Fiscal Year 2014-15 budget process. There may also be an opportunity for the City Council to designate a non-recurring revenue sources for economic incentives, as well as any unforeseen revenue that is deemed appropriate funding for this purpose.

Staff is recommending language to be added to the Fiscal Policy that will identify and define the funding source behind the Economic Development Fund.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending the Fiscal and Budgetary Policy; authorizing the City Manager to designate a funding source for a special revenue fund, the Economic Development Fund; and declaring an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance  
Exhibit A - Fiscal and Budgetary Policy  
(redlined)

**ORDINANCE NO. 13-**

**AN ORDINANCE AMENDING THE FISCAL AND BUDGETARY POLICY; AUTHORIZING THE CITY MANAGER TO DESIGNATE A FUNDING SOURCE FOR A SPECIAL REVENUE FUND, THE ECONOMIC DEVELOPMENT FUND; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS, the City of Bedford established a special revenue fund entitled the Economic Development Fund; and,**

**WHEREAS, the Economic Development Fund is used to account for expenditures pertaining to the incentive agreements established between local businesses and the City of Bedford, Texas; and,**

**WHEREAS, the City Council of Bedford, Texas deems it necessary to amend the Fiscal and Budgetary Policy Statements to set the criteria for the funding source of the Economic Development Fund; and,**

**WHEREAS, the establishment of the Fiscal Policy is considered prudent financial management and the City of Bedford desires to maintain a stable, financial position now and in the future; and,**

**WHEREAS, the Fiscal Policy can communicate and document the City's stewardship of public funds, give assurance to investors and other interested parties, and acknowledge the City's operating practices and contingent responses to emergencies; and,**

**WHEREAS, the City Council of Bedford, Texas desires to amend the Fiscal Policy as heretofore approved, by the adoption of the amended Fiscal and Budgetary Policy Statements, attached hereto as Exhibit "A";**

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

**SECTION 1. That the Fiscal Policy is hereby amended by the adoption of the amended Fiscal and Budgetary Policy Statements, as set forth in Exhibit "A" attached hereto and made a part hereof for all purposes.**

**SECTION 2. That this ordinance shall be in full force and effect from and after passage.**

**PRESENTED AND PASSED on this 24th day of September 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:**

**ORDINANCE NO. 13-**

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**Stan Lowry, City Attorney**

**CITY OF BEDFORD  
FISCAL AND BUDGETARY POLICY STATEMENTS**

**I. STATEMENT OF PURPOSE**

The intent of the following Fiscal and Budgetary Policy Statements is to enable the City to achieve and maintain a long-term stable and positive financial condition. The watchwords of the City's financial management include integrity, prudent stewardship, planning, accountability, and full disclosure.

The more specific purpose is to provide guidelines for planning and directing the City's day-to-day financial affairs and in developing recommendations to the City Manager and City Council.

The scope of these policies includes:

- accounting, auditing and financial reporting;
- internal controls;
- operating budget management;
- capital budget and improvement programs;
- asset management;
- revenue management;
- expenditure control;
- financial conditions, reserves and stability ratios;
- debt management; and
- Staffing and training.

These policies are designed to benefit the City by:

- Ensuring the fair and full disclosure of the financial position and the results of financial operations in conformity with Generally Accepted Accounting Principles (GAAP), and
- Adhering to compliance with finance related legal and contractual issues in accordance with the provisions of the Texas Local Government Code, the City Charter, and other applicable legal mandates.

The City Council will annually review and approve the Fiscal and Budgetary Policy Statements as part of the budget process.

**II. ACCOUNTING, AUDITING AND FINANCIAL REPORTING**

**ACCOUNTING.** The city is solely responsible for the reporting of its financial affairs, both internally and externally. The Director of Administrative Services is the City's Chief Fiscal Officer and is responsible for establishing the Chart of Accounts and for properly recording financial transactions.

**AUDITING.** In conformance with the City's Charter and according to the provisions of the Texas Local Government Code, Title 4, Chapter 103, the City will be audited annually by outside independent accountants (auditor). The auditor must be a CPA firm of regional reputation and must demonstrate that it has the breadth and depth of staff to conduct the City's audit in accordance with generally accepted auditing standards and contractual requirements. The auditor must be registered as a partnership or corporation of certified public accountants, holding a license under Article 41a1, Section 9, of the Civil Statutes of Texas, capable of demonstrating that it has sufficient staff which will enable it to conduct the City's audit in accordance with generally accepted auditing standards as required by the City Charter and applicable state and federal laws. The auditor's report on the City's financial statements will be completed within 120 days of the City's fiscal year end, and the auditor will jointly review the management letter with the Council within 30 days of its receipt by the staff.

The City Council has established an audit committee that meets with the independent auditors primarily at year-end to discuss the results of the audit. The committee consists of three City Council members to be appointed by a majority of the City Council. The audit committee plays an advisory role to the City Council and helps to facilitate communication between management, the auditors, and the City Council. Management and City Council remain ultimately responsible for the fair presentation of the financial statements and for obtaining and monitoring the financial statement audit.

In conjunction with their review, the Director of Administrative Services shall respond in writing to the City Manager and City Council regarding the auditor's Management letter, addressing the issues contained therein. The Council shall schedule its formal acceptance of the auditor report upon resolution of any issues resulting from the joint review.

The auditor is retained by and is accountable directly to the City Council and will have access to direct communication with the City Council if the City Staff is unresponsive to auditor recommendations or if the auditor considers such communication necessary to fulfill its legal and professional responsibilities.

The City will not require an auditor rotation; however, the Council may circulate requests for proposal for auditor services every three to five years.

**FINANCIAL REPORTING.** Upon completion and acceptance of the annual audit by the City's auditors, the City shall prepare a comprehensive annual financial report (CAFR). The CAFR will be prepared in accordance with generally accepted accounting principles. The CAFR shall be presented to the City Council within 120 calendar days of the City's fiscal year end. City staffing limitations may preclude such timely reporting. In such case, the Administrative Services Director will inform the City Manager and the City Manager will inform the City Council of the delay and the reasons therefore.

The Finance Division will prepare internal financial reports sufficient to plan, monitor, and control the City's financial affairs. Internal reporting objectives are addressed throughout these policies.

### **III. OPERATING BUDGET MANAGEMENT**

**BUDGETARY ACCOUNTING BASIS.** The City's accounting records for general governmental operations are maintained on a modified accrual basis according to Generally Accepted Accounting Principles (GAAP). The revenues are recorded when actually received, and expenditures are recorded when the liability is incurred. Accounting records for the City's utilities and other proprietary funds are maintained on a full accrual basis. For example, expenditures are recognized when a liability is incurred, and revenues are recognized when they are obligated to the City. Depreciation is budgeted as an operating expense. Capital purchases for the proprietary funds are listed in the budget document in order that proposed purchases can be reviewed by the City Council. The budgetary accounting basis follows GAAP except that fund balances/retained earnings are presented in the budget as a measure of available spendable resources. Unexpended appropriations for budgeted funds lapse at fiscal year end, except for appropriations for Capital Project Funds, which are for the length of the project.

**OVERVIEW.** Budgeting is an essential element of the financial planning, control and evaluation process of municipal government. The City's "operating budget" is the City's annual financial operating plan. It comprises governmental and proprietary funds, including the Debt Service Fund, and various capital improvement funds.

**PREPARATION.** The budget is prepared by the City Manager with the cooperation of all City departments, and is submitted to the City Council. The budget should be presented to the City Council no later than forty five (45) days prior to fiscal year end, and should be enacted by the City Council prior to fiscal year end.

The budget shall include four basic segments for review and evaluation. These segments are:

- (1) Personnel Costs;
- (2) Base Budget for Operations and Maintenance Costs;
- (3) Supplemental Funding Packages for Capital and Other Non-capital Projects (i.e., new or expanded programs); and
- (4) Projected Revenues.

The base budget represents funding for the current level of service, and does not include capital outlay, new programs or new services. Any increase in the base budget request will be limited to no more than the average of the Consumer Price Index (CPI) for the most recent three-year period available. Any item requested for capital outlay, new programs or new services is shown as a Supplemental Funding Package. Supplemental Funding Packages are above and beyond the prior year base, and are considered individually for funding approval.

A Combined Budget Summary with scheduled inter-fund transfers is included in the budget presented to the City Council. The Fund Balances will be identified as to restricted and unrestricted, designated and/or reserved.

The budget review process shall include Council participation in the development of each of the

four segments of the proposed budget and a Public Hearing to allow for citizen participation in the budget preparation.

The budget process shall span sufficient time to address policy and fiscal issues by the Council.

A copy of the proposed budget shall be filed with the City Secretary when it is submitted to the City Council in accordance with the provisions of the City Charter.

Upon the presentation of a proposed budget document to the Council, the Council shall call and publicize a public hearing. The Council will subsequently adopt by Ordinance such budget as it may have been amended as the City's Annual Budget, effective for the fiscal year beginning on the first day of October.

**PLANNING.** The budget process will be coordinated so as to identify major policy issues for City Council consideration several months prior to the budget approval date so that proper decision analysis can be made.

**REPORTING.** Periodic financial reports will be prepared to enable the Department Directors to manage their budgets and to enable the Administrative Services Director to monitor and control the budget as authorized by the City Manager.

**AMENDING.** In case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions which could not, by reasonable diligent thought and attention, have been included in the original budget may, from time to time, be authorized, upon the affirmative vote of a majority of the full membership of the council, including the mayor as a voting member, as amendments or supplements to the original budget. Such supplements and amendments shall be approved in an ordinance and shall be filed with the original budget. (See Section 4.09 of the City Charter)

#### **IV. REVENUE MANAGEMENT**

The City will strive for the following optimum characteristics in its revenue system:

**SIMPLICITY.** The City, where possible and without sacrificing accuracy, will strive to keep the revenue system simple in order to reduce compliance costs for the taxpayer or service recipient. A corresponding decrease in the City's costs for collection and a reduction in avoidance to pay will thus result.

**CERTAINTY.** A knowledge and understanding of revenue sources increases the reliability of the revenue system. The City will understand its revenue sources and enact consistent collection policies to provide assurances that the revenue base will materialize according to budgets and plans.

**EQUITY.** The City shall require that there be a balance in the revenue system; i.e., the revenue base will have the characteristic of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.

**ADMINISTRATION.** The benefits of a revenue type will exceed the cost of producing the revenue. The collection process will be reviewed periodically for cost effectiveness as a part of the indirect cost and cost of service analysis.

**DIVERSIFICATION AND STABILITY.** In order to protect from fluctuations in a revenue source due to fluctuations in the economy and variations of other factors, a diversified revenue source will be pursued and maintained as a stable source of income.

**CONSERVATIVE ESTIMATION OF REVENUE.** In order to mitigate the effects of fluctuations in a revenue source due to fluctuations in the economy and variations of other factors, all revenues will be conservatively estimated with the exception of property tax and inter-fund transfers.

**COST/BENEFIT OF ABATEMENT.** The City will use due caution in the analysis of any tax or fee incentives that are used to encourage development. Ideally, a cost/benefit (fiscal impact) analysis will be performed as a part of such caution.

INCENTIVE COST FUNDING. The Operations & Maintenance (O&M) property tax revenues generated from new construction taxable values added to the July Certified Roll each year, will be transferred to the Economic Development Fund for economic incentives.

In addition, the General Fund will budget ninety-nine (99) percent of sales tax revenues each year to help cover the cost of its general operations and transfer one (1) percent of the sales tax revenues to the Economic Development Fund for economic incentives.

Moreover, on an annual basis, the City will review the variance between actual General Fund revenues and expenditures. Should the variance equate to \$100,000 or more in excess of expenditures, fifty (50) percent of the total variance shall be transferred to the Economic Development Fund, provided the General Fund's unassigned fund balance has met the minimum reserve requirement of 20% of budgeted expenditures.

**NON-RECURRING REVENUES.** One-time or non-recurring revenues will not be used to finance current ongoing operations. Non-recurring revenues should be used only for one-time expenditures such as long-lived capital needs. They will not be used for budget balancing purposes. Non-recurring revenues may be allocated to a specific fund(s) with the approval of the City Council.

**PROPERTY TAX REVENUES.** All real and business personal property located within the City shall be valued at 100% of the fair market value for any given year based on the current appraisal supplied to the City by the Central Appraisal District. Reappraisal and reassessment shall be done regularly as required by State law.

In January of 1995, the citizens of Bedford approved an additional one-half of one percent sales tax for property tax reduction, as provided for in the State Property Tax Code. This resulted in a reduction of the operations and maintenance property tax rate of approximately eleven cents in the subsequent fiscal year. This reduction is called the sales tax adjustment rate, and is recalculated on an annual basis.

When comparing the adopted property tax rate for the City of Bedford to surrounding cities, the City of Bedford tax rate should be combined with the sales tax adjustment rate to arrive at a tax rate that is comparable in method of calculation. This total rate should fall within a reasonable range of comparable cities and should be adequate to produce the revenues needed to pay for approved City services.

The adopted tax rate should not exceed the rollback rate as computed by Truth in Taxation laws. Property tax revenues will be estimated based on the actual percentage of collections for the prior year, net of any unusual or non-recurring activity.

**SALES TAX.** Sales tax revenue projections shall be conservative due to the volatile nature of this economically sensitive revenue source.

**USER-BASED FEES.** For services associated with a user fee or charge, the direct and indirect costs of that service will be offset by a fee where possible. There will be a periodic review of fees and charges to ensure that fees provide adequate coverage of costs of services.

**UTILITY RATES.** The City will review and adopt utility rates periodically that will generate revenues required to fully cover operating expenditures, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital needs. Rates will be structured in order to generate 75% of the fixed cost of operating the utility system from the minimum monthly service charges, and 25% of fixed cost from consumption charges. This policy does not preclude drawing down cash balances to finance current operations; however, it is best that any extra cash balance be used instead to finance capital projects.

Components of the Utility Rates will include a transfer to the General Fund for an administrative fee for services of general overhead, such as administration, finance, personnel and data processing. This fee will be documented annually through a cost allocation procedure.

**INTERGOVERNMENTAL REVENUES.** The reliance placed on intergovernmental revenues will be eliminated. Any potential grants will be examined for matching requirements.

## **V. EXPENDITURE CONTROL**

**APPROPRIATIONS.** The level of budgetary control is the Department level budget in the Governmental and Proprietary Funds, and the Fund level in all other funds. Budget appropriation amendments at lower levels shall be made in accordance with applicable administrative procedures.

**PURCHASING.** All City purchases and contracts shall conform to the City Purchasing Policy.

**PROMPT PAYMENT.** All invoices approved for payment by the proper City authorities shall be paid by the Finance Division according to state law. The Director of Administrative Services

shall establish and maintain proper procedures which will enable the City to take advantage of all purchase discounts, when possible, except in the instance where payments can be reasonably and legally delayed in order to maximize the City's investable cash.

**RISK MANAGEMENT.** The City will aggressively pursue every opportunity to provide for the Public's and City employees safety and to minimize the risk of loss of resources through liability claims with an emphasis on safety programs. All reasonable options will be investigated to finance risks.

## **VI. ASSET MANAGEMENT**

**INVESTMENTS.** The Director of Administrative Services shall promptly invest all City funds in accordance with the provisions of the current Bank Depository Agreement or in accordance with the City Council approved Investment Policy.

At the end of each fiscal year, a report on investment performance will be provided to the City Council. In conjunction with the financial reports presented to Council, the Director of Administrative Services shall prepare and provide a written recapitulation of the City's investment portfolio to the Council, detailing each City investment instrument with its rate of return and maturity date.

**CASH/TREASURY MANAGEMENT.** Periodic review of cash flow position will be performed to determine performance of cash management and investment policies. A detailed policy structure will be followed with respect to Cash/Treasury Management. The underlying theme will be that idle cash will be invested with the intent to (1) safeguard assets, (2) maintain liquidity and (3) maximize return. Where legally permitted, pooling of investments may be done. The City will adhere to the investments authorized through the City Council approved investment policies.

The City's cash flow will be managed to maximize the cash available to invest. Such cash management will entail the centralization of cash collections, where feasible, including property tax payments, utility bills, building and related permits and licenses, and other collection offices as appropriate.

**FIXED ASSETS AND INVENTORY.** These assets will be reasonably safeguarded, properly accounted for, and prudently insured.

A fixed asset of the City shall be defined as a purchased or otherwise acquired piece of equipment, vehicle, furniture, fixture, capital improvement, addition to existing capital investments, land or buildings, with the cost or value of such acquisition being \$5,000 or more with an expected useful life greater than one year.

The City's fixed assets shall be reasonably safeguarded, properly accounted for and sufficiently insured. Responsibility for the safeguarding of the City's fixed assets lies with the Department Director in whose department the fixed asset is assigned. The Finance Division shall supervise

the marking of fixed assets with City numbered property tags and shall maintain the permanent records of the City's fixed assets including description, cost, department of responsibility, date of acquisition, depreciation and expected useful life. The Finance Division shall also perform an annual inventory of assets using random sampling at the department level. Such inventory shall be performed by the Director Administrative Services or his or her designee in the presence of designated department personnel from the department of responsibility.

**COMPUTER SYSTEM / DATA SECURITY.** The City shall provide security of its computer system and data files through physical security. The computer system (CPU) shall be in a location inaccessible to unauthorized personnel. On a frequent and scheduled basis, backup files of system data will be stored off premises for safekeeping.

In addition, the City will take all prudent steps to ensure that the accessibility and integrity of the City's computer and information systems will be protected from viruses, unauthorized access, and other such threats and hazards.

## **VII. CAPITAL BUDGET AND PROGRAM**

**PREPARATION.** The City's capital budget will include all capital project funds and all capital resources. The budget will be prepared annually. The capital budget will be prepared as directed by the City Manager with the involvement of all required City departments.

**CONTROL.** All capital project expenditures must be appropriated in the capital budget. The Finance Division must certify the availability of resources so any appropriation can be made before a capital project contract is presented to the Council for approval.

**PROGRAM PLANNING.** The capital budget will be taken from capital improvement program plans for future years. The planning time must be at least five years. The replacement and maintenance for capital items should also be projected for the next five years. Future maintenance and operational costs will be considered so that these costs can be included in the operating budget.

**FINANCING PROGRAMS.** Where applicable, assessments, pro-rata charges, or other fees should be used to fund capital projects, which have a primary benefit to specific, identifiable property owners.

Recognizing that long-term debt is usually a more expensive financing method, alternative financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives that equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.

**INFRASTRUCTURE MAINTENANCE.** The City recognizes that deferred maintenance increases future capital costs. Therefore, a portion of the General Fund and Utility Fund Budgets

will be set aside each year to maintain the quality of the City's infrastructures.

Replacement schedules should be developed in order to anticipate the inevitable ongoing obsolescence of infrastructure.

In addition to infrastructure maintenance, the City will plan for the replacement of other assets such as vehicles and equipment by establishing replacement schedules as needed.

## **VIII. FINANCIAL CONDITIONS, RESERVES, AND STABILITY RATIOS**

**OPERATIONAL COVERAGE.** The City will maintain a balanced budget whereby operating revenues will be greater than or equal to operating expenditures.

Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques. Reserves will be used only for emergencies or non-recurring expenditures, except when balances can be reduced because their levels exceed guideline minimums as stated in this policy.

**FUND BALANCE POLICY.** The primary purpose of this policy is to establish guidelines for fund balance levels with the City of Bedford's governmental and proprietary funds. It is essential for the City to maintain adequate levels of fund balance to mitigate financial risk that can occur from unforeseen revenue shortfalls, unanticipated expenditures, or any other adverse circumstances. In addition, it also designed to provide the appropriate amount of working capital for the City's general operations.

### **DEFINITIONS:**

**Fund Balance.** The difference between a governmental fund's assets and liabilities, divided into 5 categories: 1) Nonspendable, 2) Restricted, 3) Committed, 4) Assigned, 5) Unassigned

**Nonspendable.** That portion of the fund balance that is legally or contractually required to be maintained intact. In addition, nonspendable also means that portion is not expected to be converted to cash, i.e. inventories, prepaids, long-term receivables.

**Restricted.** That portion of the fund balance that is constrained for a specific purpose by external resource providers (such as grantors, bondholders, and higher levels of government) through constitutional provisions, or by enabling legislation.

**Committed.** That portion of the fund balance that is constrained by a formal action of the government's highest level of decision making authority, the City Council. These constraints can only be removed or changed by taking the same type of action employed to commit these amounts.

**Assigned.** That portion of the fund balance not 'restricted' or 'committed' that

has a specific purpose expressed by the governing body or a body/official to which the governing body delegates authority. Only resources in other governmental funds can be assigned. The General Fund cannot assign its fund balance.

**Unassigned.** A residual amount for the General Fund that is not classified in any of the other 4 categories and is available for any purpose. Negative residual amounts for all other governmental funds are reported in this classification.

**Enabling Legislation.** Authorizes the government to assess, levy, charge, or otherwise mandate payment of resources and includes a legally enforceable requirement that those resources be used only for the specific purpose.

**General Fund.** A fund that accounts for all financial resources not accounted for and reported in another fund.

**Special Revenue Fund.** A fund whose revenue source(s) is restricted or committed to a specific purpose other than capital projects or debt service. Usually has one or more revenue resources that is not a transfer from another fund. The Tourism Fund is a special revenue fund that is primarily financed by hotel occupancy taxes. A portion of this revenue has been obligated on an annual basis for debt service payments. In addition, revenue from this fund is used to finance the ongoing operations of several tourism-related facilities and special events.

**Capital Projects Fund.** A fund that accounts for all financial resources that are restricted, committed, or assigned to expenditures for capital outlays.

**Debt Service Fund.** A fund that accounts for all financial resources that are restricted, committed, or assigned to expenditures for principal and interest of debt obligations.

**Enterprise Fund.** A fund that accounts for operations that are financed and operated in a manner similar to private business enterprises, where the intent of the governing body is that the cost of providing goods or services to general public on a continuing basis be financed or recovered primarily through users charges.

**Permanent Fund.** Funds to account for resources that are restricted to the extent that only earnings, and not principal, may be used for purposes that support the City of Bedford's programs that are for the benefit of the city and/or its citizens.

**Working Capital.** The measurement of the operating liquidity of an enterprise fund by subtracting the current liabilities from the current assets.

PRIORITY OF FUND BALANCE CATEGORIES:

In lieu of a policy for unrestricted fund balance, funds that are constrained in the remaining categories will be used in the order of: 1) committed, 2) assigned, 3) unassigned. Therefore, when multiple categories of fund balance are available for expenditure (i.e. a construction project funded partly by 1) a grant, 2) funds set aside by the City Council, & 3) unassigned funds), the City will start with the most restricted category and spend those funds first before moving down to the next category with available funds. Normally, this would result in the use of restricted, then committed, then assigned, and lastly unassigned fund balance.

#### **COMMITTED FUND BALANCE AUTHORITY:**

The City Council is the City's highest level of decision making authority and the formal action that is required to approve, modify, or remove a fund balance commitment is an ordinance adopted by the City Council. The ordinance must adopt or rescind the commitment, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period. A committed fund balance should incorporate contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual obligations.

#### **ASSIGNED FUND BALANCE AUTHORITY:**

The City Council authorizes the City Manager or his/her designee as the official authorized person to assign fund balance to a specific purpose approved by this policy. The specific purpose of an assigned fund balance can include, but is not limited to, an appropriation of existing fund balance to eliminate a projected deficit in the subsequent year's budget in an amount not to exceed the projected excess of expenditures over revenues.. Additionally, the assigned fund balance will include remaining amounts that are reported in the governmental funds (aside from the General Fund), except negative amounts. Assignments in the General Fund are amounts that are intended to be used for a specific purpose that is narrower than the general purpose of the government itself. And, governments cannot assign an amount to a specific purpose if it would cause a deficit in the unassigned fund balance.

#### **MINIMUM UNASSIGNED FUND BALANCE:**

It is the goal of the City of Bedford to achieve and maintain an unassigned fund balance in the general fund equal to **20%** of budgeted expenditures for unanticipated expenditures, unforeseen revenue fluctuations, or other adverse circumstances. The fund balance level, however, may be reduced to the equivalent of **15%** of budgeted expenditures in unusual financial circumstances, as determined by the City Council.

Moreover, if such a situation occurs, the City will implement necessary corrective action, in which the City Manager will submit a plan to restore the unassigned fund balance to the equivalent of **20%** of budgeted expenditures as soon as economic conditions allow. These steps include, but are not limited to, identifying, nonrecurring, or alternative sources of revenue, increasing existing revenues, charges and/or fees: use of year-end surpluses; enacting cost saving measures such as holding capital purchases, reducing departmental operating budgets, freezing vacant positions, and/or reducing the workforce. The time period to replenish the fund balance

shall be defined within the City Manager's plan submittal.

Moreover, in accordance with GASB 54 standards, all special revenue funds will have an assigned fund balance; however, the Tourism Fund will maintain its goal based on the greater of 20% of operating expenditures less capital outlays or an average annual debt service requirement.. In addition, the funds that flow into the City of Bedford Street Improvement Economic Development Corporation consist primarily of sales tax. And a significant portion of this revenue has been obligated on an annual basis for debt service payments. Therefore, in order to ensure that the City is able to meet future debt service requirements, the Corporation should maintain an assigned fund balance equivalent to one year of the average annual debt service requirement, including related expenses.

### **NON-GOVERNMENTAL FUND BALANCE:**

The fund balance categories discussed above do not apply to proprietary funds according to GASB 54. Although it is not required by GASB, the City of Bedford recognizes the need for a minimum working capital policy for the proprietary funds maintained by the City, such as the Water and Sewer Fund and Stormwater Fund. Therefore, the Water and Sewer Fund shall maintain its goal of a working capital amount equivalent to **90** days of operational expenses excluding capital outlays. And the Stormwater Fund shall maintain its goal of a working capital amount equivalent to **90** days of operational expenses excluding capital outlays. If the working capital falls below the desired level, the City will implement the necessary corrective action, in which the City Manager or designee will submit a plan to restore its working capital to the desired level within the time period specified in the plan. These steps include, but are not limited to, enacting cost saving measures; increasing user charges; holding capital purchases; freezing positions; and/or reducing the workforce. .

**CAPITAL AND DEBT SERVICE FUNDS.** Revenues in the Debt Service Fund are stable, based exclusively on property tax revenues and transfers from other funds. Reserves in the Debt Service Fund are designed to provide funding between the date of issuance of new debt and the time that property tax levies are adjusted to reflect the additional debt.

## **IX. DEBT MANAGEMENT**

**TYPES OF DEBT.** Long-term debt will not be used for operating purposes, and the life of a bond will not exceed the useful life of a project financed by that bond issue.

When appropriate, and as approved by Council Policy, self-supporting revenues will pay debt services in lieu of tax revenues.

**ANALYSIS OF FINANCING ALTERNATIVES.** The City will explore all financing alternatives in addition to long-term debt including leasing, grants and other aid, developer contributions, and use of reserves of current monies.

**DISCLOSURE.** Full disclosure will be made to bond rating agencies and other users of

financial information. The City staff, with the assistance of financial advisors and bond counsel, will prepare necessary materials for presentation to rating agencies, will aid in the production of Offering Statements, and will take responsibility for the accuracy of all financial information released.

**FEDERAL REQUIREMENTS.** The City will maintain procedures to comply with arbitrage rebate and other Federal requirements.

**DEBT STRUCTURE.** The structure should approximate level debt service unless operational matters dictate otherwise, or if market conditions indicate a potential savings could result from modifying the level payment stream.

Consideration of market factors, such as the tax-exempt qualification, minimum tax alternative, and so forth will be given during the structuring of long-term debt instruments.

**DEBT ISSUANCE.** The City will use a competitive bidding process in the sale of bonds unless the nature of the issue warrants a negotiated bid. In situations where a competitive bidding process is not elected, the City will publicly present the reasons why and the City will participate with the financial advisor in the selection of the underwriter or direct purchaser.

## **X. INTERNAL CONTROLS**

**WRITTEN PROCEDURES.** Wherever possible, written procedures will be established and maintained by the Director of Administrative Services for all functions involving cash handling and /or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.

**DEPARTMENT DIRECTOR'S RESPONSIBILITY.** Each Department Director is responsible to ensure that good internal controls are followed throughout his or her Department, that all Finance Division directives or internal controls are implemented, and that all independent auditor internal control recommendations are addressed. The Finance Division will assist Department Directors in implementing the internal control requirements and obtaining their compliance.

## **XI. STAFFING AND TRAINING**

**ADEQUATE STAFFING.** Staffing levels will be maintained at an adequate level for the fiscal functions of the City to operate effectively. Overtime shall be used only to address temporary or seasonal demands that require excessive hours. Workload shedding alternatives will be explored before adding staff.

**TRAINING.** The City will support the continuing education efforts of all financial staff including the investment in time and materials for maintaining a current perspective concerning communicating, teaching, and sharing with other staff members all information and training materials acquired from seminars, conferences, and related education efforts.

To the fullest extent possible, written documentation of tasks and procedures will be developed and maintained as both an aid to personnel training and an element of effective management.

**AWARDS, CREDENTIALS, RECOGNITION.** The City will support efforts and

involvements that result in meeting standards and receiving exemplary recitations on behalf of the City's fiscal policies, practices, processes, products, or personnel. The City will support participation in the Distinguished Budget Presentation Award program and the Certificate of Achievement for Excellence in Financial Reporting program sponsored by the Government Finance Officers Association of the United States and Canada. Vacuum actuator



# Council Agenda Background

**PRESENTER:** Don Henderson, Parks Superintendent

**DATE:** 09/24/13

**Council Mission Area:** Provide a safe and friendly community environment.

**ITEM:**

Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the City of Fort Worth in the amount of \$47.00 per voucher to allow for the collection and disposal of household hazardous waste for Bedford households at the permanent collection site from October 1, 2013 to September 30, 2014.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

Since May 1998, the City of Bedford has participated with the City of Fort Worth and Tarrant County in an interlocal agreement for the collection and disposal of household hazardous waste. On Friday, August 31, 2013, the City of Fort Worth Environmental Management Department informed staff that for the upcoming fiscal year the price would continue to be \$47.00 per voucher. This voucher cost has remained the same for the past five years. There have been no changes to the contract.

The permanent collection facility is located at 6400 Bridge Street, Forth Worth, Texas 76112. So far this year, 281 vouchers have been used.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into an interlocal agreement with the City of Fort Worth in the amount of \$47.00 per voucher to allow for the collection and disposal of household hazardous waste for Bedford households at the permanent collection site from October 1, 2013 to September 30, 2014.

**FISCAL IMPACT:**

Stormwater Division 04-45-02-8337 - \$30,000

**ATTACHMENTS:**

Resolution Agreement

RESOLUTION NO. 13-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF FORT WORTH IN THE AMOUNT OF \$47.00 PER VOUCHER TO ALLOW FOR THE COLLECTION AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE FOR BEDFORD HOUSEHOLDS AT THE PERMANENT COLLECTION SITE FROM OCTOBER 1, 2013 TO SEPTEMBER 30, 2014.

WHEREAS, the City Council of Bedford, Texas wishes to provide a way for the citizens of Bedford to safely dispose of household hazardous waste; and,

WHEREAS, the City Council of Bedford, Texas wishes to continue the participation with the City of Fort Worth in the collection and disposal of household hazardous waste at the permanent collection site; and,

WHEREAS, the City of Fort Worth requires a resolution further describing the participation.

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

SECTION 1. That the City of Bedford, Texas does hereby agree to participate in an interlocal agreement with the City of Fort Worth, Texas, relative to household hazardous waste collection. The fee of \$47.00 per household, is the agreed upon price effective for the fiscal year starting October 1, 2013 until September 30, 2014. The interlocal agreement will allow Bedford residents the ability to use the City of Fort Worth's permanent collection facility at 6400 Bridge Street, Fort Worth, Texas 76112, on a voucher authorization system.

SECTION 2. That the City Manager is authorized to execute all documents with the City of Fort Worth relating to this Household Hazardous Waste program, a copy of the approved agreement being attached.

SECTION 3. That the City Council authorizes the Department of Community Services to coordinate the effort in conjunction with the Bedford Beautification Commission.

SECTION 4. That this resolution shall take effect from and after the date of passage.

PASSED AND APPROVED this 24th day of September 2013, by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary

APPROVED AS TO FORM:

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Stan Lowry, City Attorney

INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S  
ENVIRONMENTAL COLLECTION CENTER  
HOUSEHOLD HAZARDOUS WASTE PROGRAM

FY2014

Bedford

INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S  
ENVIRONMENTAL COLLECTION CENTER  
HOUSEHOLD HAZARDOUS WASTE PROGRAM

THIS AGREEMENT is entered into by and between the City of Fort Worth, Texas, a home-rule municipal corporation situated in Tarrant, Denton, Parker, and Wise Counties, Texas, hereinafter called "Fort Worth," acting by and through Fernando Costa, its duly authorized Assistant City Manager and the City of Bedford, hereinafter referred to as "Participating City" and located in Tarrant County, Texas acting herein by and through Beverly Griffith its duly authorized City Manager.

(Name) (Title)

**DELIVERY OF NOTICES**

**Any notices required to be given under this Agreement shall be delivered as follows:**

If to Fort Worth:

Michael A. Gange, Assistant Director  
TPW – Environmental Management Division  
City of Fort Worth  
1000 Throckmorton  
Fort Worth, Texas 76102

If to Participating City:

Beverly Griffith, City Manager  
City of Bedford  
2000 Forest Ridge Drive  
Bedford, Texas 76021

**OPERATIONAL CONTACTS**

**Participating City's Operational Contact Persons:**

Designated person is: Don Henderson telephone number: 817-952-2308  
Mobile phone number (24-hour) where he or she can be reached: 817-713-0582  
Email Address: don.henderson@bedfordtx.gov

Alternate person is Mirenda Walden telephone number: 817-952-2107  
Mobile phone number (24-hour) where he or she can be reached: 817-706-6883  
Email Address: mirenda.walden@bedfordtx.gov

## VOUCHER UTILIZATION

The Participating City:

DOES wish to use a voucher system for its residents visiting the ECC or a mobile event.

DOES NOT wish to use a voucher system for its residents visiting the ECC or a mobile event.

If a voucher system will be used only residents with an official voucher provided by Participating City will be allowed to drop wastes off at the ECC or at mobile events in Participating City. **A copy of the official voucher must be attached to this agreement.**

## INVOICE DELIVERY

Invoices to Participating City shall be delivered to:

Don Henderson

Name

Department of Community Services

Department (if applicable)

2000 Forest Ridge Drive

Street Address or PO Box

Bedford, Texas 76021

City, State, ZIP

don.henderson@bedfordtx.gov

email address for billing questions and correspondence

Participating City shall notify Fort Worth in writing if the above contact information changes during the term of this Agreement.

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**Remainder of this page intentionally left blank**

WITNESSETH

WHEREAS, Texas Government Code, Chapter 791, authorizes the formulation of interlocal cooperation agreements between and among local governments; and

WHEREAS, Texas Government Code, §791.011 provides that a local government may contract with another local government to perform governmental functions and services, and §791.003(3)(H) defines waste disposal as a governmental function and service; and

WHEREAS, Texas Government Code, §791.025 provides that a local government may agree with another local government to purchase services; and

WHEREAS, Fort Worth and Participating City desire to enter into an interlocal agreement whereby Fort Worth will purchase the services of a waste disposal/recycling firm or firms and will administer a household hazardous waste collection program; and

WHEREAS, Fort Worth and Participating City mutually desire to be subject to the provisions of Texas Government Code, Chapter 791, also known as the Interlocal Cooperation Act.

NOW THEREFORE, it is agreed as follows:

1.  
DEFINITIONS

- A. Unless a provision in this Agreement explicitly states otherwise, the following terms and phrases, as used in this Agreement, shall have the meanings hereinafter designated.

Act of God means an act occasioned by the direct, immediate, and exclusive operation of the forces of nature, uncontrolled or uninfluenced by the power of humans and without human intervention.

Bill of Lading lists the contents of the mobile collection unit.

Environmental Collection Center (ECC) means the City of Fort Worth TPW-Environmental Management Division facility located at 6400 Bridge Street, Fort Worth, Texas, which is to be used by Fort Worth for the aggregation of household hazardous wastes that have been brought to the facility by participating cities' households for subsequent recycling, disposal, and/or reuse.

Environmental damages means all claims, judgments, damages, losses, penalties, fines, liabilities (including strict liability), encumbrances, liens, costs, and expenses of investigation and defense of any claim, whether or not such claim is ultimately defeated, and of any good faith settlement or judgment, of whatever kind or nature, contingent or otherwise, matured or un-matured, foreseeable or unforeseeable, including without limitation reasonable attorney's fees and disbursements and consultant's fees, any of which are incurred subsequent to the execution of this Agreement as a result of the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse of waste pursuant to this Agreement, or the existence of a violation of environmental requirements pertaining to same, and including without limitation:

- (a) Damages for personal injury and death, or injury to property or natural resources;
- (b) Fees incurred for the services of attorneys, consultants, contractors, experts, laboratories and all other costs incurred in connection with the investigation or remediation of such wastes or violation of environmental requirements including, but not limited to, the preparation of any feasibility studies or reports or the performance of any cleanup, remediation, removal, response, abatement, containment, closure, restoration or monitoring work required by any federal, state or local governmental agency or political subdivision, or otherwise expended in connection with the existence of such wastes or violations of environmental requirements, and including without limitation any attorney's fees, costs and expenses incurred in enforcing this Agreement or collecting any sums due hereunder; and
- (c) Liability to any third person or governmental agency to indemnify such person or agency for costs expended in connection with the items referenced in subparagraph (b) herein.

Environmental requirements means all applicable present and future statutes, regulations, rules, ordinances, codes, licenses, permits, orders, approvals, plans, authorizations, concessions, franchises, and similar items, of all governmental agencies, departments, commissions, boards, bureaus, or instrumentalities of the United States, states, and political subdivisions thereof and all applicable judicial, administrative, and regulatory decrees, judgments, and orders relating to the protection of human health or the environment, including without limitation:

- (a) All requirements, including but not limited to those pertaining to reporting, licensing, permitting, investigation, and remediation of emissions, discharges, releases, or threatened releases of hazardous materials, pollutants, contaminants, or hazardous or toxic substances, materials, or wastes whether solid, liquid, or gaseous in nature, into the air, surface water, groundwater, storm water, or land, or relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport, or handling of pollutants, contaminants, or hazardous or toxic substances, materials, or wastes, whether solid, liquid, or gaseous in nature; and
- (b) All requirements pertaining to the protection of the health and safety of employees or the public.

Force majeure means decrees of or restraints by a governmental instrumentality other than the Parties, acts of God, work stoppages due to labor disputes or strikes, failure of Fort Worth's contractor(s) to perform pursuant to their agreements with Fort Worth for the conduct of the collection of household hazardous waste, fires, explosions, epidemics, floods, extreme weather, riots, war, rebellion, and sabotage.

Household hazardous waste (HHW) means any solid waste generated in a household by a consumer which, except for the exclusion provided for in 40 CFR § 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

Manifest means the uniform hazardous waste manifest form(s) that must accompany shipments of municipal hazardous waste or Class 1 industrial solid waste.

Mobile collection event means a household hazardous waste collection event by Participating City utilizing a mobile collection unit.

Mobile Collection Unit (MCU) means a non-self-propelled vehicle used for the periodic collection of household hazardous waste by Participating City, off-site of the ECC, which is transported to the ECC to dispose of the household hazardous waste collected at the mobile collection event. Mobile Collection Units owned by Fort Worth are designed to hold the hazardous waste of approximately 50 to 75 households.

Participating City means the municipality which has entered into this agreement with the City of Fort Worth.

Participating Entities, when used in the plural, means Fort Worth, Participating City, and all other entities which have entered into interlocal agreements with Fort Worth for the ECC household hazardous waste collection program.

Person means an individual, corporation, organization, government, or governmental subdivision or agency, business trust, partnership, association, or any other legal entity.

Waste has the same meaning as "solid waste" as that term is defined in Texas Health and Safety Code §361.003, and including hazardous substances.

- B. Unless a provision in this Agreement explicitly states otherwise, the following abbreviations, as used in this Agreement, shall have the meanings hereinafter designated.

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act, its amendments, associated case law, and state counterparts.

CPR - cardiopulmonary resuscitation.

DOT - United States Department of Transportation.

ECC - Fort Worth Environmental Collection Center.

EPA - United States Environmental Protection Agency.

HAZCAT - hazardous categorization.

HAZWOPER - hazardous waste operations and emergency response and the training, certification, and legal requirements associated therewith.

HM - hazardous materials.

HHW - household hazardous waste.

MCU - Mobile Collection Unit.

TCEQ - Texas Commission on Environmental Quality.

2.  
PURPOSE

The purpose of this interlocal agreement (hereafter "Agreement") is the provision of services by Fort Worth to Participating City whereby, subject to the terms and conditions specified below, Fort Worth will administer and supervise a regional household hazardous waste collection program, which will be available to households within Participating City as described herein.

3.  
TERM

This Agreement shall be effective from October 1, 2013 or the date the last party has signed this Agreement, whichever is later, through September 30, 2014; however, the duties and responsibilities of the Parties for events which occurred during the term of the contract shall survive. If Participating City has mobile collection events scheduled during the months of October through December 2014 and this Agreement has not been renewed by the end of the regular term, this agreement shall be extended on a month to month basis until the mobile collection events have been completed or cancelled by Participating City.

In addition, this agreement may be extended by the duly authorized, mutual, and written agreement of the parties for up to three (3) additional one-year terms..

4.  
SERVICES OF FORT WORTH

Fort Worth agrees to perform the following services for Participating City in connection with the ECC household hazardous waste collection program:

- A. Fort Worth will administer a regional household hazardous waste collection program. This program will include the operation of the Environmental Collection Center, which will accept for disposal and/or recycling household hazardous waste from households located within Participating City. Fort Worth shall not accept compressed flammable gas containers; radioactive materials; explosives or potentially shock sensitive materials; biological, etiologic, or infectious materials; wastes from businesses; or any other wastes that Fort Worth has determined are unacceptable.
- B. Fort Worth will employ or retain personnel to provide the services necessary to perform Fort Worth's obligations in this Agreement.
- C. Fort Worth will enter into a contract(s) with a waste disposal/recycling firm(s) for the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse of household hazardous waste that is collected at the ECC or during mobile collection events.
- D. Fort Worth will, if requested in writing by Participating City, provide Participating City with copies of waste manifests for shipments of waste from the ECC.
- E. Fort Worth will, if requested in writing by Participating City, provide Participating City a monthly report of the Participating City's households who disposed of household hazardous waste at the Environmental Collection Center or a mobile collection event.

F. Fort Worth will issue a report and an invoice at the end of each quarter detailing the number of Participating City's households that disposed of household hazardous waste at the Environmental Collection Center or at mobile collection events.

G. Fort Worth will act under this Agreement in accordance with all applicable state and federal laws.

H. Mobile Collection Events

Participating City may schedule a mobile collection event to be operated by Fort Worth personnel using one of Fort Worth's MCUs or conduct their own mobile collection events using either Participating City's MCU or Fort Worth's Reserve MCU (as available). State regulations require notification to the Texas Commission on Environmental Quality (TCEQ) at least 45 days prior to conducting the event.

1. Fort Worth Operated Events:

If Participating City would like to schedule a mobile collection event with the Fort Worth Mobile Collection Unit, Participating City shall contact the ECC as soon as possible for a list of available dates. The time and location shall be agreeable to both parties. Participating City may schedule one mobile collection event each contract year. Fort Worth will file notification of the event with TCEQ as required by 30 TAC §335.403.

(a) Scheduling Events

Fort Worth will begin scheduling mobile collection events for the 2014 calendar year on January 2, 2014. To ensure proper notification to TCEQ, events must be scheduled at least sixty (60) days ahead of the proposed date. Participating City acknowledges that Fort Worth contracts with other municipalities and that Fort Worth will be accommodating each Participating City's request on a first come first served basis. Therefore, Participating City acknowledges that its chosen date to schedule a mobile collection event may be reserved by another city and Participating City will have to then choose another date. Participating City will, in no event, be entitled to any damages or recovery of any costs, except as provided herein.

(b) Location

If Participating City chooses to hold the Mobile Collection Event on private property, Participating City shall obtain a signed waiver from the owner of the property sixty (60) days prior to the event. The waiver shall be in the form of Exhibit B or similar form approved by Fort Worth. The signed waiver must be sent to Fort Worth sixty (60) days before the Mobile Collection Event. If the signed waiver is not sent to Fort Worth sixty (60) days before the Mobile Collection Event, Fort Worth will not send the Fort Worth Mobile Collection Unit to the event and Participating City will, in no event, be entitled to any damages or recovery of any costs, except as provided herein. All events must be held on an impervious surface.

(c) At the Mobile Collection Event, Participating City acknowledges and agrees that Fort Worth shall accept household hazardous waste from the first 50 households that show proof of residency at the Mobile Collection Event. After the first 50 households, Fort Worth will determine in its sole discretion how much more waste it can accept for proper transport back

to the ECC. If more households arrive at the event than Fort Worth can accept, Participating City will in no event be entitled to any damages or recovery of any costs, except as provided herein.

- (d) Due to the lack of storage space at the ECC, Participating City acknowledges and agrees that if it requests the Fort Worth Mobile Collection Unit at a mobile collection event, a Participating City's MCU shall not also be at the event.
- (e) Fort Worth, in its sole discretion, will determine whether to send the Fort Worth Mobile Collection Unit to Participating City's Collection Event during adverse weather, the threat of adverse weather, or other hazardous conditions including but not limited to sleet, snow, rain, mist or hail. In the event Fort Worth determines not to send the Fort Worth Mobile Collection Unit, Fort Worth shall attempt to notify persons listed herein as an "Operational Contact" by the Participating City and shall attempt to send a Fort Worth employee to the Participating City's event to tell any residents that come to dispose of household hazardous waste that the Fort Worth Mobile Collection Unit will not be coming to the event, but the resident can go to the ECC to dispose of the waste. A map with directions to the ECC also will be provided.

2. Participating City Mobile Collection Unit:

- (a) Fort Worth agrees to accept household hazardous waste from mobile collection events conducted by Participating City using Participating City's MCU in accordance with the terms of this Agreement.
- (b) Fort Worth agrees to restock the items it removes from Participating City's MCU, however, Fort Worth shall only restock items listed in Exhibit "A", attached and incorporated herein as if set forth.

3. Loan of the Reserve Mobile Collection Unit

The reserve MCU is a specially designed and equipped thirty-six (36) foot gooseneck box-trailer and one (1) ton pickup owned by Fort Worth. Participating City may request the loan of Fort Worth's Reserve MCU free of charge for use in a Household Hazardous Waste collection event when available. Participating City may use the Reserve MCU to transport HHW to Fort Worth's ECC or another collection center that may lawfully receive HHW. Participating City shall provide Fort Worth with a written request, facsimile or e-mail at least sixty (60) days prior to the event date for which the request is made. Fort Worth shall have sole determination whether the Reserve MCU is available for use by Participating City and shall notify Participating City as soon as is reasonably practicable of such decision. Fort Worth shall not participate in nor be responsible for any part of the Participating City's HHW Collection Event unless and except by written mutual agreement.

- (a) Fort Worth shall disclose any known problems the Reserve MCU may have in performing the tasks necessary for the HHW Collection Event. Prior to issuance of the Reserve MCU, a pre-trip inspection for potential maintenance problems will be performed by Fort Worth. Also, both parties

- E. Participating City may submit a written request for a monthly report listing the number of its city's households that have disposed of household hazardous waste at the ECC or a mobile collection event.
- F. Participating City shall provide traffic control and signage for the mobile collection event, and shall provide personnel to assist Fort Worth with the offloading of material, surveys, and screening of persons dropping off household hazardous waste. Prior to the event, the parties shall agree upon the details of the traffic control, signage, and personnel assistance.
- G. If a Participating City resident presents waste that was collected from multiple households, Fort Worth reserves the right to charge the Participating City based on the total number of households from which the waste originated even if the resident has only one voucher.
- H. Participating City shall provide a means for disposing of solid waste (e.g. boxes, trash, containers) on site during a mobile collection event.
- I. Mobile Collection Events using Participating City's MCU or Reserve MCU
  - 1. Participating City is responsible for proper notification to TCEQ as required by 30 TAC §335.403.
  - 2. Participating City shall advise the ECC at least 72 hours in advance of its mobile collection events. Participating City shall collect only HHW during a mobile collection event. Wastes from commercial, agricultural, and industrial sources shall not be accepted. Participating City shall not accept compressed flammable gas containers; radioactive materials; explosives or potentially shock sensitive materials; biological, etiologic, or infectious materials; or any other wastes that Fort Worth has determined are unacceptable.
  - 3. In accordance with the latest DOT requirements, Participating City's MCU operators will properly categorize, package, mark, label, and load into the MCU, all wastes received at the mobile collection event. Recyclable products (used oil, used oil filters, latex paint, recyclable anti-freeze, lead-acid batteries, and fluorescent lights) will be segregated into containers for recyclables.
  - 4. After accepting wastes, Participating City's MCU operators shall thoroughly check each container for proper labeling and identification. If a container is properly identified, the material will be segregated according to hazard class and prepared for packaging. If a container does not have adequate labeling to permit identification, the MCU operators shall then attempt to identify the material from its physical characteristics using HAZCAT analysis and from information provided by the household presenting the waste.
  - 5. The Participating City's MCU operators shall package all hazardous materials in accordance with United States Department of Transportation (DOT) requirements, United States Environmental Protection Agency (EPA) requirements, and all other applicable federal and state requirements. After all the wastes have been properly identified and segregated, the MCU operators will reexamine the wastes for compatibility, list them on the container content sheets,

and pack them into drums. Oil-based paints and latex paints shall be bulked separately in 55-gallon drums, or if the paint is left in its container, the paint can be packed in a lined cubic yard box, and packed and labeled according to federal and state regulations. Participating City shall not transport waste that is not HHW to the ECC. Participating City agrees to make its own arrangements to dispose of any non-HHW waste collected at the event.

6. Prior to transporting the HHW from the collection event site, Participating City's MCU operators shall complete a Bill of Lading, and shall keep the Bill of Lading in the cab of the truck hauling the MCU during transportation of the HHW to the ECC. Participating City shall require that a minimum of one copy of the latest North American Emergency Response Guidebook be kept within the cab of the truck.
7. During transportation, Participating City's MCU operators shall placard the MCU for transportation of hazardous waste in accordance with federal and state law.
8. Upon the return of the MCU to the ECC, Participating City's MCU operators shall follow the instructions of Fort Worth regarding the placement of the MCU for unloading. Fort Worth shall take possession of the MCU from Participating City after the MCU has been properly parked for unloading in accordance with Fort Worth's instructions and all required documents have been delivered to the ECC manager or his designee at the ECC. Fort Worth shall, within a reasonable amount of time, unload the HHW from the Participating City's MCU and store the unit at the ECC. After being contacted, Participating City shall pickup their unit within 10 days.
9. If Fort Worth, in its sole discretion, determines that Participating City's MCU operators improperly packaged any of the HHW delivered to the ECC, Fort Worth shall repackage such waste, and Participating City shall reimburse Fort Worth as set forth herein.
10. If a spill emanating from the Participating City's MCU or the Reserve MCU occurs at the ECC while the MCU is still in Participating City's possession, Fort Worth shall take control of the spill response and Participating City will reimburse Fort Worth for its response costs as set forth herein.

## 6.

### USE OF WASTE DISPOSAL/RECYCLING FIRMS FOR HOUSEHOLD HAZARDOUS WASTE

- A. Fort Worth will enter into a contract(s) with a waste disposal/recycling firm(s) for the handling, collection, transportation, storage, disposal, treatment, recovery, and/or reuse of household hazardous waste, from the ECC.
- B. Such firm(s) shall be required pursuant to the contract(s) to assume generator status for the waste collected, (excluding used oil, lead-acid batteries and antifreeze) to choose a disposal site for the waste subject to Fort Worth's approval, and to indemnify Fort Worth and participating cities against any and all environmental damages and the violation of any and all environmental requirements resulting from the handling, collection, transportation, storage, disposal, treatment, recovery, and/or recycling of waste collected pursuant to this agreement, when said environmental damages or the violation of said

environmental requirements was the result of any act or omission of contractor, its officers, agents, employees, or subcontractors, or the joint act or omission of contractor, its officers, agents, employees, or subcontractors and any other person or entity.

- C. **THE PARTIES RECOGNIZE THAT ALTHOUGH THE FIRM (S) WILL BE REQUIRED TO ASSUME GENERATOR STATUS, THIS ASSUMPTION WILL NOT RELIEVE PARTICIPATING CITY OF LIABILITY FOR THE WASTE UNDER FEDERAL LAW AND STATE LAW.** Fort Worth will arrange for recycling vendors for used oil, batteries, antifreeze, and other materials, as it deems appropriate.

7.

REUSE OF COLLECTED MATERIALS

- A. From time-to-time Fort Worth will make available to residents and businesses of Fort Worth, as well as, Participating City and residents and businesses of Participating City for their use, collected household hazardous waste materials that are suitable for reuse, such as paint, fertilizer, motor oil, and antifreeze. Fort Worth shall not charge for any materials that are picked up for reuse.
- B. Some materials made available for reuse may have been consolidated and filtered by Fort Worth prior to being made available. Used antifreeze will have been consolidated in a barrel, filtered, and pH balanced, and new antifreeze may have been added to the barrel.
- C. In regards to materials accepted by Participating City, its employees, residents, or any other person **FORT WORTH MAKES NO REPRESENTATIONS, WARRANTIES, OR GUARANTIES THAT:**
1. the container contents are what the label indicates;
  2. the container contents are those originally placed into the container by the manufacturer;
  3. the product is of the quality intended for its use;
  4. the contents of the container have been stored properly;
  5. the instructions on the container label for use, storage, and first aid are current or correct;
  6. the container is in unimpaired condition;
  7. the product is still approved for use (i.e., it has not been banned or recalled); and
  8. the product can be used without risk to persons, property or the environment.

**FURTHERMORE, ALL WARRANTIES, EXPRESS AND IMPLIED, ARE SPECIFICALLY DENIED. PARTICIPATING CITY SHALL NOTIFY RECIPIENTS OF THESE TERMS AND CONDITIONS.**

D. Participating City shall contact the ECC manager to arrange a pickup time to obtain materials. Participating City agrees that it shall not return to Fort Worth, directly or indirectly, any materials it obtains from Fort Worth under this paragraph.

E. **INDEMNIFICATION REGARDING REUSED OR RECYCLED MATERIALS.**

1. **IN REGARDS TO REUSED OR RECYCLED MATERIALS ACCEPTED BY PARTICIPATING CITY, PARTICIPATING CITY DOES HEREBY WAIVE ALL CLAIMS, INCLUDING PRODUCTS LIABILITY CLAIMS, AND RELEASES, AND HOLDS HARMLESS THE CITY OF FORT WORTH, AND ALL OF ITS OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, AND VOLUNTEERS, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES, FROM ANY AND ALL LIABILITY, CLAIMS, SUITS, DEMANDS, EXPENSES OF LITIGATION, OR CAUSES OF ACTION WHICH MAY ARISE BY REASON OF INJURY TO PERSONS, LOSS OF PROPERTY, DAMAGE TO PROPERTY, OR LOSS OF USE OF ANY PROPERTY , OCCASIONED BY THE TRANSPORTATION, STORAGE, HANDLING, USE, AND DISPOSAL BY PARTICIPATING CITY OF ANY MATERIALS ACCEPTED BY PARTICIPATING CITY UNDER THIS AGREEMENT FROM FORT WORTH.**

2. IF THE PARTICIPATING CITY DOES NOT AGREE TO THE INDEMNIFICATION AND WAIVER IN PARAGRAPH E ABOVE, THEN THE PARTICIPATING CITY SHALL NOT ACCEPT, NOR ALLOW ANY OTHER PERSON TO ACCEPT ANY OF THE REUSED OR RECYCLED MATERIALS AND SHALL NOT BE REQUIRED TO AGREE TO THE WAIVER IN PARAGRAPH E. Initial here to reject term 7.E.1. and accept alternate term 7.E.2. \_\_\_\_\_.

F. In regards to materials accepted by residents or businesses of Participating Cities, FORT WORTH MAKES NO REPRESENTATIONS, WARRANTIES OR GUARANTIES THAT:

1. the container contents are what the label indicates;
2. the container contents are those originally placed into the container by the manufacturer;
3. the product is of the quality intended for its use;
4. the contents of the container have been stored properly;
5. the instructions on the container label for use, storage, and first aid are current or correct;
6. the container is in unimpaired condition;
7. the product is still approved for use (i.e., it has not been banned or recalled); and
8. the product can be used without risk to persons, property or the environment.

**FURTHERMORE, ALL WARRANTIES, EXPRESS AND IMPLIED, ARE SPECIFICALLY DENIED.**

- G. Participating City shall attempt to inform its residents and businesses that if they go to the Environmental Collection Center to pick up household hazardous waste for reuse, a release of liability must be signed to accept the household hazardous waste for reuse.

8.  
RIGHT TO REFUSE WASTE

Participating City agrees that Fort Worth shall have the right to refuse to accept waste at the ECC from Participating City or Participating City's resident, if in the reasonable judgment of Fort Worth:

- A. The waste is not household hazardous waste;
- B. The waste fails to meet other established criteria established by this Agreement, or that have been established by Fort Worth subsequent to the execution of the Agreement;
- C. The individual does not have sufficient identification to establish that he/she is in fact a resident of Participating City;
- D. Participating City has implemented a voucher system for its residents to dispose of waste, and the individual does not have a valid voucher; or
- E. The waste or the individual presents a hazard to the ECC or to persons or property at the ECC.

9.  
ENVIRONMENTAL COLLECTION CENTER HOURS AND DAYS  
OF OPERATION

- A. Hours of Operation

During the term of the Agreement, the ECC's hours of operation are as follows:  
Thursday and Friday 11:00 a.m. -- 7:00 p.m.  
Saturday 9:00 a.m. -- 3:00 p.m.

- B. Days the Environmental Collection Center will be closed

During the term of the agreement, the ECC will be closed on the following holidays that are observed on days the ECC would otherwise be open to the public:

Thanksgiving Holiday, Thursday and Friday, November 28-29, 2013  
Independence Day, Friday, July 4, 2014

In addition to the above closures Fort Worth employees will not be available to conduct mobile collection events on May 24, 2014 and August 30, 2014 although the ECC will remain open on those days. The ECC may close due to furlough days or other causes, and the City of Fort Worth does not represent to Participating City that the ECC will be open on any particular days. If additional closures due to any cause are necessary Fort Worth will notify Participating City prior to the closure unless due to an unforeseeable event.

C. Notifying Residents

Participating City agrees to notify its residents of the ECC's hours of operation and dates it will be closed. Participating City also may advertise the 24-hour Environmental Collection Center telephone number: (817) 871-5257.

10.  
COMPENSATION

As fair compensation for the services provided by Fort Worth pursuant to this Agreement:

- A. Participating City agrees to pay Fort Worth the sum of **\$47.00** per household per visit to the ECC (or per participating household in a Mobile Collection Event) to dispose of household hazardous waste. If a Participating City resident presents waste that was collected from multiple households, Fort Worth reserves the right to charge the Participating City based on the total number of households from which the waste originated.
- B. If Fort Worth determines that Participating City's MCU operators improperly packaged any of the HHW delivered to the ECC, Fort Worth shall repackage such waste, and Participating City shall reimburse Fort Worth for its staff time at \$20.00 an hour and the cost of supplies.
- C. If a spill emanating from the Participating City's MCU or the Reserve MCU occurs at the ECC while the MCU is still in Participating City's possession, Fort Worth shall take control of the spill response and Participating City will reimburse Fort Worth for its response costs for City staff time (\$60.00 per hour) plus the cost of supplies and the actual costs for the spill response and remediation incurred by the City of Fort Worth for third party contractors and responding governmental agencies.
- D. The amount due to Fort Worth for services provided under this Section, Paragraphs A, B, and C, shall be billed to Participating City quarterly. Participating City shall pay Fort Worth within 30 days of receiving a bill from Fort Worth. If Fort Worth does not receive payment within 30 days, Fort Worth shall inform Participating City in writing that it will not accept any household hazardous waste from Participating City's residents and that Fort Worth will not participate in a mobile collection event or provide a mobile collection unit until paid.
- E. At the end of the term of this Agreement, Fort Worth shall provide a final accounting to Participating City, which will include the total number of Participating City's households which participated in the program, repackaging fees, if any, and the total cost of spill response charged to Participating City, if any.
- F. Pursuant to the requirements of Government Code §791.011 (a)(3), the amount due to Fort Worth under Subparagraph D. above shall be paid from revenues currently available to Participating City in the present fiscal year.

11.  
ARTWORK, "CAPTAIN CRUD AND THE CRUDDIES," AND PROMOTIONAL MATERIALS  
LICENSE AGREEMENT

Fort Worth is the owner of "**Captain Crud**" and the Cruddies ("**Bloomer**," "**Otto**," "**Pestie**," "**Scrub**," and "**Van Goo**") and the recycling buddies ("**Scrappy**," "**Juggles**," and "**Cana Nana**") "**Conquer Your Crud**," and "**Crud Cruiser**", and therefore all ownership rights belong

to Fort Worth. Fort Worth has registered these marks as service marks with the Secretary of State.

- A. Fort Worth hereby grants to Participating City a non-transferable, non-exclusive license to use all the artwork and promotional materials that may be provided by Fort Worth to be used solely in the conduct of the business of Participating City's disposal and recycling of household hazardous waste programs. If Participating City wishes to use to Licensed Art and/or Promotional Materials in other limited situations, Participating City must first obtain express written consent from Fort Worth.
- B. Fort Worth may provide licensed Artwork and Promotional Materials to Participating City pursuant to the terms of this Agreement. Participating City acknowledges that by virtue of this License, Participating City acquires only the right to use the original and permitted duplicate copies of the Licensed Artwork and Promotional Materials and does not acquire any rights of ownership in the Licensed Artwork and Promotional Materials, which rights shall remain exclusively with Fort Worth. If Participating City wants to modify or change the artwork and/or promotional materials in any manner, Participating City hereby agrees to contact Fort Worth in writing to obtain written consent before modifying or changing any artwork and/or promotional materials.
- C. If Participating City desires an actor to portray "Captain Crud" for an event, Participating City shall use actors approved by Fort Worth to portray "Captain Crud" since "Captain Crud" is owned by Fort Worth. Participating City shall be solely responsible for compensating actor for the services provided to Participating City. Participating City will contact Fort Worth as soon as possible with the date and time of the event agreeable to both parties to obtain approval for the chosen actor and to request and pickup the "Captain Crud" costume for its events. Fort Worth will provide the "Captain Crud" costume. However, Participating City agrees to be liable to Fort Worth for any damage to the costume or if Participating City fails to return the entire costume to Fort Worth or if the costume is not returned in the same condition as received.

12.  
IMMUNITY

It is expressly understood and agreed that, in the execution of this Agreement, none of the Participating Cities waives, nor shall be hereby deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions, and that the services described in this Agreement are a governmental function.

13.  
FORCE MAJEURE

A delay or failure of Fort Worth to perform services pursuant to this Agreement shall be excused to the extent that the delay or failure to perform resulted from a force majeure event, and the delay or failure was beyond the control of Fort Worth and not due to its fault or negligence. Participating City shall not have, and hereby waives, any claim whatever for any damages resulting from delays or failure to perform caused by a force majeure event.

14.  
TERMINATION

The parties shall each have the right to terminate the Agreement for any reason, with or without cause, upon thirty (30) days written notice to the other party. Upon termination, the parties shall be released from all contractual obligations to the other party excluding "USE OF WASTE DISPOSAL/RECYCLING FIRMS FOR HOUSEHOLD HAZARDOUS WASTE" "REUSE OF COLLECTED MATERIALS" and "ARTWORK, "CAPTAIN CRUD AND THE CRUDDIES," AND "PROMOTIONAL MATERIALS LICENSE AGREEMENT" and any terms and conditions arising from events occurring during the term of the contract .

15.  
ENTIRETY

This Agreement contains all commitments and Agreements of the parties hereto, and no other oral or written commitments shall have any force or effect if not contained herein, except that this Agreement can be amended or modified by the parties if such amendment or modification is in writing and signed by Participating City and Fort Worth.

16.  
SEVERABILITY

In the event anyone or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provisions had never been contained herein.

17.  
VENUE

Should any action, real or asserted, at law or in equity, arise out of the terms and conditions of this Agreement, venue for said action shall be in Tarrant County, Texas.

18.  
AUTHORITY

This Agreement is made for Fort Worth and Participating City as an Interlocal Agreement, pursuant to Texas Government Code, Chapter 791.

19.  
AUTHORIZATION

The undersigned officers and/or agents of the parties hereto are properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto, and each party hereby certifies to the other that any necessary resolutions extending such authority have been duly passed and are now in full force and effect.

SIGNATURE PAGE  
INTERLOCAL AGREEMENT FOR PARTICIPATION IN FORT WORTH'S  
ENVIRONMENTAL COLLECTION CENTER, HOUSEHOLD HAZARDOUS WASTE PROGRAM

CITY OF FORT WORTH

CITY OF Bedford

By:

By:

\_\_\_\_\_  
Fernando Costa  
Assistant City Manager  
Date: \_\_\_\_\_

\_\_\_\_\_  
Printed name: Beverly Griffith  
Title: City Manager  
Date: \_\_\_\_\_

APPROVED AS TO FORM  
AND LEGALITY:

APPROVED AS TO FORM  
AND LEGALITY:

\_\_\_\_\_  
Arthur N. Bashor  
Assistant City Attorney

\_\_\_\_\_  
City Attorney / Assistant City Attorney

ATTEST:

ATTEST:

\_\_\_\_\_  
Mary J. Kayser  
City Secretary

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Contract Authorization

\_\_\_\_\_  
Date

Exhibit "A"

**RESTOCKING LIST FOR THE MOBILE COLLECTION UNIT**

<b>Material</b>	<b>Amount Restocked</b>	<b>Special Needs</b>	<b>Remarks</b>
55 gallon open top drums (open top for loose packs)	Amount taken off the trailer		
55 gallon drums (closed top) (oil, antifreeze, bulk flammable materials and one extra)	Amount taken off the trailer		
Fiber drums (55 or 30 gallon) Aerosols, acids, bases and oxidizers)	Amount taken off the trailer		
Gaylord box liners (plastic)	Amount taken off the trailer		
55 gallon drum liners	Amount taken off the trailer		
5 gallon buckets (filters/haz chemicals)	Amount taken off the trailer		
Survey Forms	Amount taken off the trailer		
Labels/drum placard	Amount taken off the trailer		
Gaylord boxes	Amount taken off the trailer		
Absorbent pads	Amount taken off the trailer		
Vermiculite	Amount taken off the trailer		
Oil dry	Amount taken off the trailer		
Promotional Materials & Brochures	Amount needed		

Exhibit "B"

WAIVER AND RELEASE OF LIABILITY FOR COLLECTION OF HOUSEHOLD  
HAZARDOUS WASTE

I being the owner of property located at \_\_\_\_\_  
have been asked by the City of Bedford \_\_\_\_\_ to allow a mobile collection  
event on my property to collect household hazardous waste on the \_\_\_\_\_, 20\_\_\_\_.  
I hereby give my permission to the City of Bedford \_\_\_\_\_ and the City of Fort  
Worth, to hold a household hazardous waste collection event on my property in which the City  
of Bedford \_\_\_\_\_ has asked the City of Fort Worth to send its mobile  
collection unit to collect the household hazardous waste that is brought to the event.

**Therefore, I hereby RELEASE, DISCHARGE, HOLD HARMLESS, INDEMNIFY** the City of  
Fort Worth or its officers, agents, and employees and the City of Bedford \_\_\_\_\_  
and its officers, agents, and/or employees for any and all claims, demands, liability, causes of  
action, actions or suits of any character that I may have against the City of Fort Worth or its  
officers, agents, and/or employees and the City of Bedford \_\_\_\_\_ or its officers,  
agents, and/or employees for any property loss or damage, for any and all personal injury  
including death or any other damage of any kind or character which may arises or that arises  
from allowing the City of Bedford \_\_\_\_\_ to hold a household hazardous waste  
collection event, in which the City of Fort Worth sends its mobile collection unit on my property.

I have read this Waiver and Release and fully understand its terms and conditions. I have not  
been influenced in any extent whatsoever by any representation or statements not contained in  
this Agreement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date



# Council Agenda Background

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

**DATE:** 09/24/13

**Council Mission Area:** Protect the vitality of neighborhoods.

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a contract with Saber Development Corporation for the Northwest Pressure Plane Project in the amount of \$2,269,855.25.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

On August 20, 2013, bids were received for the construction of the Northwest Pressure Plane Project. Kimley-Horn and Associates, Inc. has qualified Saber Development Corporation to do the proposed project for \$2,269,855.25.

The contract was divided into two projects: “Project A – Water Line Improvements” and “Project B – Pump Station Improvements”. This project has been many years in the making due to the historical data indicating low water pressure in the northwest portion of the City. In the design phase of the project, it was determined that many of the old water lines would not be able to withstand a significant surge in pressure from the new hydrostatic booster pump and it was recommended to replace the water lines as well. Project A includes replacing 8,430 linear feet of water lines, 24 gate valves, plus various concrete and asphalt repairs. Project B consists of the construction of a booster pump station, hydro-pneumatic tanks, yard piping, and pressure relieve/pressure sustaining valve and vault. The completion time for the project is 240 days.

The initial contract was set-up to allow the contractor to bid on one or both projects with an added bid deduction if the contractor was awarded both A and B. Seven contractors submitted bids for the projects. SYB Construction Company, Inc. appears to be the lowest bidder for Project A with a bid of \$1,182,371.90. RAMA General Contracting appears to be the lowest bidder for Project B with a bid of \$1,037,220. The average cost for Project A was \$1,399,705, the average cost for Project B was \$1,183,492, and the average for both A and B was \$2,429,098.81. The total for SYB and RAMA combined was \$2,219,591.90.

The lowest responsible bidder for both projects is Saber Development Corporation with a total bid of \$2,269,855.25. This bid is \$50,263.35 higher than the low bid option of SYB and RAMA. If two contractors are used, Kimley-Horn’s construction administration cost would increase by \$17,000 to account for the increased coordination efforts making the true cost to the City \$33,263.35 higher than using one contractor. Coordination between two contractors raises the potential for delays and increases in construction cost.

Although the price for selecting a single contractor is higher, the Notice to Bidders stipulates that the contract may be awarded to the contractor that is most advantageous to the City. It is the belief of staff and Kimley Horn and Associates, Inc. that awarding the contract to Saber Development Corporation would be in the best interest of the City as they have done many projects of this type in the past and have completed successful projects for the City. Once complete, the residents in the northwest section of the City will have a 10-15 psi increase in water pressure.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a contract with Saber Development Corporation for the Northwest Pressure Plane Project in the amount of \$2,269,855.25.

**FISCAL IMPACT:**

Bid Amount:	\$2,269,855.25
2012 Series CO	\$2,089,640
2011 Series CO	\$48,244
2010 Series CO	\$74,603
Savings From 2012	\$57,368.25
Difference	\$0

**ATTACHMENTS:**

- Resolution
- Location Maps
- Bid Tabulation
- Award Recommendation

RESOLUTION NO. 13-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SABER DEVELOPMENT CORPORATION FOR THE NORTHWEST PRESSURE PLANE PROJECT IN THE AMOUNT OF \$2,269,855.25.

WHEREAS, the City Council of Bedford, Texas has determined that the Northwest Pressure Plane Improvement Project is necessary for the health and safety of its citizens; and,

WHEREAS, the City Council of Bedford, Texas has determined that increasing water pressure in the northwest section of the city will enhance the livability standards for those citizens affected by low water pressure; and,

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

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

SECTION 1. That the City Council does hereby authorize the City Manager to enter into a contract with Saber Development Corporation for the Northwest Pressure Plane Project in the amount of \$2,269,855.25.

SECTION 2. That funding in the amount of \$2,269,855.25 will come from the 2010, 2011, and 2012 Certificates of Obligations.

PASSED AND APPROVED this 24th day of September, 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

**PRESSURE PLANE  
IMPROVEMENTS  
PROJECT LOCATIONS**



CITY OF  
COLLEVILLE

CITY OF COLLEVILLE

BETHUNE JUNIOR  
HIGH SCHOOL

NORTHWOOD  
ELEMENTARY  
SCHOOL

**CITY OF BEDFORD**  
**NORTHWEST PRESSRUE PLANE IMPROVEMENTS wa-11-02**  
**Bid Opening Time and Date: 10 am Tuesday, August 20, 2013**

**BIDDERS**

	<b>Rama General Contracting</b>	<b>SYB Construction of Texas, LLC</b>	<b>Red River Construction. Co.</b>	<b>ARK Contracting Service</b>	<b>Gracon Construction, Inc.</b>
<b>Project A</b>	N/A	\$1,182,371.90	\$1,495,401.00	\$1,198,340.00	N/A
<b>Project B</b>	\$1,037,220.00	N/A	\$1,049,220.00	\$1,151,480.00	\$1,067,400.00
<b>Deductons</b>	N/A	N/A	\$80,000.00	\$25,000.00	N/A
<b>Total for A &amp; B</b>	\$1,037,220.00	\$1,182,371.90	\$2,464,621.00	\$2,324,820.00	\$1,067,400.00

**RECOMMENDED AWARD**

	<b>Mountain Cascade of Texas, LLC</b>	<b>Saber Development Corporation</b>	<b>Average Cost</b>
<b>Project A</b>	\$1,606,359.00	<b>\$1,216,053.25</b>	\$1,399,705.00
<b>Project B</b>	\$1,625,740.00	<b>\$1,053,802.00</b>	\$1,183,492.00
<b>Deductons</b>	\$575,000.00	<b>0</b>	
<b>Total for A &amp; B</b>	\$2,657,099.00	<b>\$2,269,855.25</b>	\$2,429,098.81



August 29, 2013

Mr. Thomas Hoover, P.E.  
Director of Public Works  
1813 Reliance Parkway  
Bedford, TX 76021

■  
Suite 1000  
12750 Merit Drive  
Dallas, Texas  
75251

TEL 972 770 1300

Re: Recommendation of Award for the Northwest Pressure Plane Improvements  
KHA No. 061114004

Dear Mr. Hoover:

On Tuesday, August 20, 2013, the City of Bedford received bids for the construction of the Northwest Pressure Plane Improvements. The Project was divided into two projects: "Project A – Water Line Improvements" and "Project B – Pump Station Improvements". Project 'A' consists of approximately 960 linear feet of 8" water line, 7,470 linear feet of 12" water line, and associated appurtenances. Project 'B' consists of the construction of a booster station, hydropneumatic tanks, yard piping, and pressure relief/pressure sustaining valve and vault. The contract was set up such that the contractor could decide to bid on one or both projects. There was also an allowance for a deduction in the event that the contractor decided to bid on both projects. The deduction will only be applied if the City elects to award both Project 'A' and 'B' to a single contractor.

There were a total of seven bidders with the following bids (bid tabulations attached):

<b>BIDDERS</b>	<b>Project 'A'</b>	<b>Project 'B'</b>	<b>Deduction for Both Projects</b>
SYB Construction Co., Inc.	\$1,182,371.90	N/A	N/A
RAMA General Contracting	N/A	\$1,037,220.00	N/A
Saber Development Corporation	\$1,216,053.25	\$1,053,802.00	\$0.00
Red River Construction Co.	\$1,495,401.00	\$1,049,220.00	\$80,000.00
ARK Contracting Services	\$1,198,340.00	\$1,151,480.00	\$25,000.00
Gracon Construction, Inc.	N/A	\$1,067,400.00	N/A
Mountain Cascade of Texas, LLC	\$1,606,359.00	\$1,625,740.00	\$575,000.00

Bid Bonds were received for each of the seven bidders. SYB Construction Co., Inc. appears to be the lowest responsible bidder for Project 'A' with a bid of \$1,182,371.90. RAMA General Contracting appears to be the lowest responsible bidder for Project 'B' with a bid of \$1,037,220.00. The total for both projects would be \$2,219,591.90.

The lowest responsible bidder for both projects is Saber Development Corporation with a total bid of \$2,269,855.25. This bid is \$50,263.35 higher than low bid option of SYB and RAMA. Kimley-Horn's construction contract administration



fee would increase by \$17,000 if two contractors are selected to account for the increased coordination efforts. There will also be an increased cost associated with City staff coordinating with multiple contractors. We have checked Saber's experience, and from our investigation, we have found that Saber is regularly engaged in projects of this nature. It is also our understanding that Saber has performed work for the City in the past.

Although the price for selecting a single contractor is higher than selecting a separate contractor for Project 'A' and 'B', there are multiple benefits to the City for awarding the contract to one contractor. There will be an increased cost to the City for managing multiple Contractors, and there will also be additional time required for coordination and administering of two contracts. The two projects are related to each other, and having multiple contractors coordinating the connection points and construction schedules will lead to additional management efforts. Also, the pump testing will impact the proposed water lines during start-up. By having two separate contractors, it could be challenging to identify which contractor would be responsible for items identified during start-up and testing. Moreover, timing of the project could become a challenge. If the water lines are completed before the pump station, they would need to be tested and put into service on the existing pressure plane until the pump station could be started.

Therefore, we recommend that the City award the project to a single contractor, Saber Development Corporation.

We appreciate the opportunity to continue to work with the City of Bedford on this project. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "T. L. Strouse, P.E.", is written over the typed name.

Todd L. Strouse, P.E.

**City of Bedford  
Itemized Bid Tabulation**

Bid Reference Number: WA-11-02 Northwest Pressure Plane Improvements  
Bid Opening: August 20, 2013 @ 10:00 AM

**Project 'A' - Water Line Improvements**

Bid Item No.	Description	Unit	Quantity	Engineer's Opinion		RAMA General Contracting		Mountain Cascade of Texas, LLC		SYB Construction Co., Inc.		ARK Contracting Services		Red River Construction Co.		Gracon Construction, Inc.		Saber Development Corporation	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1A	6" Water Line, C900 DR 18 PVC	LF	59	\$35.00	\$2,065.00	N/A	N/A	\$120.00	\$7,080.00	\$45.50	\$2,684.50	\$78.00	\$4,602.00	\$70.00	\$4,130.00	N/A	N/A	\$33.00	\$1,947.00
2A	8" Water Line, C900 DR 18 PVC	LF	952	\$45.00	\$42,840.00	N/A	N/A	\$70.00	\$66,640.00	\$41.00	\$39,032.00	\$72.00	\$68,544.00	\$45.00	\$42,840.00	N/A	N/A	\$38.00	\$36,176.00
3A	10" Water Line, C900 DR 18 PVC	LF	5	\$55.00	\$275.00	N/A	N/A	\$375.00	\$1,875.00	\$86.50	\$432.50	\$80.00	\$400.00	\$350.00	\$1,750.00	N/A	N/A	\$63.00	\$315.00
4A	12" Water Line, C900 DR 18 PVC	LF	7,464	\$65.00	\$485,160.00	N/A	N/A	\$87.00	\$649,368.00	\$67.35	\$502,700.40	\$83.00	\$619,512.00	\$75.00	\$559,800.00	N/A	N/A	\$59.00	\$440,376.00
5A	6" Gate Valve	EA	8	\$850.00	\$6,800.00	N/A	N/A	\$1,600.00	\$12,800.00	\$850.00	\$6,800.00	\$800.00	\$6,400.00	\$1,200.00	\$9,600.00	N/A	N/A	\$875.00	\$7,000.00
6A	8" Gate Valve	EA	2	\$1,000.00	\$2,000.00	N/A	N/A	\$2,600.00	\$5,200.00	\$1,200.00	\$2,400.00	\$1,200.00	\$2,400.00	\$1,550.00	\$3,100.00	N/A	N/A	\$1,100.00	\$2,200.00
7A	10" Gate Valve	EA	1	\$2,000.00	\$2,000.00	N/A	N/A	\$3,500.00	\$3,500.00	\$1,800.00	\$1,800.00	\$1,400.00	\$1,400.00	\$2,300.00	\$2,300.00	N/A	N/A	\$1,700.00	\$1,700.00
8A	12" Gate Valve	EA	13	\$3,000.00	\$39,000.00	N/A	N/A	\$4,000.00	\$52,000.00	\$2,150.00	\$27,950.00	\$2,200.00	\$28,600.00	\$2,650.00	\$34,450.00	N/A	N/A	\$2,000.00	\$26,000.00
9A	Connect to Existing Water Line	EA	21	\$5,000.00	\$105,000.00	N/A	N/A	\$5,000.00	\$105,000.00	\$1,550.00	\$32,550.00	\$1,500.00	\$31,500.00	\$950.00	\$19,950.00	N/A	N/A	\$3,500.00	\$73,500.00
10A	Fire Hydrant	EA	1	\$3,500.00	\$3,500.00	N/A	N/A	\$5,500.00	\$5,500.00	\$4,500.00	\$4,500.00	\$2,400.00	\$2,400.00	\$5,700.00	\$5,700.00	N/A	N/A	\$4,000.00	\$4,000.00
11A	1" Water Service (Short)	EA	24	\$800.00	\$19,200.00	N/A	N/A	\$1,000.00	\$24,000.00	\$665.00	\$15,960.00	\$700.00	\$16,800.00	\$1,200.00	\$28,800.00	N/A	N/A	\$600.00	\$14,400.00
12A	1" Water Service (Long)	EA	6	\$1,800.00	\$10,800.00	N/A	N/A	\$3,300.00	\$19,800.00	\$1,125.00	\$6,750.00	\$1,500.00	\$9,000.00	\$2,500.00	\$15,000.00	N/A	N/A	\$1,500.00	\$9,000.00
13A	Trench Safety	LF	8,450	\$2.00	\$16,900.00	N/A	N/A	\$1.00	\$8,450.00	\$0.10	\$845.00	\$1.00	\$8,450.00	\$2.00	\$16,900.00	N/A	N/A	\$1.00	\$8,450.00
14A	Seed, Fertilizer, Erosion Control, Matting and Stakes	LF	1,387	\$3.00	\$4,161.00	N/A	N/A	\$3.00	\$4,161.00	\$3.50	\$4,854.50	\$12.00	\$16,644.00	\$12.00	\$16,644.00	N/A	N/A	\$2.50	\$3,467.50
15A	Sawcut Asphalt/Concrete	LF	7,773	\$10.00	\$77,730.00	N/A	N/A	\$3.00	\$23,319.00	\$2.50	\$19,432.50	\$2.00	\$15,546.00	\$4.00	\$31,092.00	N/A	N/A	\$9.00	\$69,957.00
16A	Asphalt Pavement Repair	SY	2,257	\$40.00	\$90,280.00	N/A	N/A	\$80.00	\$180,560.00	\$77.00	\$173,789.00	\$38.00	\$85,766.00	\$75.00	\$169,275.00	N/A	N/A	\$97.75	\$220,621.75
17A	Concrete Pavement Repair	SY	907	\$80.00	\$72,560.00	N/A	N/A	\$100.00	\$90,700.00	\$69.00	\$62,583.00	\$72.00	\$65,304.00	\$140.00	\$126,980.00	N/A	N/A	\$92.00	\$83,444.00
18A	Concrete Driveway Repair	SY	303	\$40.00	\$12,120.00	N/A	N/A	\$92.00	\$27,876.00	\$62.50	\$18,937.50	\$58.00	\$17,574.00	\$150.00	\$45,450.00	N/A	N/A	\$90.00	\$27,270.00
19A	Concrete Sidewalk Repair	SY	747	\$30.00	\$22,410.00	N/A	N/A	\$60.00	\$44,820.00	\$45.00	\$33,615.00	\$48.00	\$35,856.00	\$70.00	\$52,290.00	N/A	N/A	\$54.00	\$40,338.00
20A	Concrete Curb and Gutter	LF	2,067	\$20.00	\$41,340.00	N/A	N/A	\$30.00	\$62,010.00	\$38.00	\$78,546.00	\$26.00	\$53,742.00	\$50.00	\$103,350.00	N/A	N/A	\$23.00	\$47,541.00
21A	Temporary Removal and Replacement of Existing Mailbox	LS	1	\$10,000.00	\$10,000.00	N/A	N/A	\$1,300.00	\$1,300.00	\$13,760.00	\$13,760.00	\$6,000.00	\$6,000.00	\$15,000.00	\$15,000.00	N/A	N/A	\$3,000.00	\$3,000.00
22A	Temporary Removal and Replacement of Existing Sign	LS	1	\$10,000.00	\$10,000.00	N/A	N/A	\$1,300.00	\$1,300.00	\$1,500.00	\$1,500.00	\$2,000.00	\$2,000.00	\$12,000.00	\$12,000.00	N/A	N/A	\$500.00	\$500.00
23A	Remove and Replace Existing Handicap Ramp	EA	12	\$2,000.00	\$24,000.00	N/A	N/A	\$1,800.00	\$21,600.00	\$1,700.00	\$20,400.00	\$1,200.00	\$14,400.00	\$1,500.00	\$18,000.00	N/A	N/A	\$1,200.00	\$14,400.00
24A	Miscellaneous Sprinkler System Repair	LS	1	\$10,000.00	\$10,000.00	N/A	N/A	\$12,000.00	\$12,000.00	\$3,500.00	\$3,500.00	\$8,000.00	\$8,000.00	\$12,000.00	\$12,000.00	N/A	N/A	\$1,500.00	\$1,500.00
25A	Pressure Relief/ Sustaining Valve Vault	EA	1	\$20,000.00	\$20,000.00	N/A	N/A	\$40,000.00	\$40,000.00	\$34,000.00	\$34,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	N/A	N/A	\$24,000.00	\$24,000.00
26A	Traffic Control	LS	1	\$5,000.00	\$5,000.00	N/A	N/A	\$70,000.00	\$70,000.00	\$16,000.00	\$16,000.00	\$5,000.00	\$5,000.00	\$45,000.00	\$45,000.00	N/A	N/A	\$14,500.00	\$14,500.00
27A	Project Sign	EA	1	\$500.00	\$500.00	N/A	N/A	\$500.00	\$500.00	\$550.00	\$550.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00	N/A	N/A	\$450.00	\$450.00
28A	2" Temporary Water Service	LS	1	\$30,000.00	\$30,000.00	N/A	N/A	\$25,000.00	\$25,000.00	\$21,500.00	\$21,500.00	\$8,000.00	\$8,000.00	\$35,000.00	\$35,000.00	N/A	N/A	\$5,000.00	\$5,000.00
29A	Hydraulic Wrench	EA	1	\$28,050.00	\$28,050.00	N/A	N/A	\$40,000.00	\$40,000.00	\$35,000.00	\$35,000.00	\$34,000.00	\$34,000.00	\$38,000.00	\$38,000.00	N/A	N/A	\$35,000.00	\$35,000.00
<b>TOTAL BASE BID PROJECT 'A'</b>					<b>\$1,193,691.00</b>		<b>N/A</b>		<b>\$1,606,359.00</b>		<b>\$1,182,371.90</b>		<b>\$1,198,340.00</b>		<b>\$1,495,401.00</b>		<b>N/A</b>		<b>\$1,216,053.25</b>

**Project 'B' - Booster Station**

Bid Item No.	Description	Unit	Quantity	Engineer's Opinion		RAMA General Contracting		Mountain Cascade of Texas, LLC		SYB Construction Co., Inc.		ARK Contracting Services		Red River Construction Co.		Gracon Construction, Inc.		Saber Development Corporation	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1B	Pump Station and Yard Piping	LS	1	\$1,110,000.00	\$1,110,000.00	\$1,035,000.00	\$1,035,000.00	\$1,625,000.00	\$1,625,000.00	N/A	N/A	\$1,150,000.00	\$1,150,000.00	\$1,047,000.00	\$1,047,000.00	\$1,060,000.00	\$1,060,000.00	\$1,053,062.00	\$1,053,062.00
2B	Trench Safety	LF	740	\$2.00	\$1,480.00	\$3.00	\$2,220.00	\$1.00	\$740.00	N/A	N/A	\$2.00	\$1,480.00	\$3.00	\$2,220.00	\$10.00	\$7,400.00	\$1.00	\$740.00
<b>TOTAL BASE BID PROJECT 'B'</b>					<b>\$1,111,480.00</b>		<b>\$1,037,220.00</b>		<b>\$1,625,740.00</b>		<b>N/A</b>		<b>\$1,151,480.00</b>		<b>\$1,049,220.00</b>		<b>\$1,067,400.00</b>		<b>\$1,053,802.00</b>

DEDUCTION FOR BOTH PROJECTS				Engineer's Opinion	RAMA General Contracting	Mountain Cascade of Texas, LLC	SYB Construction Co., Inc.	ARK Contracting Services	Red River Construction Co.	Gracon Construction, Inc.	Saber Development Corporation
				N/A	\$0.00	\$575,000.00	N/A	\$25,000.00	\$80,000.00	N/A	\$0.00

TOTAL FOR BOTH PROJECTS				Engineer's Opinion	RAMA General Contracting	Mountain Cascade of Texas, LLC	SYB Construction Co., Inc.	ARK Contracting Services	Red River Construction Co.	Gracon Construction, Inc.	Saber Development Corporation
				\$2,305,171.00	N/A	\$2,657,099.00	N/A	\$2,324,820.00	\$2,464,621.00	N/A	\$2,269,855.25

LOW BIDDER FOR PROJECT 'A'		SYB Construction Co., Inc.
		\$1,182,371.90

LOW BIDDER FOR PROJECT 'B'		RAMA General Contracting
		\$1,037,220.00

<b>TOTAL LOW BIDDERS FOR BOTH PROJECTS</b>	<b>\$2,219,591.90</b>
--	-----------------------

LOW BIDDER WITH SINGLE CONTRACTOR FOR BOTH PROJECTS WITH DEDUCTION		Saber Development Corporation
		\$2,269,855.25



# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 09/24/13

**Council Mission Area:** Encourage citizen involvement.

**ITEM:**

Consider a resolution appointing 15 members to the City's Charter Review Committee and selecting a Chairperson of the Committee.

**City Attorney Review:** N/A

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

At the August 13, 2013 Council meeting, Council approved a resolution authorizing the establishment of a Charter Review Committee. Staff contacted both members of the current Boards and Commissions as well as members of the previous Charter Review Committee from 2007 regarding their interest on serving again. The application process was advertised on the City's website and Facebook page, as well as B-TV. Applications were also made available at certain City facilities. By the deadline of September 13, the City Secretary's Office received a total of 16 applications, which are attached. Each member qualified as far as the requirements of residency and being a registered voter.

Each Councilmember will appoint two members of the Committee, with the Mayor appointing three. The Council will also need to choose the chairperson of the Committee. Please note that submitting an application is not a prerequisite for being appointed.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution appointing 15 members to the City's Charter Review Committee and selecting a Chairperson of the Committee.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution

**RESOLUTION NO. 13-**

**A RESOLUTION APPOINTING 15 MEMBERS TO THE CITY'S CHARTER REVIEW COMMITTEE AND SELECTING A CHAIRPERSON OF THE COMMITTEE.**

**WHEREAS, the City Council of Bedford, Texas established a Charter Review Committee through Resolution 13-61 approved on August 13, 2013; and,**

**WHEREAS, the City Council of Bedford, Texas needs to appoint 15 members to the Committee; and,**

**WHEREAS, the City Council of Bedford, Texas needs to appoint a Chairperson of the Committee.**

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

**SECTION 1. That the following qualified citizens are hereby appointed to the City of Bedford Charter Review Committee:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**SECTION 2. That \_\_\_\_\_ is hereby appointed Chairperson of the City of Bedford Charter Review Committee.**

**SECTION 3. This resolution shall take effect upon its passage and approval and in accordance with State law and the Charter of the City of Bedford.**

**PASSED AND APPROVED this 24th day of September 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**

**RESOLUTION NO. 13-**

**ATTEST:**

\_\_\_\_\_  
**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Stan Lowry, City Attorney**



# Council Agenda Background

**PRESENTER:** Beverly Griffith, City Manager

**DATE:** 09/24/13

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

**ITEM:**

Consider a resolution to nominate individuals to serve on the Board of Directors for the Tarrant Appraisal District.

**City Attorney Review:** N/A

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

The Tarrant Appraisal District has notified this office that the terms of service for the five members of the Board of Directors will expire on December 31, 2013 and that there are five positions to be filled. The City is not required to make nominations; however, they are being provided the opportunity to do so. The City may nominate any number up to five.

The current members of the TAD Board of Directors are shown below.

Joe Potthoff	Chairman
David Averitt	
John Fegan	
John Molyneaux	
Michael Glaspie	

In order to be eligible to serve as a director, nominees must have resided in the Tarrant Appraisal District for two years prior to January 1, 2014. They may serve on the governing body of a taxing unit in the District; however, an employee of a taxing unit is prohibited from serving. Nominees may not be related to a person who is in the business of appraising property for property tax purposes or represents property owners in the District or who is employed by the District. Further, nominees, or a business in which they have a substantial interest, cannot have entered into a contract with the District or enter into a contact with a taxing unit in the District, if that contract relates to the performance of an activity governed by Title I of the Texas Property Tax Code.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution to nominate individuals to serve on the Board of Directors for the Tarrant Appraisal District.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution  
Letter from the Tarrant Appraisal District

**RESOLUTION NO. 13-**

**A RESOLUTION TO NOMINATE INDIVIDUALS TO SERVE ON THE BOARD OF DIRECTORS FOR THE TARRANT APPRAISAL DISTRICT.**

**WHEREAS, the terms of service for the five members of the Tarrant Appraisal District will expire on December 31, 2013; and,**

**WHEREAS, the City Council of Bedford, Texas desires nominate certain individuals to serve on the Board of Directors of the Tarrant Appraisal District.**

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

**SECTION 1. That the City Council hereby nominates the following individual(s) to the Board of Directors of the Tarrant Appraisal District.**

_____	_____
_____	_____
_____	

**PASSED AND APPROVED this 24th day of September 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**

RECEIVED SEP 10 2013



*Jeff Law  
Executive Director  
Chief Appraiser*

September 3, 2013

Mr. Jim Griffin  
Mayor  
City of Bedford  
P.O. Box 157  
Bedford, Texas 76095

Dear Mr. Griffin:

The terms of service for our five members of the Board of Directors will expire on December 31, 2013 and it is time to begin the process of conducting an election.

Based on the amount of the 2012 adjusted tax levy imposed by each eligible taxing unit, we have calculated the number of votes for your entity. The enclosed list will provide you with that information.

The first step in the procedure is the nomination of candidates. Each voting unit may nominate one candidate for each of the five positions to be filled. You are not required to make any nomination or you may nominate any number up to five. The County Tax Assessor/Collector is a member of the Board of Directors by law.

In order to be eligible to serve as directors, the 2013 nominees must have resided in the Tarrant Appraisal District for at least two years prior to January 1, 2014. They may serve on the governing body of a taxing unit in the Tarrant Appraisal District and still be eligible to serve as a Director. However, an employee of a taxing unit is prohibited from serving as a Director unless that employee is also an elected official of the governing body. A Director may not be related to a person who is in the business of appraising property for property tax purposes or represents property owners in proceedings in the appraisal district or who is employed by the appraisal district. A person is ineligible to serve as a director if he, or a business in which he has a substantial interest, enters into a contract with the appraisal district or enters into a contract with a taxing unit in the district, if that contract relates to the performance of an activity governed by Title I of the Texas Property Tax Code (for example, appraising property for tax purposes or determining eligibility for exemptions). A substantial interest exists where the person and spouse have a combined ownership of at least 10% of the voting stock or shares of a business, or either of them is a partner, limited partner or an officer. If you have questions concerning the qualifications of nominees for a Board position, please call the undersigned.

Letter to Taxing Units  
Election of Board of Directors  
September 3, 2013  
Page 2

The nominations for Directors, which must be made in an open meeting of your taxing unit, should be submitted by the presiding officer to the Chief Appraiser in the form of a resolution adopted by the governing body by October 15, 2013, giving the names and addresses of the nominees. A current resume or vita is also helpful.

The appointment calendar is as follows:

By October 15, 2013	Nominations by resolution
By October 30, 2013	Ballots listing nominees delivered to Presiding Officer
By December 15, 2013	Entity submits votes by resolution to Chief Appraiser
By December 31, 2013	Five (5) nominees receiving largest cumulative vote totals are elected
January 1, 2014	Board takes office for two year term

The duties of the Board are outlined in Chapter 6, Texas Property Tax Code. If you have any questions, do not hesitate to call the undersigned.

Sincerely,



Jeff Law  
Executive Director  
Chief Appraiser

JL:mmm  
Encl.

**TARRANT APPRAISAL DISTRICT**  
**2013 Calculation of Taxing Entity Votes for Board of Direct**  
**Per Section 6.03(d) of Texas Property Tax Code**

	2012* TAXES IMPOSED	% OF TOTAL	2013 VOTES
<b>School Districts:</b>			
Aledo	2,017,790	0.06614%	3
Arlington	266,626,542	8.73929%	437
Azle	15,967,967	0.52339%	26
Birdville	104,011,313	3.40921%	170
Burleson	16,820,155	0.55132%	28
Carroll	81,701,125	2.67794%	134
Castleberry	6,655,872	0.21816%	11
Crowley	76,765,273	3.15111%	126
Eagle Mountain/Saginaw	96,137,107	3.15111%	158
Everman	15,003,937	0.49179%	25
Fort Worth	361,467,083	11.84790%	592
Godley	745,237	0.02443%	1
Grapevine/Colleyville	143,030,776	4.68816%	234
Hurst/Eules/Bedford	123,967,287	4.06331%	203
Keller	182,700,555	5.98843%	299
Kennedale	15,104,894	0.49510%	25
Lake Worth	11,690,161	0.38317%	19
Lewisville	1,283,103	0.04206%	2
Mansfield	139,970,730	4.58786%	229
Northwest	60,581,910	1.98571%	99
White Settlement	23,071,659	0.75623%	38
<b>Total Schools</b>	<b>\$ 1,745,320,476</b>	<b>57.20684%</b>	<b>2860</b>
<b>Cities:</b>			
Arlington	117,212,877	3.84192%	192
Azle	3,405,466	0.11162%	6
Bedford	14,739,731	0.48313%	24
Benbrook	10,403,251	0.34099%	17
Blue Mound	535,122	0.01754%	1
Burleson	3,624,519	0.11880%	6
Colleyville	13,781,337	0.45171%	23
Crowley	4,930,670	0.16161%	8
Dalworthington Gardens	850,666	0.02788%	1
Edgecliff Village	512,906	0.01681%	1
Eules	13,575,391	0.44496%	22
Everman	1,306,621	0.04283%	2
Flower Mound	404,605	0.01326%	1

Forest Hill	3,579,041	0.11731%	6
Fort Worth	370,168,924	12.13313%	607
Grand Prairie	34,772,554	1.13975%	57
Grapevine	21,757,054	0.71314%	36
Haltom City	10,766,371	0.35289%	18
Haslet	1,419,736	0.04654%	2
Hurst	13,674,703	0.44822%	22
Keller	18,719,818	0.61358%	31
Kennedale	3,964,513	0.12995%	6
Lakeside	386,083	0.01265%	1
Lake Worth	1,764,591	0.05784%	3
Mansfield	31,742,996	1.04045%	52
N. Richland Hills	23,306,412	0.76392%	38
Pantego	994,564	0.03260%	2
Pelican Bay	244,020	0.00800%	0
Reno	31,277	0.00103%	0
Richland Hills	3,006,038	0.09853%	5
River Oaks	1,877,053	0.06152%	3
Roanoke	308,786	0.01012%	1
Saginaw	6,009,228	0.19697%	10
Sansom Park	714,585	0.02342%	1
Southlake	26,710,933	0.87551%	44
Trophy Club	422,769	0.01386%	1
Watauga	5,721,268	0.18753%	9
Westlake	1,362,746	0.04467%	2
Westover Hills	1,837,960	0.06024%	3
Westworth Village	853,918	0.02799%	1
White Settlement	3,537,705	0.11596%	6
<b>Total Cities</b>	<b>\$ 774,938,808</b>	<b>25.40038%</b>	<b>1270</b>
<b>Other:</b>			
Tarrant County	339,460,313	11.12658%	556
Tarrant County College	191,174,915	6.26619%	313
<b>Total Other</b>	<b>530,635,228.0</b>	<b>17.39278%</b>	<b>870</b>
<b>Total All</b>	<b>\$ 3,050,894,512</b>	<b>100%</b>	<b>5,000</b>

\*Levy calculation based on September 2013 certified values and 2012 tax rates.