

# AGENDA

Regular Meeting of the Bedford City Council  
Tuesday, February 11, 2014  
Bedford City Hall Building A  
2000 Forest Ridge Drive  
Bedford, Texas 76021

Council Chamber Work Session 5:30 p.m.  
Council Chamber Regular Session 6:30 p.m.

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

## WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Receive a presentation by Roy Savage on the Charter Review Committee.
- Follow-up discussion regarding the capital outlays to be purchased and the financing thereof.
- Follow-up discussion regarding the Animal Shelter Advisory Board's presentation on a Trap-Neuter-Release program.

## REGULAR SESSION 6:30 P.M.

### CALL TO ORDER/GENERAL COMMENTS

### INVOCATION (Pastor Will Cain, Message Church)

### PLEDGE OF ALLEGIANCE

### OPEN FORUM

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

### CONSIDER APPROVAL OF ITEMS BY CONSENT

### APPROVAL OF THE MINUTES

1. Consider approval of the following City Council minutes:
  - a) January 24, 2014 work session
  - b) January 28, 2014 regular meeting

### NEW BUSINESS

2. Public hearing and consider an ordinance to rezone a portion of Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, located at 2921 Brown Trail, Suite 110, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Churches, Temples & Synagogues, specifically for a Specific Use Permit to allow for Metroplex Messianic Fellowship; 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-243)

3. Consider an ordinance amending Section 18-1 (Definitions) of Chapter 18 – Animals, of the City of Bedford Code of Ordinances, to define miniature pigs and authorizing the same for permit eligible; providing a penalty clause; providing a severability clause; and declaring an effective date.
4. Consider a resolution authorizing the City Manager to enter into a contractual agreement with Benefit Seminars Plus in the amount of \$24,000 to provide benefit brokerage and consulting services for employee benefits.
5. Consider a resolution of the City Council of the City of Bedford, Texas declaring that the City of Bedford is a hybrid entity for purposes of the Health Insurance Portability and Accountability Act (HIPAA); designating the City's health care covered components; designating HIPAA privacy and security officers; providing for severability; and providing an effective date.
6. Consider a resolution authorizing the City Manager to enter into a Professional Services Agreement with Kimley-Horn and Associates, Inc., in the amount of \$75,000 for the Water Master Plan Update.
7. Consider a resolution authorizing the City Manager to authorize a contract in the amount of \$34,225 to TexOp Construction, LP for asphalt milling work.
8. Consider a resolution authorizing the City Manager to enter into a Professional Services Agreement with Pacheco Koch, LLC, in the amount not to exceed \$110,276 for the Brasher Lane Paving Improvements Project.
9. Consider a resolution authorizing the City Manager to reject all bids for the Miscellaneous Water Valve Replacement at Various Locations project that bid on January 8, 2014.
10. Consider a resolution appointing the chairperson and vice-chairperson of the Cultural Commission.
11. 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
12. Council member reports
13. City Manager/Staff Reports
14. 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, February 7, 2014 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 must be requested in writing to the City Secretary's Office a minimum of seventy-two hours (72) hours prior to the scheduled starting time of the posted meeting. Requests can be delivered in person or mailed to the City Secretary's Office at 2000 Forest Ridge Drive, Bedford, TX 76021, or emailed to [mwells@bedfordtx.gov](mailto:mwells@bedfordtx.gov). Some requests may take longer due to the nature, extent and/or availability of such auxiliary aids, services or accommodations.)



# Council Agenda Background

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**PRESENTER:** See below.

**DATE:** 02/11/13

**Work Session**

**ITEM:**

**Presentation by Roy Savage on the Charter Review Committee.**

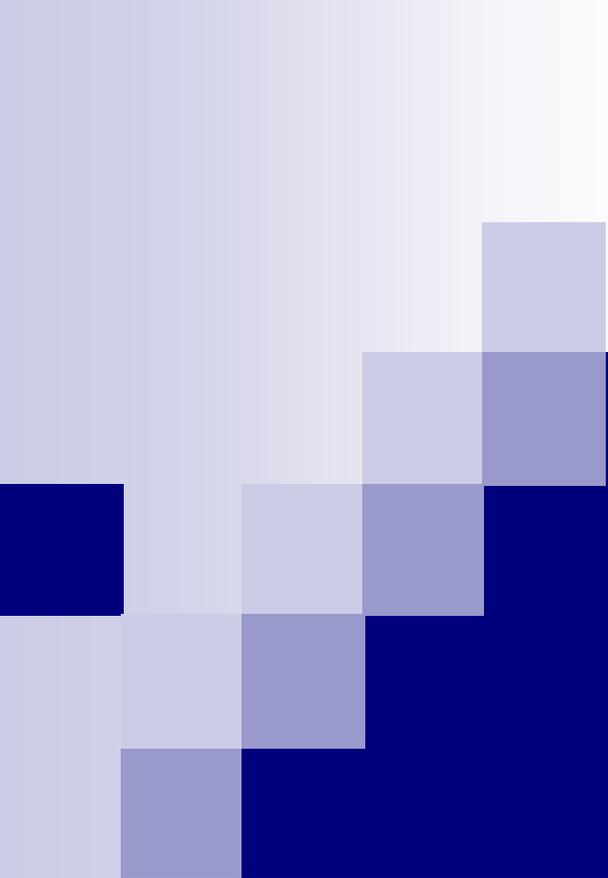
**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

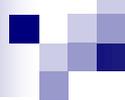
**Roy Savage, Chairperson of the Charter Review Committee, will present the proposed proposition changes as recommended by the Charter Review Committee, as well as discuss the red-line revisions made to the Charter and the minority reports presented by the Committee.**

**ATTACHMENTS:**

**PowerPoint**

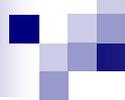


# Bedford Charter Review Commission 2013 - 2014



# **Our Charge** (Resolution No.13-61)

- To review the Charter of the City of Bedford and to report to the City Council with recommendations for the amendment of the Charter, if any, in sufficient time for the City Council to submit proposed Charter amendments to the City's qualified voters for their approval at an election in May of 2014.



# Our Members

Tom Bresnahan

Jeff Corbet

Matt Eisherloh

Steve Farco

Bucky Geer

Steve Grubbs

Hank Henning

Holley Hendrickson

Debbie McDaniels

Dorothy McWhorter

Beth Mullens

Mary Peters

Roy Savage

Jim Story

Hank Swanson

Ex-officio members: City Attorney - Stan Lowry

City Manager – Beverly Griffith

- Six meetings were held from October 2013 to January 2014
- Over 70 % attendance at all meetings



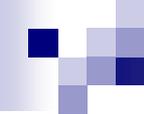
# Our Process

- As we began the process, two things were emphasized:
  - The Charter is our “constitution” and therefore is the basis of how Bedford should function as a city
  - We should look for changes that could simplify, improve and/or make the Charter easier to understand
- Committee members were given a copy of the current charter and asked to review the document for any changes needed
- The City Attorney’s Office reviewed the charter for any state law changes or legal clarifications
- All meetings were open for public input



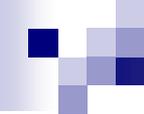
# Our Process

- Each section that was recommended for change was discussed then a motion for recommendation was made and seconded
- We then had further discussion and voted
- Finally, we voted to place the recommendation on the ballot or to place on hold (for further discussion or to combine it with other recommendations into a single proposition)
- A minority report was to be submitted for any recommendation that did not pass unanimously

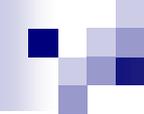


# Our Process

- 11 of the 125 sections of the charter were recommended for changes
- Recommendations were made for the following reasons:
  - Legal clarification
  - Update charter to comply with standard city operating practices
  - Update charter to comply with current state law
  - Additions for improvement to sections



**Recommended  
Propositions from the  
Charter Review Commission  
to be placed on the  
May 2014 ballot**



# Proposition #1

- Article II, Section 2.05 is amended by allowing for appointment or special election in order to fill a Council vacancy of less than one year.
- Article XIV, Section 14.07 is amended by stating that an appointed member of the Council is not subject to recall due to the term of less than 12 months.
- Proposition passed unanimously

## Sec. 2.05. Vacancies.

In the event of a vacancy occurring in the office of any council member or mayor, a special election shall be held in accordance with state law and the Texas Constitution for the purpose of filling such vacancy. If the vacancy occurs when the unexpired term is twelve months or less, the council shall decide at a meeting, held in accordance with Section 2.13, whether to appoint a person to the vacancy or to hold a special election by a majority vote of the remaining council members. If the council approves to appoint the person to the vacated position, the council shall: (1) adopt procedures for the appointment process; (2) appoint a person to the vacancy within the time frame specified in accordance with state law and the Texas Constitution; (3) appoint a person who meets the requirements of the Charter as stated in Section 2.01 and 2.03; and (4) appoint the person to the vacated position by a majority vote of the remaining council members. If the council is not able to appoint a person to the vacancy, the council shall hold a special election in accordance with state law and the Texas Constitution.

## Sec. 14.07. Limitation on recall.

No recall petition shall be filed against an elected official within six (6) months after he/she takes office, or within nine (9) months before the elected official's current term expires. No elected official shall be subjected to more than one recall election during a term of office. No appointed city council member shall be subjected to a recall election while serving the unexpired term of office.



# Proposition #2

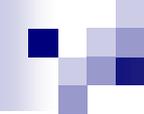
- Article II, Section 2.13 is amended by eliminating the requirement that the Council meet at least twice a month.
- Proposition passed unanimously

## **Sec. 2.13. Induction into office; meetings.**

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

# Proposition #3

- Article IV, Section 4.02 is amended to match the requirements of state law in regard to the information provided to City Council for budgeting; requiring a financial statement showing outstanding obligations of the city; cash on hand; funds received; funds available; estimated revenue available; estimated tax rate; a capital program including proposed purchases, proposed programs, capital improvements, costs estimates, method of financing and time schedules for such improvements; and the estimated annual cost of operating and maintain the facilities to be constructed or acquired.
- Article IV, Section 4.02 is amended to match the requirements of state law in regard to providing a cover sheet for the budget.
- Proposition passed unanimously



## **Sec. 4.02. Preparation and submission.**

Prior to the fifteenth day of August in each year, the City Manager shall prepare, file with the city secretary, and furnish to each member of the council a carefully itemized budget outlining anticipated receipts and proposed expenditures of the city, showing as definitely as possible appropriations desired for each project and operation for the next succeeding fiscal year, comparing the same with the budget for the then current fiscal year, and stating the actual receipts and expenditures of the then current fiscal year, including the estimated expenditures for the fourth quarter of the current fiscal year. Each employee, officer, current board, commission and department shall furnish the City Manager such information as may be required by him or her for the proper preparation of each budget. The proposed budget shall also contain:

- 
- ~~— (1) — A complete and detailed statement of assets, obligations and liabilities of the city and of each of the funds administered by it.~~
  - ~~— (2) — An estimate of the rate of tax required for the current calendar year.~~
  - ~~— (3) — A capital program, which shall include all equipment with a minimum depreciable lifetime of five (5) years, which will be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items:~~
    - ~~— a. — A summary of proposed programs;~~
    - ~~— b. — A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years, which list shall include a five (5) year projection for debt service, next ensuing, with appropriate supporting information as to the necessity for such improvements;~~
    - ~~— c. — Cost estimates, method of financing and recommended time schedules for each such improvement; and~~
    - ~~— d. — The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.~~

(1) A complete financial statement of the city that shows: (a) the outstanding obligations of the city; (b) the cash on hand to the credit of each fund; (c) the funds received from all sources during the preceding year; (d) the funds available from all sources during the ensuing year; (e) the estimated revenue available to cover the proposed budget; and (f) the estimated tax rate required to cover the proposed budget.

(2) A capital program, which shall include all proposed purchases of equipment with a minimum depreciable lifetime of five (5) years, which will be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items: (a) A summary of proposed programs; (b) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years, which list shall include a five (5) year projection for debt service, next ensuing, with appropriate supporting information as to the necessity for such improvements; (c) Cost estimates, method of financing and recommended time schedules for each such improvement; and (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(3) An investment strategy for the cash management of the city funds.

~~(4) An investment strategy for the cash management of the city funds.~~

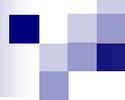
(4) Any other information required by state law.

(5) Such other budgetary information as may be requested in writing by any member of the city council.

### **Sec. 4.03. Form.**

The budget will have a cover page that meets the requirements of state law.

At the head of the budget there shall appear a summary of the budget, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget. The City Manager shall at the same time submit a budget message explaining the need of the requested appropriations and stating what pending capital projects, if any, will likely require the issuance of bonds or warrants.

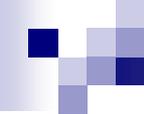


# Proposition #4

- Article IV, Section 4.05 is amended to provide for the publication of the notice of the public hearing on the budget within the time frames required by state law and to allow for other means of notice as required or allowed by state law.
- Proposition passed unanimously

## **Sec. 4.05. Publication and notice of public hearing.**

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget and cause to be published in the official newspaper of the city a notice of the place and time, which shall ~~not be less than three (3) days nor more than fourteen (14) days after date of publication.~~ not be earlier than the thirtieth (30<sup>th</sup>) day or less than the tenth (10<sup>th</sup>) day before the date of hearing; or such other means of notice as allowed or required by state law.



# Proposition #5

- Article VII, Section 7.01 is amended by removing language referring to the first Saturday in May for city elections as that is no longer a uniform election date.
- Proposition passed unanimously

## **Sec. 7.01. Times of elections.**

The regular city election shall be held every year ~~on the first Saturday in May, or~~ at such time as prescribed by law, at which time officers will be elected to fill those offices which become vacant that year. The city council shall fix the hours and place for holding such election. The city council may, by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election.

# Propositions #6, 7 and 8

- Proposition #6 - Article VII, Section 7.10 and Article VIII, Section 8.02, are amended to allow for the election or appointment of the Municipal Judge.
- Proposition #7 - Article VIII, Section 8.02 is amended by removing the requirement that the judge be a resident of the city for one year and a qualified voter of the City.
- Proposition #8 - Article VIII, Section 8.02 is amended by removing the four term limit for the Municipal Judge.
- Proposition #6 passed unanimously
- Proposition #7 passed 12-1 with Commissioner McWhorter dissenting
- Proposition #8 passed unanimously



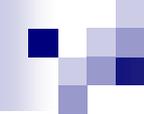
**Sec. 7.10. Election of municipal judge.**

The municipal judge shall be elected by a majority vote of the qualified voters voting at the election or appointed by the city council as determined by city ordinance.

## Sec. 8.02. Municipal Judge—Designation.

The municipal judge shall be ~~a qualified voter of the city, who has been a resident of the city for at least one (1) year,~~ a competent practicing lawyer, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a municipal judge shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant. The city council may, by ordinance, provide the salary of the municipal judge in accordance with state law. The municipal judge shall be elected or appointed as determined by the city council. The term is for three (3) years if elected, or, if appointed, for a term defined by the city council.

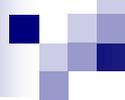
~~The municipal judge is limited to four (4) consecutive full terms. Any municipal judge who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one (1) full term of office.~~



# Minority Report – Commissioner McWhorter

- Opinion for voting in the negative is as follows:

I have not been given sufficient information that there is a shortage of attorneys in Bedford that warrants this change.

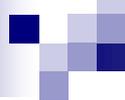


# Proposition #9

- Article IX, Section 9.01 is amended by removing the language requiring the Planning and Zoning Commission meet at least one a month and adding language that the Commission will meet as necessary.
- Proposition passed unanimously

## **Sec. 9.01. Planning and zoning commission—Establishing; membership; organization; meetings.**

There shall be established a planning and zoning commission which shall consist of a minimum of seven (7) citizens from the city. The members of said commission shall be appointed by the city council for a term of two (2) years. An odd number of members of the planning and zoning commission shall be so appointed each odd numbered year and an even number of members shall be so appointed each even numbered year. The commission shall elect a chairman from among its membership and shall ~~meet not less than once each month~~ as necessary. Vacancies and unexpired terms shall be filled by the council for the remainder of the term. A majority of the members shall constitute a quorum. Members of the commission may be removed by a majority vote of the council.



# Proposition #10

- Article II, Section 2.13; Article IV, Section 4.04; and Article XI, Section 11.17 are amended to allow for alternate means of publication not limited to publication in the official newspaper.
- These recommendations passed unanimously.

### **Sec. 2.13. Induction into office; meetings.**

Council members will be inducted into office as prescribed by state law. The council shall meet regularly at such times as may be prescribed by its rules, ~~but not less frequently than twice each month,~~ (See Proposition #2) the time for such regular meetings to be designated by ordinance, which ordinance shall be published at least one (1) time in the official newspaper of the city **or such other means of notice as allowed by state law.** The council may hold as many additional meetings as may be necessary for the transaction of the business of the city. All meetings of the council shall be open to the public in accordance with state law.

### **Sec. 4.04. A public record.**

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary and the public library of the city open to public inspection by anyone. The budget shall be posted on the website as required by state law or such other means of notice as allowed or required by state law.

## **Sec. 11.17. Mandatory charter review.**

The council shall hold a public hearing every fifth year after an amendment to the charter in order to determine whether a commission should be appointed to review the charter and to make recommendations to the city council for amendment of the charter. If the council determines that it would be in the best interests of the citizens to appoint a charter review commission, it shall appoint a charter review commission of fifteen (15) citizens of the City of Bedford.

### *(a) Duties of the commission.*

- (1) Inquire into the operation of the city government under the charter provisions and determine whether any such provisions require revision.
- (2) Propose any recommendations it may deem desirable to help ensure compliance with the provisions of the charter and state law.
- (3) Propose, if it deems desirable, amendments to this charter to improve the effective application of the charter to current conditions.

## **Sec. 11.17. Mandatory charter review. (continued)**

(4) Report its findings and present its proposed amendments, if any, to the city council.

(b) *Action by the council.* The city council shall receive and have published, in the designated official public newspaper of the city or on the City's website or in any alternative publication, including City publications, designed to give notice to the citizens of the City of Bedford, a final report of the charter review commission. The city council shall consider any recommendation made and if any amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by state law.

(c) *Term of office.* The term of office of such charter review commission shall be as established by the city council. At the completion of such term, a report shall be submitted to the council. All recordings or the proceedings of such commission shall be filed with the city secretary and shall become a public record.



Special thanks to

All of the members of the Committee

Stan Lowry

Cathy Cunningham

Beverly Griffith

Michael Wells

***They have served our city well***



# Council Agenda Background

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

**DATE:** 02/11/14

Work Session

**ITEM:**

Follow-up discussion regarding the capital outlays to be purchased and the financing thereof.

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

**DISCUSSION:**

At the January 24, 2014 Planning Session with Council, staff discussed the financing options for the following capital purchases:

- \$ 120,700 – Replace City Staff desktop computers
- \$ 180,000 – Replace all mobile data computers for Public Safety personnel
- \$ 300,700
  
- \$ 92,250 – Purchase a new bucket truck for Public Works
- \$ 625,258 – Replace an emergency vehicle with a new custom pumper
- \$ 679,140 – Replace old management software with new Internet-based version
- \$ 956,786 – City’s remaining share of a six-city trunk radio system upgrade
- \$2,353,434

It was during that time staff recommended paying cash for the City computers and the mobile data computers for Public Safety. Therefore, with the consensus of the City Council, the City would draw down the General Fund balance to purchase both sets of computers and finance the remaining portion of the capital items over a ten-year period.

At the conclusion of the annual audit for the Fiscal Year ending September 30, 2013, the City of Bedford finished the year with an unassigned General Fund balance exceeding the 20% requirement of the Fiscal Policy. The City will have ample opportunity throughout the current fiscal year to ensure the fund balance is replenished for the computer purchases, thus bring the percentile up to its 20 percent requirement. Below is an itemization of the cash purchases and resulting affect on the fund balance.

Unassigned General Fund Balance	\$ 5,751,658	(20.25%)
<u>Desktop Computers (General Fund Portion)</u>	<u>\$ 103,457</u>	(86% of total)
<u>Mobile Data Computers</u>	<u>\$ 180,000</u>	
Ending Unassigned General Fund Balance	\$ 5,648,201	(19.25%)

The City Council also inquired about the allocation of funding for items that benefit Water and Sewer operations. The table below shows the allocations based on the percent of the benefit that would be received by the Water and Sewer Fund operations.

Financed Item	Total Budget	General Fund %	Other %	Allocated
Bucket Truck	\$ 92,250	100%	-	\$ -
Custom Pumper	\$ 625,258	100%	-	\$ -
Motorola Upgrade	\$ 956,786	94%	6%	\$ 57,407
NWS Software	\$ 679,140	80%	20%	\$ 135,828
Totals	\$ 2,353,434		8.21%	\$ 193,235

Therefore, it has been determined that the Water Fund can pay 8.21% of the debt service for these remaining capital items. The proposed \$2,353,434 will be financed from short-term (10-year) contractual obligations.

In addition, the City of Bedford held a successful bond election last November for Phase I park improvements to the Boys Ranch, more specifically aimed at the lake and its surrounding area. The total cost of this project is estimated at \$3.2M. According to the City's financial advisors, it would cost approximately \$48,850 to issue \$3.2M in general obligation bonds. Moreover, it would cost the City approximately \$44,660 to issue contractual obligations for the capital items mentioned above. This totals \$93,510 if both issuances were handled separately. However, if the Council chooses to issue both the \$3.2M in general obligations and \$2.4M in short-term contractual obligations at the same time, the total cost of issuance would be approximately \$79,310, thus saving the City over \$14,000 in issuance costs.

Therefore, staff recommends drawing down the General Fund balance to purchase both Staff desktop computers and Public Safety mobile data computers. In addition, staff recommends issuing short-term contractual obligations to purchase the remaining capital items at approximately \$2.4M and authorizing the City Manager to issue \$3.2M in general obligation bonds simultaneously for cost savings. Attached is a timeline identifying the target dates for the recommended bond sale.

**ATTACHMENTS:**

Time-line schedule



# COUNCIL INITIATIVE - ACTION PLAN

<b>Date Prepared:</b> February 5, 2014		
<b>Council Mission Area:</b> Be responsive to the needs of the community.		
<b>Topic:</b> Financing Timetable for Capital Outlays		
<b>Description of Issue</b>		
Listed below is the timetable for issuing for both contractual obligations for \$2,390,000 as well as general obligation bonds for \$3,200,000; thus totaling \$5,590,000 in new debt.		
<b>Assigned Staff:</b> Clifford Blackwell, Administrative Services Director		
<b>Step</b>	<b>Action</b>	<b>Due Date</b>
1.	Receive draft of Preliminary Official Statement (POS)	10-Feb-14
2.	Submit draft of POS to Bond Rating Agency for review	18-Feb-14
3.	Conference call with Bond Rating Agency	28-Feb-14
4.	Receive Credit Rating	5-Mar-14
5.	Finalize Official Statement to be distributed – iDeal Prospectus	13-Mar-14
6.	Award bonds and adopt ordinance at Council meeting	25-Mar-14
7.	Print a final Official Statement	31-Mar-14
8.	Delivery of funds	29-Apr-14



# Council Agenda Background

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**PRESENTER:** Jim Griffin, Mayor

**DATE:** 02/11/14

**Work Session**

**ITEM:**

Follow-up discussion regarding the Animal Shelter Advisory Board's presentation on a Trap-Neuter-Release program.

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

**DISCUSSION:**

This work session item was placed on the agenda as a follow-up to the discussion held at the January 28, 2014 regular Council meeting.

**ATTACHMENTS:**

N/A



# Council Agenda Background

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**PRESENTER:** Michael Wells, City Secretary

**DATE:** 02/11/14

**Minutes**

**ITEM:**

Consider approval of the following City Council minutes:

- a) January 24, 2014 work session
- b) January 28, 2014 regular meeting

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

**DISCUSSION:**

N/A

**ATTACHMENTS:**

January 24, 2014 work session  
January 28, 2014 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 4:00 p.m. at the TXI Conference Room, 1805 L. Don Dodson, Bedford, Texas, on the 24th day of January, 2014 with the following members present:

Jim Griffin	Mayor
Chris Brown	Council Members
Ray Champney	
Jim Davisson	
Patricia Nolan	
Roy W. Turner	

constituting a quorum.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Michael Wells	City Secretary
Cliff Blackwell	Director of Administrative Services
Tom Hoover	Director of Public Works
Mirenda McQuagge-Walden	Managing Director
Bill Syblon	Development Director
James Tindell	Fire Chief

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

Mayor Griffin called the Work Session to order at 4:03 p.m.

### **WORK SESSION 4:00 p.m.**

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

Mayor Griffin discussed the Council's goals, mission statements and vision statements, which are supposed to drive Council and be behind everything that they do. He wanted to get a sense from Council if they are still valid and how they want to go. He discussed adding a new item regarding a level of focus on arts and culture. There was discussion on looking at where the Council has been, what they have accomplished, and what is no longer relevant; performing a "SWOT" analysis; critical success factors and if there are resources in place; reaching a consensus; and being in tune with prior Councils.

Councilmember Boyter arrived at 4:13 p.m.

There was discussion on changing the order of the mission statement; being responsible for the needs of the community; the citizen survey results; having arts and culture under Critical Focus Area #3; the upcoming Cultural Commission presentation; dropping the word "critical" from the focus areas; and adding "Support Arts and Culture" as Item #7 under the mission statement.

## **Capital Items**

Administrative Services Director Cliff Blackwell discussed receiving final approval on items that were of a significant need but could not be absorbed in the operations budget due to the cost. There are 142 computers that would no longer be supported by Microsoft. The cost to replace these computers is \$120,700. The cost of mobile data units was originally presented at \$156,000; however, it was determined that there is a need for faster processing and functionality, raising the cost to \$180,000. A new bucket truck is needed at a cost of \$92,250 as the existing truck does not reach high enough to make fixes above traffic signals. The purchase of a new customer pumper truck was originally estimated at \$600,000 but a modification of specs has raised the cost to \$625,258. The upgrade to the Motorola System is being financed through Motorola at a cost of \$177,000 a year for seven years for the City's share. With the management software upgrade, there was a miscommunication regarding travel and training as well as hardware. The total costs are \$572,240 for the software, \$61,900 for the hardware and backup, and an estimated \$45,000 for travel and training. What are gained by the new software are efficiencies, decentralized financial functions, and more people having access to the software. Components of the new software include finance, human resources and payroll, community development, utility billing, and e-suite applications.

In regards to financing, staff had looked at municipal leases but there is a risk from the financial institutes on them being subject to appropriation and there is slightly higher interest than issuing KOs. Financing the entire cost of \$2.7M over ten years averages \$299,000 a year or approximately 6/10 of a penny on the tax rate. He stated that this was the maximum case scenario and that portions of the cost could go to water and sewer. Financing over seven years would have an impact of 9/10 of a penny on the tax rate. He discussed the CAFR, which shows a very healthy fund balance; that the City has met the unassigned balance threshold of 20 percent; and that the unassigned fund balance may be used to pay for some of the items.

In answer to questions from Council, it was stated that the new software would solve the audit company's concerns with the City's software; that the quote for the software includes data conversion; that the company is more familiar with the City's product; that funds for replacing lines for the NTE project are built into the transfer amount; that the pumper truck would be in the first line for ten years and then put in reserve for five years; that the maintenance fees for the new software would be \$65,000 starting in two years. There was discussion on the cost offsets for the new software and other cities suing New World. Mr. Blackwell stated that staff had visited University Park, who was satisfied with their new setup, and that Coppell and Nacogoches have also recently been upgraded. In answer to further questions from Council, it was stated that the unassigned fund balance is at \$5.3M and that staff would look at paying for the desktop computers and mobile data computers from these funds due to their shorter shelf life. There was discussion on funding the first two items listed with cash and the rest with financing; staff determining the allocation that could be paid out of water and sewer; and the unassigned fund balance not falling below 18.5 percent.

## **Brasher Lane and 157**

Public Works Director Tom Hoover presented information on this project. It involves 16 acres, which were platted in the 1950's but with little development. At the November 26 Council meeting, staff presented findings from the City's Consulting Engineer J. Richard Perkins and staff was tasked to take another look at the scenarios. A proposal was received from Pacheco Koch, LLC and staff is asking for Council to authorize them to do surveys, studies and preliminary engineering. He presented different scenarios. Scenario #1 is to do nothing. Scenario #2 is to do the water and sewer lines along Highway 157 at a cost of approximately \$200,000, which would allow for the development of 20 residential lots, at \$19,000 of increased property tax revenue, or 10 acres of commercial at \$66,000 in additional property tax revenue.

Scenario #3 is to do Brasher Lane, which would allow for the development of 16 additional residential lots at \$35,000 in additional property tax revenue, or commercial at \$100,000 in additional property tax revenue. Scenario #4 is to do Midway Court as well, with increases property tax revenues of \$39,000 for residential or \$100,000 for commercial. Scenario #5 is to do Renee Drive as well, but he stated that it is a long road and there is not much bang for the buck. He stated that in order to tighten up the estimates, there needs to be authorization to perform geotechnical work and preliminary engineering. There was discussion on Council previously narrowing the scope to Scenarios #3 and #4; that \$110,000 would be the cost to get the data collection and design work out onto the street; the differences between Scenarios #3 and #4; that by not doing Renee Drive would allow developers more flexibility; that the cost estimate is based on doing all of Brasher Lane and Midway Drive; how long the information from the consultant is good; that funding for the construction would be from Water, Stormwater, Sewer and 4B; that the \$110,000 is the maximum and if Council decides to stop after a certain step, then that is all the City would pay; that the engineer would take approximately two to three months to complete their work; that the \$110,000 is for Scenario #4; whether to include Midway Drive; and the interest from developers along Highway 157. Council was of the consensus to move forward with the \$110,000 contract.

- **Staff updates on current projects.**

### **CBDZ**

Development Director Bill Syblon stated that part of the process for this project is to come up with a better name. In working with the consultants, meetings have been staged by different workloads. He discussed having a joint meeting of the Council and the Planning and Zoning Commission at 6:00 p.m. on February 13 and another one on March 27. There was discussion on holding these meetings on off-Tuesday nights including February 18 and March 18. Mr. Syblon stated that at the second joint meeting, they can talk about future dates for public hearings and that the ordinance should be finalized by the second Council meeting in July or the first meeting in August.

### **Boys Ranch**

Managing Director Mirenda McQuagge-Walden updated Council on the timeline for the improvements to the Boy's Ranch. A meeting was held with the Army Corps of Engineers in order to do the permitting. It was indicated that there will be no need for special permitting as long as they do not lose 1/10 an acre of waterway. The application for permitting is being prepared and the Corp has 45 days to approve it. The blessing from the Corp is needed in order for the grant from the Texas Department of Wildlife to be approved. The plan is to start construction right after FourthFest and to be ready by the next FourthFest. There was discussion on wildlife, the contractor having the responsibility of moving the fish, that there is no evidence of nesting of migrating birds, and that the lake would be restocked.

### **Smoking and E-Cigarettes**

City Manager Beverly Griffith stated that this item is to discuss cigarette and vapor stores, Council's desire to regulate them and where they should go, as well as to determine the minimum age for e-cigarettes. Several ordinances would have to be amended for this issue. She asked Council if they desired to restrict where tobacco stores could go through zoning. She discussed the City of Euless' recent ordinance. The City Attorney has some trepidation about banning them altogether as it may be difficult to defend. Another way to regulate these types of stores is through the specific use permitting (SUP) process. There was discussion on having these types of stores a certain distance from schools and intersections; and crafting an ordinance that would make it virtually impossible to locate a vapor store. Council was of the

consensus to prohibit vapor/e-cigarette stores. In regards to tobacco stores, there was discussion on taking the route of least exposure; having an SUP process in place instead of prohibition; and comparisons to the gas drilling and tattoo parlor ordinances. Council was of the consensus for staff to look at drafting ordinances for vapor, e-cigarette, and cigarette stores. Council was also of the consensus to prohibit the possession or purchase of vapor/e-cigarettes by those younger than 18, which mirrors the law on cigarettes; and to prohibit vapor/e-cigarettes where smoking is already prohibited.

### **Digital Billboards**

There was discussion on the potential of \$50,000 a year in revenue from such billboards; the ability to utilize the billboards for City-type opportunities; having them subject to the SUP process; dealing with major companies; whether Council's desire is to have billboards up and down Highway 183; and having an ordinance in place to allow for digital billboards. Council was of the consensus that if the right client wanted to install a billboard, Council would be interested in an ordinance that includes an SUP element; and for staff to contact companies such as Clear Channel.

### **Fence Ordinance**

There was discussion on the City being on the verge of passing a fence ordinance previously but being put on hold due to an issue with a particular subdivision's fence. Deputy City Manager David Miller stated that the ordinance is the same as presented in September of 2012. It focuses more on masonry fences by changing the definition of thoroughfare and stating that if a masonry fence fronts a thoroughfare, and the owner wants to replace it, then it would have to be replaced with masonry. An appeal process was put in place allowing people to come to Council. Staff is recommending striking Section 5 that prohibits parallel fences as it would be difficult to enforce and would cause difficulty with citizens. In answer to questions from Council regarding the subdivision, Mr. Miller stated that they are applying for a variance through the Zoning Board of Adjustment based on hardship; that they are bringing an engineering study that shows that soil shifting is what is causing the wall to deteriorate and that the nature of the ground creates the hardship; that they have been issued two citations and another one would go out around February 3; and that the commercial property would not have to put up a masonry fence as they were there first. There was discussion on staff looking into having the good side of the fence being shown when the fence is visible to the public; and fence maintenance including fences being replaced plank-by-plank, forcing new fences to show the smooth side out, and lowering the percentage of the fence being replaced before having to come into compliance.

### **Portable Signs**

There was discussion on Council looking at portable signs again; banning portable signs and surrounding cities that have banned them; sign prohibitions; a phase-out plan; and it being a hardship on businesses. Council was of the consensus to do nothing at this time.

### **Insurance**

Ms. Griffith stated that there will be an item on the February 11 Council agenda to pick a new insurance broker. The request for proposal process began back in October and the City received six responses. They have been narrowed down to two finalists and reference checks are being performed.

### **Trailers**

There was discussion on concerns about trailers being parked on commercial sites and in driveways; educating citizens to use the B-Service app; prohibiting trailers on residential and commercial properties; restricting trailers on commercial and residential properties for an extended period of time through an ordinance; and having Code Compliance determine how big of a problem it is. Council was of the consensus for Council to drive around to particular areas that have trailers and for staff to poll other cities to see who bans trailers.

### **Facilitator**

There was discussion on the Council's desire for a facilitator; utilizing a presenter from the TML conference at a cost of \$11,500 plus travel; that the funding for a facilitator was diverted to perform the citizen survey; Council handling it themselves; strategic planning; and moving forward with the assets the City already has. It was decided to keep the information from the TML speaker on hand but not to move forward at this point.

### **Cultural Commission**

There was discussion on the presentation by the Commission to the Council scheduled for January 28; having a joint meeting with the Commission and Council; working on where to go next as a City; the Commission expecting more of a commitment from Council; that the Commission has done surveys and interviews and are really committed to the project; giving the Commission Council's support and making a decision on direction; the cultural district being a critical aspect of the CBDZ; the Council taking ownership; coming up with a master and a strategic plan; the marketing position; and the Commission not being included in discussions regarding the bond election.

### **Trap-Neuter-Release**

There was discussion on the upcoming presentation to Council on TNR and Council's stance; legal and liability issues; the other side of the issue getting the opportunity to speak; looking at the practical application of TNR; Council's obligation to do what is best for the City; holding a town hall meeting; TNR in other cities; and listening to the presentation and deferring a decision to after Tuesday's meeting,

### **Boards and Commissions**

There was a discussion on setting a date for a follow-up discussion on the City's Boards and Commissions and making sure they are going in the direction Council wants them to go. The Council liaisons would present what their Board/Commission was doing and what they plan on doing. March 3 was picked as the date for the work session.

### **Old Bedford School**

Mayor Griffin stated he met with Janice Vickery who has put together a proposal for her company to market and fully utilize the OBS during the week. They have provided a proposal and he will get copies to the rest of Council. The cost is \$1,500 to do a market analysis and training for staff. For every booking they make during the week, they would get 10 percent. There was discussion on creating a visitors/convention bureau; working jointly with the City of Eules; and getting the staff of the OBS on board. Council was of the consensus to let staff more forward with this item.

### **ADJOURNMENT**

Mayor Griffin adjourned the meeting at 8:53 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 28th day of January, 2014 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
Roger Gibson	Police Chief
Tom Hoover	Public Works Director
Mirenda McQuagge-Walden	Managing Director
Bill Syblon	Development Director

#### **CONFERENCE ROOM WORK SESSION 6:15 p.m.**

Mayor Griffin called the Work Session to order at 6:15 p.m.

- **Interviews for appointments to Bedford's Citizen Boards and Commissions.**

The Council conducted interviews to Bedford's Citizen Boards and Commissions.

Mayor Griffin adjourned the Work Session at 6:25 p.m.

#### **EXECUTIVE SESSION**

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

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road.
- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Lot 35R1, Block 13, Stonegate Addition.

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road and Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Lot 35R1, Block 13, Stonegate Addition at 6:45 p.m.

Council reconvened from Executive Session at approximately 7:05 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 6:32 p.m.

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

Mayor Griffin called the meeting to order.

### **INVOCATION (Dr. Jerry Chism, Martin United Methodist Church)**

Dr. Jerry Chism of Martin United Methodist Church gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

### **OPEN FORUM**

Michelle Jacobs, 253 N. Glendale Court, Bedford, Texas – Ms. Jacobs requested to speak on Item #14. She is in favor of the proposed TNR program. She stated that when she first starting living in Bedford in 2006, she came across some kittens that were living in a parking lot and being taken care of by a caregiver with Feral Friends. She adopted them even though they were feral and they are now part of her family. Two of the kittens had been taken previously to a veterinarian, who tipped their ears. She stated that if those two cats were to get out, the City's current policy is that they would be euthanized quickly because of the tipped ears. She stated that it was a very inhumane practice and puts a broad bandage on something that is nuanced.

Ed Sharp, 1502 Bedford Road #223, Bedford, Texas– Mr. Sharp requested to speak on Item #14. He stated that he has been a resident for 40 years and has been taking care of a feral cat colony for 15 years. It is located on business property in a large open area. The population of the colony has waxed and waned, when it got to about 12 to 14 cats and kittens, he began a process of spaying and neutering with the help of solicited donations. He stated that the business likes having the cats around as there are no mice and rats. He recommends and supports TNR. He sees no sense in euthanizing pets or cats that have already been spayed/neutered and vaccinated. When he found out about the current policy, his opinion of the City fell. He stated that it does not make sense for cost or humanitarian reasons, and that it is senseless to kill an animal that has already been taken care of. He would resent one or more cats disappearing from the colony because of an obsolete policy of euthanizing animals that have already been spayed/neutered and vaccinated. He requested Council to pass an ordinance supporting TNR.

Randy Gardner, 325 Lawana Drive, Bedford, Texas – Mr. Gardner requested to speak on Item #14. He stated that the problem with TNR is that it would force him to live with cats. He has a problem with two cats that are owned by people and that a month does not go by where he does not have to clean up his trash because of the cats. They get in his backyard and lay on his wife's plants. He stated it is hard to believe that the City would force him to live with them. He wants fairness and asked why not let dogs run loose. He stated that ownership responsibility is the real problem. He is disappointed in the Animal Shelter Advisory Board for cramming this down their throats. He likes to take care of doves but cannot leave them out on his porch to be picked on by cats and red tailed hawks. He stated that it would open up other consequences that have not been thought of.

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

Council discussed placing the following items on consent: 3, 5, 6, 7, 8, 9 and 10.

Public Works Director Tom Hoover presented information on Item #5, which is to enter into a Buyboard

contract to purchase chemicals used for the sterilization of the City's water wells. This item is in the budget for chemical purchases.

Mr. Hoover presented information on Item #6, which is to enter into a master agreement with the City of Grand Prairie. Staff would like to utilize Grand Prairie's striping contract, which has already been bid. They would also receive a fairly good price because Grand Prairie is a larger city with larger contract amounts, so the City would save through economies of scale. Other City departments would be able to utilize Grand Prairie contracts as well. In answer to questions from Council, Mr. Hoover stated that the purpose of this item is to save money and that the City has other interlocal agreements with the same process to save money and time.

Mr. Hoover presented information on Item #7, which is regarding an easement the City would like to acquire. This item would allow staff to have the property appraised to determine the fair market value.

Mr. Hoover presented information on Item #8, which is to grant the Trinity River Authority a 900 square foot easement. They will be doing improvements on existing sewer lines and a metering station off of Pipeline Road.

Mayor Griffin discussed Item #9 and stated that the Council chose to appoint Teri Brown-Hudson to the Parks and Recreation Board and Jerry Bulleri to the Beautification Commission.

Motioned by Councilmember Champney, seconded by Councilmember Brown, to approve the following items on consent: 3, 5, 6, 7, 8, 9 and 10.

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

## **COUNCIL RECOGNITION**

### **1. Employee Service Recognition**

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

Jorge Sahagun, Fire Department - 5 years of service  
Shawn Adams, Police Department - 5 years of service  
Charles Tittle, Fire Department - 10 years of service  
Kelli Agan, Police Department - 20 years of service

### **2. Recognition of Police Officer Rick Huitt for a Bedford Employee Commitment Award (BECA).**

Police Officer Rick Huitt was recognized with the Bedford Employee Commitment Award for aiding an elderly citizen during the recent ice storm.

## **APPROVAL OF THE MINUTES**

### **3. Consider approval of the following City Council minutes:**

- a) **January 14, 2014 regular meeting**

This item was approved by consent.

## **PERSONS TO BE HEARD**

### **4. The following individuals have requested to speak to the Council tonight under Persons to be Heard.**

- a) **Fredi Sanderson, 4140 Valley View Lane, Irving, Texas 75038 - Requested to speak to the Council regarding the benefits of Trap-Neuter-Release.**

Fredi Sanderson, 4140 Valley View Lane, Irving Texas – Mr. Sanderson stated that he has been in the animal welfare field for 27 years. He has supervised animal control in several cities and has served on the board of the Texas Animal Control Association, as president of the Texas Animal Shelter Coalition, and on the Texas Federation of the Humane Society. He stated that in his career, he has killed thousands of cats because the model for animal control is to hold cats for three days, and then they are adopted, reclaimed or euthanized. He stated that one to two percent of cats get reclaimed from a shelter by their owners. In their industry, the biggest opposition to TNR has come from animal control. The Texas Animal Control Association came on board with TNR and the Humane Society of the United States has a position statement on feral cats. He never worked in a place that euthanized cats where the numbers were ever reduced, until TNR was practiced. They have successfully practiced TNR in Irving and in some years have release between 1,200 and 1,300 cats. The complaints regarding TNR have amounted to less than one percent of one percent. He stated that one can go into any feral cat room and find a friendly cat. He recommended practicing TNR as a model by picking an area or zip code. He stated that the ultimate goal of TNR is to reduce the number of feral cats and that there are a lot of studies which support that. The policy in Irving is if a cat with a notched ear has been picked up, it is put back in the community.

**b) Cari Alexander, TCU Box 298400, Fort Worth, Texas 76129 - Requested to speak to the Council regarding the benefits of Trap-Neuter-Release.**

Cari Alexander, TCU Box 298400, Fort Worth, Texas – Ms. Alexander spoke as director of Frogs and Cats Together regarding TCU's implementation of TNR, which she has been practicing for 15 years. She stated the two things she finds most inexcusable are animal abuse and waste of taxpayer dollars. She cited case studies from their program. There is a 20 acre site at TCU that has food, water, and shelter but was purged of the feral cats every two years at a cost of \$1,800. Since 2004, they have TNR'd 90 cats on campus and more in the surrounding neighborhoods. There is a campus-wide stable population of 16 fixed and vaccinated cats. Animal control has not killed a TCU cat in nine years. Using correct feeding practices, newcomers are observed, TNR'd, released, or fostered and adopted as appropriate. The past year, they TNR'd 13 cats and kittens and placed 11 of those into homes. She cited another example from 2004 where a colony started at nine cats and kittens and since has been reduced to one. She discussed cat haters, cat lovers who feed indiscriminately, average citizens who do not like the cats' behavior but do not want to see them killed, and those that love being involved with cats. In regards to where colonies would be set up, she stated that they are already here and that nobody wants colonies close to children or dogs. She stated that it is time for the City to be brave and that animal rescue is not for the faint-hearted. She discussed articles by known cat haters that ignore TNR successes for studies done in foreign and removed cultures. She stated that it is good to plan for and anticipate dangers but that it is folly to dismiss other solutions when the current method is horrible and does not work. She discussed rabies and vaccination. She stated that proper practice is crucial and that there is a need for people who habitually care for creatures and who make tough decisions for the good of the colony. She stated that the City of Fort Worth works with them and that Arlington recently started TNR and in six months, they almost qualify as a no-kill shelter. She said the population can be reduced and that people will feel they are contributing to a solution. Shelter cages would house adoptable cats and once the City shows intent to reduce euthanasia, it would be eligible for animal foundation grants. She stated that it is Council's responsibility to educate themselves and to not waste taxpayer money on methods that do not work.

**c) Jessica Smith, 1856 Precinct Line Road, Suite 108, Hurst, Texas 76054 - Requested to speak to the Council regarding the sterilization of feral cats in the City of Bedford.**

Jessica Smith, 1856 Precinct Line Road, Suite 108, Hurst, Texas – Ms. Smith stated that she works with the Texas Coalition for Animal Protection and that they offer a low cost spay/neuter and vaccination program. They have worked with the cities of Fort Worth and Arlington with the feral cat program. Since 2002, they have sterilized over 173,000 animals in north Texas and vaccinated over 212,000 against rabies. In 2013 alone, they have sterilized 2,621 feral cats, 51 of which came from 12 Bedford residents. They have 109 registered feral cat caretakers. The cats have to be in a live trap and they would tip the ear at no extra cost. Caretakers can bring in four feral cats a day without an appointment. They must purchase a \$5.00 rabies vaccine. Feral sterilizations are \$20.00 with extra fees if they are in heat or

pregnant. They also sponsor feral cat caretakers, which includes registering the colony and providing training, with the caretaker doing a census of the colony.

## **NEW BUSINESS**

- 5. Consider a resolution authorizing the City Manager to approve funding to purchase chemicals for the Stonegate Water Well and the Simpson Terrace Water Well from DCC Inc., through a Buyboard Contract for an amount not to exceed \$40,980.**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to enter into a Master Interlocal Cooperative Purchase Agreement with the City of Grand Prairie.**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to approve funding for preliminary work toward the condemnation and acquisition of Lot 35R1, Block 13, Stonegate Addition in an amount not to exceed \$5,254.10.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to enter into a Trinity River Authority of Texas Permanent Sanitary Sewer Easement, Exhibit "A" and a Temporary Construction Easement, Exhibit "B".**

This item was approved by consent.

- 9. Consider a resolution appointing members to Bedford's Citizen Boards and Commissions.**

This item was approved by consent with Teri Brown-Hudson being appointed to the Parks and Recreation Board and Jerry Bulleri to the Beautification Commission.

- 10. Consider a resolution ordering the General Election of the City of Bedford, Texas to be held on Saturday, May 10, 2014 for the purpose of electing Place 4 and Place 6 to the Bedford City Council.**

This item was approved by consent.

- 11. Receive an Economic Development Update.**

Development Director Bill Syblon presented Council with an Economic Development Update. He stated that this presentation is given to various groups throughout the year including developers and rotary. Sales tax revenue for the previous fiscal year was up three percent. The latest report from the North Tarrant Express was that they are 79 percent complete. The total number of new single family permits was four. Staff has received a lot of questions regarding the development at Cheek Sparger and Central Drive, and he stated that it was going to be a new single family development, with 40 detached units at an average price of \$300,000. The total number of single family permits remains high. In regards to residential real estate, over the past year, the number of days houses spent on the market decreased by 20 percent. 105 commercial certificates of occupancy were issued, with 47 of them being new businesses. The retail vacancy rate is 11 percent and the average asking rate is at \$12.00. The vacancy rate for office space has remained steady between 17 and 18 percent.

Mr. Syblon stated that it was the year of the restaurant, which represented 400 new jobs and over \$4M in new property value in the City. Chili's opened in the former Bennigan's building. Cheddar's invested \$500,000 in their store, partnered with the City to take down the former CI Host building, and the owners predict it will be their number one store once the highway is complete. Mexican Inn left but came back and built a new 5,000 square foot building. Cisco Jack's is creative Tex-Mex from the owners of Boomer

Jack's and occupies 6,300 square feet. Applebee's moved into the former Jason's Deli site. Shipley's Do-Nuts built a new store along Highway 157. Twisted Root invested over \$500,000 to convert a former 7-11 into a burger joint and it remains their highest producing store.

In regards to corporate activity, Mr. Syblon stated that High Power Aviation moved into a 16,000 square foot building and they do training for commercial air crews. SKU2U is a marketing company that has a building off of Reliance Parkway. TXI moved their corporate sales operations to Bedford and spent about \$1M to renovate the former library building.

Other projects include making it easier for food trucks to come into the City to operate; the Master Highway Corridor Overlay District, which took several months between the Planning and Zoning Commission, Council and staff that will raise standards and improve aesthetics along the corridor; and changes to the Sign Ordinance based on outcries from the business community affected by the highway expansion. The Central Bedford Development Zone is a master vision that incorporates City Hall and City-owned land, and offers a vision of what could be. Council and the Planning and Zoning Commission continue to work on that project including creating design standards.

Mr. Syblon presented information on what was coming for 2014, which represented \$40M in permit value and construction activity. The Clubhouse for Special Needs is moving from a lease space off of Brown Trail to a building on Harwood, giving them 4,000 extra square feet. They held a fund drive to purchase the building. Adam Smith's Texas Harley Davidson purchased eight acres behind their land and is building a 50,000 square foot, three-story building. Calvert Family Holdings will be occupying 40,000 square feet off of Brown Trail for an automobile financing headquarters. HEB ISD will have a new 150,000 square foot technology school, which will have 1,100 students a day. Texas Health Resources is expanding by adding 60,000 square feet and 18 rooms to their ICU. The HEB Cancer Center will be a 40,000 square foot state-of-the-art facility for cancer treatment. A new Tom Thumb Fuel Center will be going into the hard corner of Harwood Road and Highway 121. The Movie Tavern will be moving to the former Sack 'n Save space. He reminded everybody about the Shop Bedford First and Bedford4Business websites.

## **12. Presentation by Brian Davis, Utility Service Partners, requesting the City of Bedford's participation in the National League of Cities (NLC) Service Line Warranty Program.**

Brian Davis with Utility Service Partners presented a request for the City of Bedford's participation in the National League of Cities (NLC) Service Line Warranty Program. He introduced Jim Hunt, who served as president of the NLC and on the Clarksburg, West Virginia City Council. Mr. Hunt stated that for the NLC to continue to be relevant to cities, they had to come up with programs to benefit cities and offer services to citizens without increased taxes. Mr. Davis stated that he has spoken at over 500 council meetings. The program is designed by the NLC to address the nationwide problem of the deteriorating infrastructure of lateral water and sewer lines, which is due to age and ground shift. The lines are subsurface and go unnoticed by the homeowner until a problem arises, and they are not usually covered by homeowner's insurance and the City cannot fix them. The program is designed to be an awareness campaign and an innovative option for the homeowner. Costs for repairs of these lines can be in the thousands of dollars. The program is designed to take care of the lines quickly and affordably. The homeowner would pay \$5.50 a month for water lines and \$7.00 a month for sewer lines. When a line breaks, they would come out and fix it as long as the break was less than \$4,000 per incident for water lines from the meter to the house. For sewer lines, it would be from the house to where the City took responsibility, and an additional \$4,000 would kick in under the public right-of-way. They have an A+ rating with the Better Business Bureau and have recently won the Torch Award. They are also a shared services partner with the North Central Texas Council of Governments. They have over 200 city partners and in a survey, 100 percent of those returned would recommend them to other cities. Every time a homeowner gets a line repaired, they receive a survey and 100 percent of those sent back said the City's image was enhanced by the program. They have around 30 cities participating in North Texas. The program will prevent a lot of call outs that City staff receives.

In answer to questions from Council, Mr. Davis stated that if the cost is more than \$4,000, the remainder is out-of-pocket to the homeowner, but that less than one percent of claims have been out-of-pocket; that homeowners can only enroll in cities that are participating; that they deny less than one percent of

claims mainly due to delinquent accounts or because the repair is covered by homeowner's insurance; that cities that do not promote a program have less than one percent enrollment, while cities that do have 30 to 35 percent enrollment; that they bill the residents directly; that the City has the option to collect a royalty of \$0.50 per enrollment; that they want permission to send out a letter to every homeowner with the Bedford logo, which states it is from the City; and that City would be held harmless on liability.

### **13. Presentation of proposed Action Plan to earn the State of Texas Cultural District designation.**

Cultural Commission Chairperson Alicia McGlinchey presented a proposed action plan to earn the State of Texas Cultural District designation. She stated that she will focus on the highlights of what the Commission has been doing and a summary of the action plan. The Commission had an underlying assumption that art makes a community better and that there is a growing number of studies that show a real economic benefit from investing in arts and culture. She displayed a quote from Gary Gibbs, the Director of the Texas Commission on the Arts, regarding the benefits of being designated a cultural district including being used as a marketing tool and being eligible for grants from the State. She discussed investment in the arts fueling economic growth and that in 2011, \$504B at the federal level, and in 2012 in Texas, \$4.6B in taxable sales, were attributable to arts and culture. Arts businesses employ people locally, purchase goods and services, promote the community as a tourist destination, and that patrons will pay for parking and transportation, and eat at local restaurants. The typical arts attendee spends approximately \$25.00 per person per event beyond the ticket price.

Ms. McGlinchey discussed the joint work session between the Commission and the City Council in February of 2013. Evidence was presented from a cultural assessment that showed that there was a community of artists, musical groups, and events in the City. There was discussion on collaboration and marketing what the City has, obtaining community buy-in to be an arts-friendly community, producing a strategic plan, tying the Cultural District to the CBDZ, and needing Council guidance and leadership.

Commission highlights from 2013 include hosting the first Arts Talk in June at the Old Bedford School, holding strategic planning sessions to hammer out strategic goals and action items, and hosting the second ArtsFest. Ms. McGlinchey displayed a map showing the Cultural District as designated by the Council, which covers roughly the area of the Boys Ranch, goes down Forest Ridge Drive, and then encompasses the Old Bedford School, and the old and new Library buildings. Organizations and facilities within that footprint include Onstage, the Trinity Arts Guild, the Old Bedford School, the Library, Arts Council Northeast, and the Senior Center.

Ms. McGlinchey presented an action plan to better position the City to exist as a cultural destination. Categories include: 1) the Council implementing changes to make the City arts friendly; 2) integrating planning documents for a consistent vision; 3) coordinating marketing and communication; and 4) dedicating and investing resources. Steps under the first category include a revision of Council goals and vision to formally embrace that this is the direction they want to go; evaluating City ordinances and policies to identify obstacles and create incentives; empowering staff at all levels to promote and attract more art; evaluating the City event calendar for balanced, year-round programming; and Economic Development identifying underutilized space. Steps under the second category include creating a long term vision in particular with the highway reconstruction; the City providing a framework for new development; incorporating the goals of arts and culture in the CBDZ planning documents and design standards, as well as the Parks Master Plan; developing a conceptual plan for an outdoor performing arts pavilion; developing a linkage and walkability plan; and researching and identifying locations for a potential arts incubator. Steps under the third category include developing a centralized calendar; creating a logo branding the arts district; establishing standards for signage and banners; and forging regular opportunities for collaboration. Steps in the fourth category include the budget; staffing; a 501(c)3 and determining if the defunct Bedford Historical Foundation can be re-founded.

Ms. McGlinchey stated that the next opportunity to apply for a cultural district designation is in June of 2015. A letter of intent would be owed by January of 2015. Resources required include the Council, the Commission, existing staff, existing financial resources, additional funding for consultants and staff infrastructure. She stated that she looks forward to having a joint work session with Council to get in a better dialogue and hopefully adopt the action plan.

There was discussion on the Council adopting supporting the arts as their newest vision statement at their strategic planning session; looking at existing resources; repurposing and tying in those assets to other things happening in the City; enhancing the overall position and creating a unique point of differentiation; repositioning the City; the opportunities for grants and funding; creating a greater sense of community; investing in existing assets; and the residents not knowing what the City has to offer.

#### **14. Receive a presentation on a Trap-Neuter-Release Program.**

Animal Shelter Advisory Board Chairperson Rebecca Epps Purchase and Member Connie Ziegler-Stout presented a proposal for a Trap-Neuter-Release (TNR) Program. Ms. Ziegler-Stout stated that in a meeting last fall, a majority of the Board voted to endorse TNR in the City. It is a program that has been implemented throughout the country and it is becoming the norm and public expectation for animal control because it works. Dr. Epps Purchase stated that as a veterinarian, she is familiar with the human-animal bond, which extends to feeding outdoor and stray cats. She stated that 10 to 12 percent of the population feed cats that are not their own but do not take the responsibility to sterilize the cats. She stated there are different subsets of cats including feral cats, which are wild and cannot be touched, abandoned cats, and basic house cats. They are talking tonight about feral cats. They live in colonies and there have been several managed colonies in Bedford the last 10 to 12 years. In discussing reproduction, she stated that a female cat does not go out of heat until she is bred. The average litter size is six kittens and a female cat can have a minimum of two litters a year. She discussed an incident in Bedford with an apartment that had 33 cats.

Dr. Epps Purchase stated that when they saw the agenda, they saw a presentation by the Police Department and she discussed where it was not medically sound. The City currently does trap and euthanize. She stated that once the average citizen is educated, 81 percent stated that if they knew the feral cat was going to be euthanized, they would have allowed it to live out in society. She stated that complaints, many of which have to do with intact cat behavior, would be decreased by spaying/neutering. Trap and Euthanasia fails because it does not curtail population growth, but TNR does. Trapping and neutering cats stops the exponential growth and by returning them to their area, it stops the vacuum effect. Further, no cat would be spayed/neutered without receiving a rabies vaccine. Statistics show there have been no reports of rabies infected cats in Tarrant County since 2008. She asked why universities that turn out veterinarians have colonies on their campuses. She stated that the testing of cats for rabies prior to release has shown not to be reliable and asked if there is such a concern, why cats being adopted into homes are not being tested. She stated that colony managers feed and take care of their cats. She says Bedford statistics fit what they are seeing nationally. She discussed looking at hot bed areas from where cats/kittens are being brought into the Shelter. She questioned including PETA in the Police Department presentation, but stated that they were still for colony management. She stated that the current policy is costly to the taxpayers and that the goal of TNR is to stop the cats from coming into the Shelter. Feral cats tie up the back cat room needed for adoptable cats, are more likely to bite and scratch animal control officers, and overcrowded shelters lead to respiratory infections. In 2013, Shelter statistics show that 333 cats were euthanized in 2013 at a cost of \$58.54 each for a total of \$19,493.82. Last year's disposal costs at \$10.00 to \$15.00 per cat brings the total to approximately \$24,000.

Ms. Ziegler Stout discussed concerns about potential liability to the City if a TNR cat is released from the Shelter. She stated that it was extremely unlikely that a feral cat would approach someone. She has spoken with three lawyers who specialize in animals who all said the City would be protected under governmental immunity. She stated that there has not been one documented case of a TNR cat subjecting anybody to rabies. She stated that TNR would be protecting the community through rabies vaccination, preventing cat reproduction, resolving nuisance issues, and reducing staff injuries. Dr. Epps Purchase stated that the Board knows that some people have certain nuisance cats and discussed a "three strikes and you're out" policy. She asked that the City adopt a forward thinking mindset and consider a pilot project. In answer to questions from Council, she stated that there are between 10 and 15 colonies in the City and that many people are hesitant to register with the cities because they fear for the lives of their cats.

Council discussed digesting the information presented and looking at this issue as a Council. Dr. Epps Purchase stated that the Board did not see the information from the Police Department that was presented to Council and that she would be willing to write out a response to the information. There was discussion on examining all sides of the issue.

**15. Discussion regarding Master Plan. \*\*This item requested by Councilmember Nolan.**

Councilmember Nolan requested this item be placed on the agenda for discussion. She stated that in going through the presentation for the Cultural Commission, it occurred to her that the City has a lot of plans such as for parks but that there is not one unified document. She would like the City to put such a document together for when developers come in to see if they want to do business with the City, and for people to know the City's vision. There was discussion on developing an overall strategic plan and Council's involvement. In answer to questions from Council, Mr. Syblon stated that the key document that developers usually want to see is the Zoning Ordinance, what regulations there are for a particular piece of property, and sometimes the Comprehensive Land Use Plan. There was discussion on a master plan being a compilation of documents that currently exist. City Manager Beverly Griffith stated that putting copies of all the documents into a single binder would be simple and discussed defining the process if Council wants a master/comprehensive plan. In answer to further questions from Council, Mr. Syblon stated that he does not recall a developer needing a comprehensive plan to look at sites and that Economic Development puts together custom documents for what the prospect wants. Ms. Griffith stated that the various elements could be placed on the website and listed separately. There was further discussion on a work session to develop a strategic plan; having a Council-endorsed plan; the CBDZ; and making sure all the elements are in place.

**16. Discussion regarding tower. \*\*This item requested by Councilmember Nolan.**

Councilmember Nolan requested this item be placed on the agenda for discussion. She stated that the previous August, staff was tasked to investigate putting lights on the tower. Two of the lights were out and the rest shine three feet above the logo. It was discussed that AT&T recognized the lack of proper lighting, that special lighting has been ordered, and that the lights should be replaced by the end of January.

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

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

Councilmember Boyter reported that the Board had a discussion at their previous meeting about projects for 2014 and formulating a proposal to bring to Council.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reported on upcoming events including Clean Up Bedford Day and Chunk Your Junk on March 29 at Meadowpark, the Crud Cruiser on April 26 and September 13, and the paper shred event in October.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter was unable to attend the meeting but reported that Cynthia Williams was elected chairperson.

✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan stated that the presentation tonight was a culmination of all the Commission has been working on.

✓ **Library Board - Councilmember Davisson**

Councilmember Davisson stated that there is an Eagle Scout project to deliver 2,000 bags to residents in the City to collect books, which will be picked up on Saturday.

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

Councilmember Davisson reported that the Board will meet the following month and congratulated the new member, Teri Brown-Hudson.

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

Councilmember Turner reported that the Board was unable to meet but are continuing to develop plans for the Center including adding breakfasts in the morning.

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

Councilmember Champney reported that the Board is continuing to discuss their banquet and a possible speaker.

**18. Council member reports**

Councilmember Nolan reported that the Library Foundation's Mardi Gras event has officially sold out. Tickets to the casino part only are still being sold and the event will have great celebrity waiters.

Mayor Griffin reported on the ribbon cutting for the HEB ISD Auxiliary Building scheduled for Saturday, February 1 at 10:00 a.m.

**19. City Manager/Staff Reports**

City Manager Beverly Griffith reported that the Wellness Committee will be hosting a community-wide blood drive on Friday from 11:00 a.m. to 3:00 p.m. People can go to the Carter Blood Care website to schedule an appointment.

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

Item #7 was approved during the Regular Session.

**ADJOURNMENT**

Mayor Griffin adjourned the meeting at 10:01 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary



# Council Agenda Background

**PRESENTER:** Jacquelyn Reyff, Planning Manager

**DATE:** 02/11/14

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

**ITEM:**

Public hearing and consider an ordinance to rezone a portion of Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, located at 2921 Brown Trail, Suite 110, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Churches, Temples & Synagogues, specifically for a Specific Use Permit to allow for Metroplex Messianic Fellowship; 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-243)

**City Attorney Review:** Yes

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

**DISCUSSION:**

The property located at 2921 Brown Trail, Suite 110 would be utilized for a church (religious based meeting space). The lease space in the existing office building is 1,475 SF.

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. A church is a permitted use within the H Zoning District once the Specific Use Permitting process has been completed.

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. Therefore, the site is sufficiently landscaped for the proposed use of a church.

The name of the meeting space is Metroplex Messianic. The expected occupancy is up to 30 people, based on the number of seats the applicant provided for on the proposed floor plan. Per this occupancy level, the number of parking spaces required is 10 (one parking space per three seats). Parking remains from the previous office development of the whole complex, which has 75 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.

Meetings would be held on Wednesdays at 7:30 p.m. and Sundays at 10:00 a.m., which are non-business hours for the building.

The Planning and Zoning Commission recommended approval for this project at their January 9, 2014 meeting by a vote of 7-0-0.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance to rezone a portion of Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, located at 2921 Brown Trail, Suite 110, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Churches, Temples & Synagogues, specifically for a Specific Use Permit to allow for Metroplex Messianic Fellowship; 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-243)

**FISCAL IMPACT:**

**N/A**

**ATTACHMENTS:**

**Ordinance  
Aerial Photo  
Building Lease Documents  
Zoning Sign Photo  
Application  
P&Z Minutes  
Star Telegram Publication**

**ORDINANCE NO. 14-**

**AN ORDINANCE TO REZONE A PORTION OF THE PROPERTY KNOWN AS TRACTS 2B6A1 & 2B6C, ABSTRACT 11, ALEXANDER ALLEN SURVEY, LOCATED AT 2921 BROWN TRAIL, SUITE 110, BEDFORD, TEXAS, FROM HEAVY COMMERCIAL TO HEAVY COMMERCIAL/SPECIFIC USE PERMIT/CHURCHES, TEMPLES & SYNAGOGUES, SPECIFICALLY FOR A SPECIFIC USE PERMIT TO ALLOW FOR METROPLEX MESSIANIC FELLOWSHIP; DECLARING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY AND ENFORCEMENT CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Z-243)**

**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 Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, located at 2921 Brown Trail, Suite 110, Bedford, Texas, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Church, Temples & Synagogues, specifically to allow for Metroplex Messianic Fellowship. The property is generally located north of Harwood Road and west of Brown Trail. (Z-243)**

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

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

**SECTION 2. 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 Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, and located at 2921 Brown Trail, Suite 110, Bedford, Texas, shall be shown as approved by this ordinance.**

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

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

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

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

**PASSED AND APPROVED** this 11th day of February 2014, by a vote of \_\_\_ ayes, \_\_\_ nays, and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

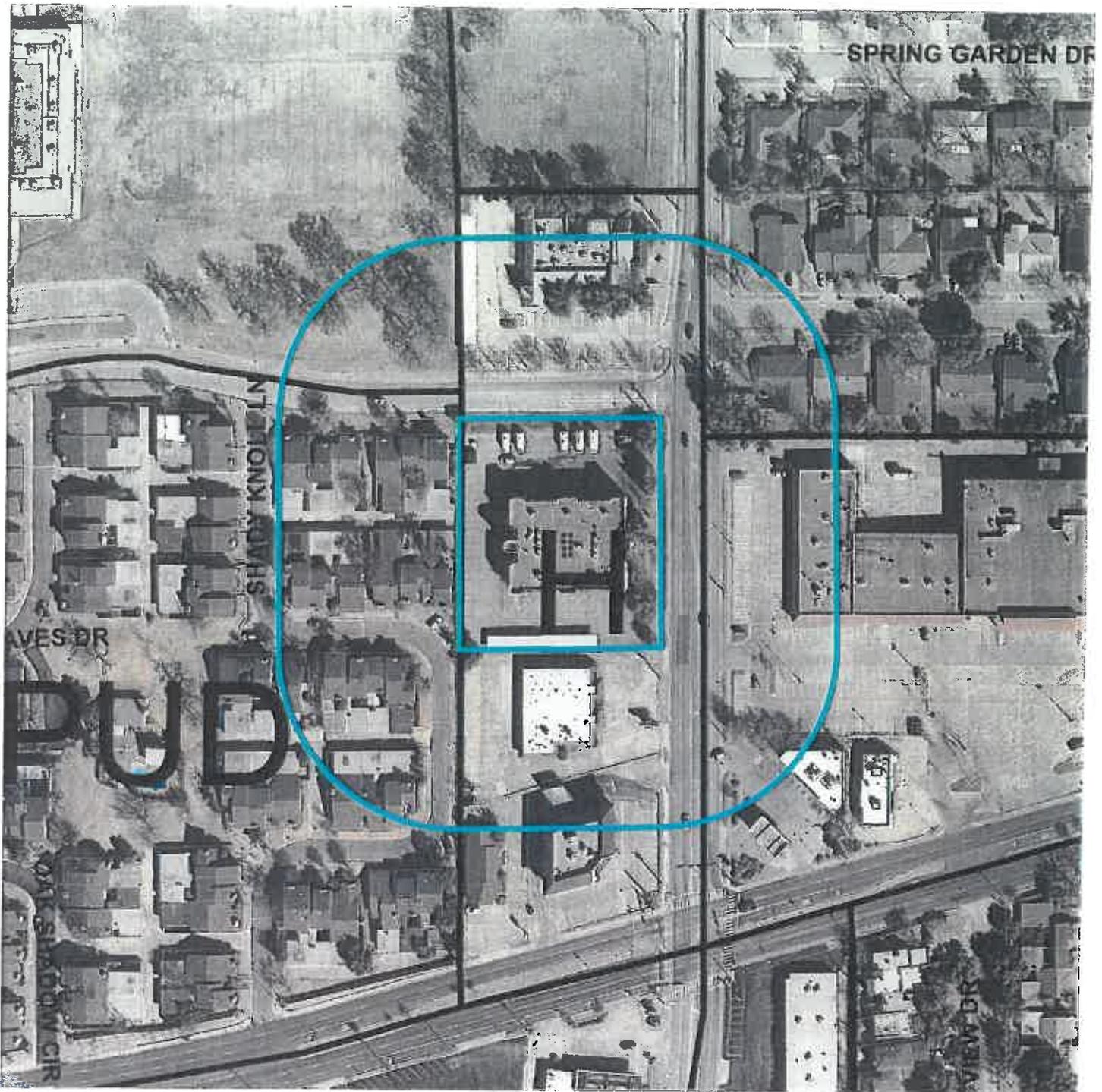
\_\_\_\_\_  
**Jim Griffin, Mayor**

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



**City of Bedford, Texas**

**Hearing Date: 12-12-13 Z-243**

**Address: 2921 BROWN TRAIL, STE 110  
 Addition: ALLEN, ALEXANDER SURVEY  
 Bedford, TX 76021**

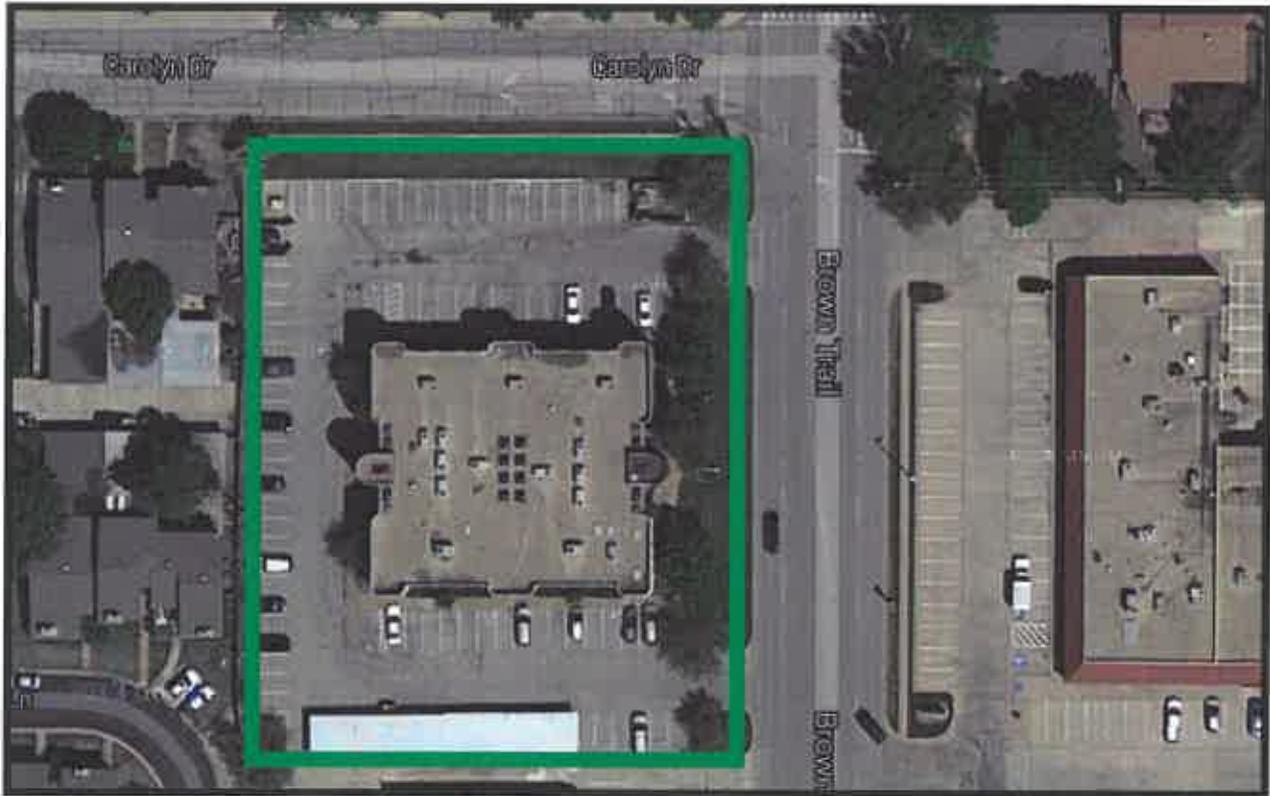
**TRACTS: 2B6A1 & 2B6C, ABSTRACT 11**



-  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.

# BROWN TRAIL TOWER COST-EFFICIENT PROFESSIONAL OFFICES



Roger Smeltzer

817-803-3287

roger@visioncommercial.com



www.visioncommercial.com

Ricky Abbamondi

972-983-9539

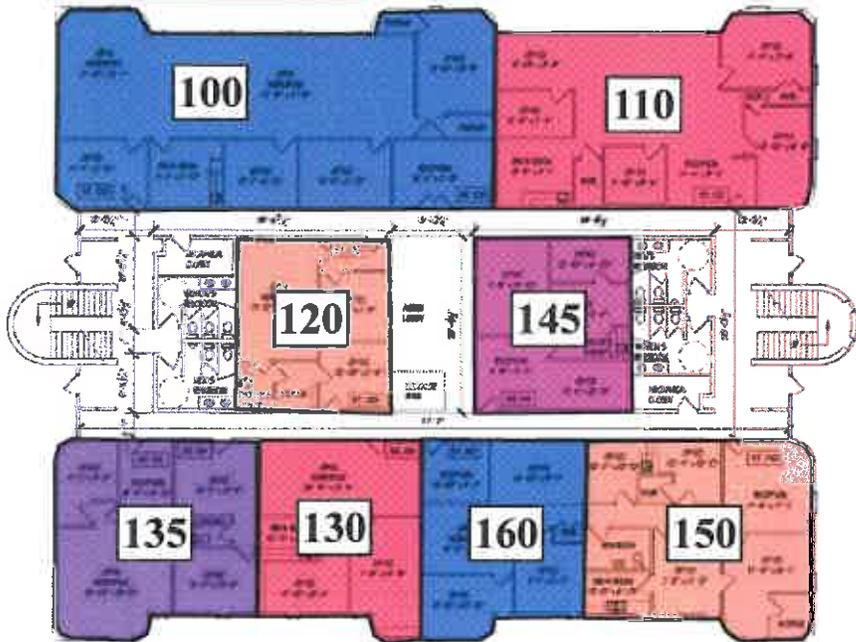
ricky@visioncommercial.com

The data contained herein was obtained from sources deemed to be reliable, but in no way warranted by Vision Commercial Real Estate, LLC. The property is offered subject to errors, omissions, change in price and or terms, or removal from the market without notice.

# BROWN TRAIL TOWER

## COST-EFFICIENT PROFESSIONAL OFFICES

### FIRST FLOOR



## Z-243



### SECOND FLOOR



Roger Smeltzer  
817-803-3287  
roger@visioncommercial.com



Ricky Abbamondi  
972-983-9539  
ricky@visioncommercial.com

www.visioncommercial.com

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Z-243



2021

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PHYSICAL THERAPY Beyond

VANGUARD

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AND ZONING DEPT AT

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AVAILABLE

817-803-3287

VISION COMMERCIAL REAL ESTATE

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Rich

**City of Bedford  
Specific Use Permit Application**

10-24-13P03:15 RCVP D.

**Z-243**

Applicant Name (Print): Jean-Pierre Yohoue (\*Signature): Jean-Pierre Yohoue  
Address: 2921 Brown Trail Blvd Ste #110 Bedford TX 76021  
Telephone number: 972-822-3621 Fax number: \_\_\_\_\_

I, the undersigned owner, or lessee (Metroplex Messianic Fellowship) (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/CHURCH

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.

<sup>R 2B6C</sup>  
Legal Description: Lot NA Block NA Addition NA  
Tract 2B6C Abstract 11 Survey Allen, Alexander to the City of Bedford, Texas.  
Street Address 2921 Brown Trail Blvd Ste 110 Bedford TX

\*\*Indicate by checking the appropriate box if this application is for a Community Home  or Group Home  \*\*

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) [Signature]

(Print name) AFTAB PUNJWANI

(Company name) CUBE HOLDINGS LLC

(Street Address, City, State & Zip Code) 330 E. DIVISION ST ARLINGTON, TX 76011

(Telephone number) 972 839 7290 (FAX number) 817 - 303 - 3267

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

(Print Name)

(Company Name)

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

\*I have read the completed application and know the same is true and correct and hereby agree that if a permit is issued all provisions of the City Ordinances and State Laws will be complied with whether herein specified or not. I agree to comply with all property restrictions. I am the owner of the property or the duly authorized agent.

\*Submittal of false information or omission as required by this application may result in any permit, license, or approval being revoked.

(Signature) Jean-Pierre Yohoue

10/22/13

**Z-243**

To: City of Bedford Planning and Zoning Commission

RE: Specific Use Permit Application for Metroplex Messianic Fellowship at 2921 Brown Trail Suite 110  
Bedford, TX 76021

Dear Sir/Madam,

At the above mentioned location, we intend to hold meetings at non business hours specifically on Wednesdays at 7:30 pm and on Sundays at 10:am. We are certain the interference of our activities with the other business related activities will be very minimal. Therefore, we believe parking space sharing will not be an issue.

This 1,475 Sqft approx. facility can hold on average 30 seats per session.

Please take the above statement in consideration in reviewing our application.

Sincerely,



Jean-Pierre Yoboue  
972-822-3621

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF JANUARY 9, 2014**

**APPROVED**

Chairman Reese asked the Commission to nominate and elect the Planning and Zoning Commission Vice Chairman. The Commission discussed the elections and made an acclimation to elect Todd Carlson as Vice Chairman.

Motion: Commissioner Stroope made a motion to elect Todd Carlson as the Vice Chairman of the Planning and Zoning Commission.

Commissioner Hall seconded the motion.

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

**PUBLIC HEARING**

- 
- 3. Zoning Case Z-243, public hearing and consideration of a request of to rezone a portion of Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, located at 2921 Brown Trail, Suite 110, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Church, for Metroplex Messianic Fellowship. The property is generally located north of Harwood Road and west of Brown Trail. (Continued from the December 12, 2013 meeting.)**

Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Zoning Case Z-243.

This item was continued at the December 12, 2013 meeting because a person hearing impaired requested auxiliary aid, a sign language interpreter.

Chairman Reese recognized Jean-Pierre Yoboue, 2921 Brown Trail, Bedford, Texas who was there to present this application.

Chairman Reese opened the public hearing at 7:09 PM and recognized Jana Reeves, Hired Hands, Inc., Sign Language Interpreter provided by the City for Paul Laird, 604 Spring Forest Drive, Bedford, Texas who was hearing impaired. Chairman Reese recognized Mr. Laird who was concerned if this zoning request was going to affect his property.

Chairman Reese closed the public hearing at 7:12 PM.

The Commission discussed the application.

Motion: Commissioner Hall made a motion to approve Zoning Case Z-243.

Vice Chairman Carlson seconded the motion and the vote was as follows:

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

- 4. Zoning Ordinance Amendment A-036, public hearing and consideration of a request to amend the City of Bedford Zoning Ordinance; Ordinance No. 2275, Section 4.18 "MHC" Master Highway Corridor Overlay District; specific to Section 4.18.E(10) RESTRICTED USES, removing Used Car and Truck Sales from the list of restricted uses.**

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF JANUARY 9, 2014**

**APPROVED**

Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Zoning Ordinance Amendment A-036.

Chairman Reese opened the public hearing at 7:21 PM and recognized Mac Churchill, 611 Rivercrest Drive, Fort Worth, Texas.

Chairman Reese closed the public hearing at 7:32 PM.

The Commission discussed the application.

**Motion:** Commissioner Fisher made a motion to approve Zoning Ordinance Amendment Case A-036.

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

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

**ADJOURNMENT**

Chairman Reese adjourned the Planning and Zoning Commission meeting at 7:35 PM.

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**Chairman Reese  
Planning and Zoning Commission**

**ATTEST:**

---

**Yolanda Alonso, Secretary  
Planning and Zoning Commission**

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF DECEMBER 12, 2013**

**APPROVED**

The Planning and Zoning Commission recognized Jerry Johnson, 833 Bryan Drive, Bedford, Texas who spoke in favor of amending Zoning Ordinance Section 5.2.A (10) Parking and Loading Regulations.

The Commission discussed this request, and decided not to take action.

Chairman Stroope adjourned the Work Session at 6:56 PM.

**REGULAR SESSION**

The Planning and Zoning Commission convened in the Council Chamber at 6:58 PM and the Regular Session began.

**CALL TO ORDER**

Chairman Stroope called the meeting to order at 7:00 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) October 24, 2013**

**Motion:** Commissioner Henning made a motion to approve the meeting minutes of October 24, 2013, correct as written.

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

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

**Nays:** None

**Abstention:** None

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

**PUBLIC HEARING**

- 2. Zoning Case Z-243, public hearing and consideration of a request of to rezone a portion of Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, located at 2921 Brown Trail, Suite 110, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Church, for Metroplex Messianic Fellowship. The property is generally located north of Harwood Road and west of Brown Trail.**

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF DECEMBER 12, 2013**

**APPROVED**

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Zoning Case Z-243.

There was a hearing impaired person present at the meeting who requested auxiliary aid. The Planning and Zoning Commission discussed this matter.

**Motion:** Commissioner Pierson made a motion to continue Zoning Case Z-243 to January 9, 2014.

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

**Ayes:** Commissioners Hall, Pierson, Vice Chairman Reese, Chairman Stroope

**Nays:** Commissioners Sinisi, and Henning

**Abstention:** None

Motion approved 4-2-0. Chairman Stroope declared the motion approved.

**ADJOURNMENT**

Chairman Stroope adjourned the Planning and Zoning Commission meeting at 7:24 PM.

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**Chairman Stroope  
Planning and Zoning Commission**

**ATTEST:**

---

**Yolanda Alonso  
Planning and Zoning Commission Secretary**



CITY OF  
**BEDFORD**

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

January 20, 2014

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 Monday, January 20, 2014.

FROM:

City of Bedford  
Yolanda Alonso, Planning and Zoning

Dear Christine,

Please publish the following in "Legal Notices" on Wednesday, January 22, 2014.

MESSAGE:

**CITY OF BEDFORD  
PUBLIC HEARING**

The City of Bedford City Council gives notice of a public hearing on Tuesday, February 11, 2014 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 Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, located at 2921 Brown Trail, Suite 110, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Churches, Temples & Synagogues, for Metroplex Messianic Fellowship. The property is generally located north of Harwood Road and west of Brown Trail (Z-243).

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

## Alonso, Yolanda

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**From:** Lopez, Christine [clopez@star-telegram.com]  
**Sent:** Tuesday, January 21, 2014 9:36 AM  
**To:** Alonso, Yolanda  
**Subject:** Re: Legal Notice Ad CC 021114 (Z-243)

ad received :)  
Christine

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

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On Mon, Jan 20, 2014 at 9:06 AM, Alonso, Yolanda <[Yolanda.Alonso@bedfordtx.gov](mailto:Yolanda.Alonso@bedfordtx.gov)> wrote:

**Good Morning Christine,**

**Please publish the attached ad in the Wednesday, January 22, 2014, "Legal Notices" section of the newspaper.**

**Thank you.**

--

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



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# Council Agenda Background

**PRESENTER:** Roger Gibson, Police Chief

**DATE:** 02/11/14

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

**ITEM:**

Consider an ordinance amending Section 18-1 (Definitions) of Chapter 18 – Animals, of the City of Bedford Code of Ordinances, to define miniature pigs and authorizing the same for permit eligible; providing a penalty clause; providing a severability clause; and declaring an effective date.

**City Attorney Review:** Yes

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

**DISCUSSION:**

In December 2013, the Bedford Police Department was contacted by a person interested in purchasing a residence in Bedford. This person inquired if Bedford allowed for “miniature pigs” within the City, and if not, would the City consider modifying the current ordinances to make such allowances. The requester provided information regarding area cities that have made similar type provisions and further assisted staff with research information. The requester currently has two miniature pigs that are harness/obedience trained. The requester utilizes these animals as “emotional support animals” during her volunteer visits to a hospice center.

After reviewing this request, conducting research, and consulting with the veterinarian assigned to the City’s Animal Shelter Advisory Board, staff is of the opinion that animals that by definition would qualify as a “miniature pig” are suitable for ownership in Bedford under limited circumstances, in accordance with the City’s ‘permit-eligible’ requirements, and provided the current ordinance is modified.

The term “miniature pig,” for the purpose of this discussion and the suggested revisions to the current ordinance, are inclusive of the terms “micro pig” and “teacup pig.” All other classifications of pigs, including those commonly referred to as “pot-bellied pigs,” would remain prohibited by the ordinance and remain classified as “swine” under the definitions and terms of the City’s ordinances.

Miniature pigs are a result of years of selective breeding, creating a hybrid that at full growth is significantly smaller than those classified as swine. After reviewing other area ordinances and consulting with the requester, staff is proposing allowances for those animals classified as miniature pigs where their height, weight, and length do not exceed: 20 inches in height from the bottom of the hoof to the top of the shoulder; 75 pounds in weight; and 26 inches in length measured from the tip of the snout to the base of the tail. For clarification, newborn or young swine that fall under these physical requirements would remain prohibited from ownership.

Staff’s proposal would allow the potential for a resident to obtain a permit that would authorize a miniature pig with the following provisions: a maximum of two miniature pigs to be on a property; requirements for spay/neutering; current with vaccination requirements as recommended by a City-consulted veterinarian; an annual inspection conducted at the permit site and certification by the Animal Control Supervisor; and complying with the annual inspection and permitting requirements as currently established under City ordinances relating to those animals qualifying as permit eligible. Staff has also written into the proposed revised ordinance provisions that will reclassify any miniature pig to the category of swine should the listed height, weight, and/or length restrictions be exceeded. Other area cities that allow for miniature pigs under restricted conditions include: Arlington, Lewisville, North Richland Hills, and Watauga.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending Section 18-1 (Definitions) of Chapter 18 – Animals, of the City of Bedford Code of Ordinances, to define miniature pigs and authorizing the same for permit eligible; providing a penalty clause; providing a severability clause; and declaring an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance

ORDINANCE NO. 14-

AN ORDINANCE AMENDING SECTION 18-1 (DEFINITIONS) OF CHAPTER 18 – ANIMALS, OF THE CITY OF BEDFORD CODE OF ORDINANCES, TO DEFINE MINIATURE PIGS AND AUTHORIZING THE SAME FOR PERMIT ELIGIBLE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of Bedford, Texas is committed to ensuring public health, safety, and welfare by encouraging individuals to be responsible pet owners; and,

WHEREAS, the City Council of Bedford, Texas has determined the need to ensure the proper care and safety of animals located within the city limits.

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

SECTION 1. That Chapter 18 – Animals, of the City of Bedford Code of Ordinances, Section 18-1 Definitions, is hereby amended in its entirety by replacing said Chapter with a new Section 18-1, to read as follows:

CHAPTER 18 - ANIMALS

ARTICLE I. IN GENERAL

Sec. 18-1. Definitions

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

*Adequate Shelter* for domestic animal or pet bird is defined as shelter that would allow the domestic animal or pet bird to remain dry and protected from the elements at all times while providing sufficient ventilation within the shelter.

*Adoption* is defined as the transfer of ownership from the City of Bedford to a person or organization deemed suitable for the care, custody and control of the animal.

*Animal* is defined as one or more of the following classifications contained within this Chapter: domestic animal, fowl, livestock, permit eligible non-domestic animal, pet bird, prohibited animal, swine, and wildfowl.

*Animal Control Authority* is defined as a municipal employee assigned to the Animal Control Division whose duties include those as defined in Article II, Animal Control Division.

*Animal Shelter Advisory Board (Board)* is defined as a seven member committee consisting of City Council appointees and municipal employees for the purposes of serving as an advisory committee to the Animal Control Authority and the City and also to assist in the permitting processes as outlined in this Chapter.

*At Large* is defined as any animal not confined to the premises or property of the owner by a structure of adequate construction as to prevent escape or unsolicited contact with humans or animals, or animals not under the control of the owner or other person authorized by the owner to care for the animal, either by leash, cord, chain or similar restraining device.

*Domestic Animal* is defined as any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild and any animal which can be vaccinated against rabies with an approved rabies vaccine, and any animal which has an established rabies quarantine observation period as established by the Texas Department of Health. Domestic Animal shall include dogs, cats, gerbils, guinea pigs, hamsters, ferrets, rabbits, rodents, non-poisonous reptiles, or non-poisonous snakes of a species which does not reach a length greater than six feet and other species of animals which are sold or retained as a

ORDINANCE NO. 14-

household pet, not including birds, fish, skunks, non-human primates, and any other species of wild, exotic, or carnivorous animals, and other that may be restricted by Ordinance.

**Enclosure** for the purpose of Article XII “Fierce or Dangerous Animals” is defined as a container or contraption specifically designed for the temporary confinement of a dog, while restricting or limiting human and animal contact. Such structure is not designed for the long term housing of the animal. This definition includes, but is not limited to dog runs, kennels, transportation crates, etc. For all other purposes of this Chapter, the term ‘Enclosure’ shall be defined as pen, stable, shed or similar type structure.

**Educational Exhibit or Program** is defined as a temporary display or program designed to promote interest and education in wildlife where a permit has been issued by the City authorizing the exhibit or program, including those classified as a prohibited animal, permit-eligible non-domestic animal, or livestock.

**Fierce or Dangerous Animal** is defined as:

- (1) Any animal that makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or
- (2) Any animal that commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to that person; or
- (3) Any animal that makes an unprovoked attack on another domestic animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own.

**Fowl** is defined as a bird of the order Galliformes, which can be used as food. This term includes but is not limited to the common domesticated chicken, duck, geese, turkey, quail, dove, and pheasant.

**Home Observation Period** is defined as the Animal Control Authority permitting an owner to retain custody of an animal suspected of rabies or under investigation as a fierce or dangerous animal for a period of time as set forth in this Chapter, as long as all requirements of the Animal Control Authority are met.

**Hybrid** is defined as the off-spring of two different breeds or species; excepting where both parenting breeds or species are defined as domestic animals.

**Livestock** is defined as domesticated animals of the Family Bovidae (cattle, sheep, goats), and Family Equidae (horses, donkeys, mules).

**Local Rabies Control Authority** is defined as the supervisor over the Animal Control Division is hereby designated as the local rabies control authority in accordance with requirements listed in the Texas Health and Safety Code. In the absence of the Animal Control Supervisor, the officer temporarily serving in that capacity shall assume the duties and responsibilities of the Local Rabies Control Authority.

**Miniature pig includes the terms Micro pig or Teacup pig** and is defined as a miniature pig that, through selective breeding, will not attain a height, weight, or length greater than the following: height no greater than 20 inches from the bottom of the hoof to top of the shoulder; weight no greater than 75 pounds; and length no greater than 26 inches from the tip of the snout to the base of the tail. Any miniature pig exceeding one or more of these limitations shall be immediately reclassified under the definition of swine and is prohibited. For the purposes of this section, no animal shall be classified as a miniature pig without meeting all the requirements of this section and passing an examination and certification by the Bedford Animal Control Supervisor. The

ORDINANCE NO. 14-

determination and/or certification of the Bedford Animal Control Supervisor is final and is not subject to appeal.

*Muzzled* is defined as the placement of a wire or leather device over an animal's snout which prevents the animal from biting.

*Obnoxious Odor* is defined as an odor that unreasonably disturbs or interferes with the peace, comfort and repose of neighboring persons of normal sensibilities.

*Owner* is defined as any person owning, keeping, or harboring an animal, or who has custody or control of an animal.

*Permit-Eligible Non-Domestic Animal* is defined as any animal which is now or historically has been found to be wild by nature and not customarily domesticated in the City. This term includes but is not limited to:

- (1) Cebus Appela (capuchin monkeys).
- (2) Family Callithricidae (marmosets).
- (3) Family Camelidae (llama).
- (4) Order Artiodactyla, even-toed hoofed mammals, excluding the domesticated species of the Family Bovidae (cattle, sheep, goats).
- (5) Order Perissodactyla, odd-toed hoofed mammals, excluding the domesticated species of the Family Equidae (horses, donkeys, mules and zebras).
- (6) **Miniature pig, Micro pig, or Teacup pig as defined in this section. Conditional requirements for permitting include: any miniature pig must be spayed or neutered and must be current with vaccinations as determined by a veterinarian consulted by the City. A maximum of two miniature pigs are permitted at a property.**

*Pet Bird* is defined as any tame, warm blooded vertebrate distinguished by having the body more or less completely covered with feathers and the forelimbs modified as wings that was bred in captivity for the sole purpose of being kept for pleasure rather than for utility. This includes, but is not limited to, birds commonly sold in local pet stores.

*Prohibited Animal* is defined as any animal which is now or historically has been found to be wild by nature and not customarily domesticated in the City. Any animal which by definition falls into this category is prohibited from being kept, harbored, or maintained within the city limits, except for those temporarily permitted under this Chapter. This term includes:

A. Class Mammalia.

- (1) Order Carnivora.
  - a. Family Canidae (dog), excepting Canis Familiarus (domestic dog), and including, but not limited to, the wolf, coyote, jackal, fox.
  - b. Family Felidae (cat), excepting Felix Catus (domestic cat) and including, but not limited to, the bobcat, tiger, jaguar, leopard, lion, cougar, mountain lion or panther.
  - c. Family Hyenidae (hyena).
  - d. Family Ursidae (bear).
  - e. Family Procyonidae (raccoons).
- (2) Order Proboscidea (elephant).
  - a. Family Hippopotamidae.
- (3) Order Primata (primates), including, but not limited to, chimpanzee, baboon, orangutan, gibbon, and gorilla (Old World and New World), excepting the Family Hominidea (man).
- (4) Order Marsupialia including, but not limited to, kangaroos, opossums, koala bears, wallabies, bandicats and wombats.

ORDINANCE NO. 14-

- (5) Order Edentata including, but not limited to, sloths, anteaters and armadillos.
  - (6) Order Rodentia, including, but not limited to, beavers porcupines and squirrels.
  - (7) Order Antiodctyla.
    - a. Family Suidae – swine including, but not limited to, domestic pigs, pot-bellied pigs, hogs and wild pigs.
  - (8) Order Artiodactyla.
    - a. Family Giraffidae.
- B. Class Aves
- (1) Order Struthioniformes, including, but not limited to, ostrich, rhea, cassowary and emu.
  - (2) Order Falconiforms, including, but not limited to, hawks, eagles, falcons and vultures.
  - (3) Order Stigiformes – owls.
  - (4) Wildfowl as defined in Section 18-1 of this Chapter.
- C. Class Reptilla.
- (1) Order Squamata.
    - a. Sub-order Septentes – all front and rear fanged venomous snakes and all species of the Families Boidea and Pythonidae.
    - b. Sub-order Lacertilla – both venomous species of the Family Helodermatidea (Gila Monster and Mexican Bearded Lizard).
  - (2) Order Crocodilia – crocodile and alligator.
- D. Hybrids as defined in Section 18-1 of this Chapter.
- E. Any class, order, species of the Animal Kingdom which is venomous to human beings, whether its venom is transmitted by bite, sting, touch or other means, excepting the honey-producing bee, which does not include any strain of killer bee.

*Rabies Exposure* is defined as any bite, scratch, or other situation in which saliva or nerve tissue of a potentially rabid animal enters an open or fresh wound, or comes in contact with mucous membranes by entering the eye, mouth or nose of a human or another animal.

*Reasonable Medical Care* for a domestic animal or pet bird is defined as appropriate over the counter or veterinary care necessary to treat the applicable medical condition, including veterinary care, prescription medicine, over the counter medicine, or other appropriate or recognized treatment.

*Secure Enclosure* is defined as a fence or structure of at least six feet in height, forming or causing an enclosure, suitable to prevent the entry of young children and suitable to confine a fierce or dangerous animal in conjunction with other measures which may be taken by the owner, such as tethering of the fierce or dangerous animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom, and shall be designed to prevent the animal from escaping the enclosure. Any such enclosure shall be inspected and approved by the Animal Control Authority and by the Building Inspection Department before its use as an enclosure for a fierce or dangerous animal.

*Swine* is defined as any stout-bodied, short-legged omnivorous mammal with a long, mobile snout and small tail belonging to the Family Suidae. This includes, but is not limited to, the domestic pig, pot-bellied pig, hog and its wild relatives. **This definition does not include an animal that is**

ORDINANCE NO. 14-

currently certified under the provisions of this section as a miniature pig.

*Quarantine* for the purposes of this Chapter is defined as the sequestering and isolation of an animal in a controlled setting.

*Unprovoked* with respect to an attack by an animal on a person, is defined as the animal was not hit, kicked or struck by a person with any object or part of a person's body, nor was any part of the animal's body pulled, pinched or squeezed by a person. In the case of an attack on another animal, "unprovoked" is defined as the animal that was attacked was not, at the time of the injury or damage was sustained, teasing, tormenting, abusing or assaulting the animal, or protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

*Vaccination* is defined as an injection of a vaccine, approved by the state veterinarian, administered by a legally licensed veterinarian.

*Wildfowl* is defined as a bird of the Order Galliformes, used as food or hunted as game, that is living in a state of nature, growing or producing without the aid and care of man, and not ordinarily tame or domesticated.

Secs. 18-2 – 18-09. Reserved.

**SECTION 2. PENALTY**

That any person violating any provision of this Chapter may be issued a citation and upon conviction thereof, the person shall be deemed guilty of a misdemeanor and punished as provided in subsection 1-7 of the Code of Ordinance of the City of Bedford. Each 24-hour period of violation, and each separate animal or condition in violation of this Chapter, shall constitute a separate offense.

**SECTION 3. SEVERABILITY**

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

**SECTION 4. EFFECTIVE DATE**

That this ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** this 11th day of February 2014, 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

**ORDINANCE NO. 14-**

**ATTEST:**

---

**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

---

**Stan Lowry, City Attorney**



# Council Agenda Background

**PRESENTER:** Jill McAdams, *SPHR*  
Human Resources Director

**DATE:** 02/11/14

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

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a contractual agreement with Benefit Seminars Plus in the amount of \$24,000 to provide benefit brokerage and consulting services for employee benefits.

**City Attorney Review:** Yes

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

**DISCUSSION:**

On October 28, 2013, staff released a Request for Proposal (RFP) for employee benefit consulting and broker services. The RFP was advertised according to legal guidelines. The due date to submit a proposal was November 25, 2013. The RFP requested a detailed summary of services provided, costs associated with the services, brokerage staff qualifications and a one year contract with the ability to renew for up to four additional years, for a total of five years.

Staff received six proposals and conducted an analysis of each proposal. The analysis included a review to ensure that each proposal adequately addressed the requirements as outlined in the RFP, that the level of service options met or exceeded current service level options offered by the City's current broker/consultant and that the pricing was representative of the services being offered. A synopsis of the analysis is attached as the spreadsheets labeled "Insurance Broker Comparison (Services)" and "Insurance Broker Comparison (Cost)" and the table labeled "Benefit Broker/Consultant Comparison (Based on RFP Specifications)".

Of the six proposals submitted, staff narrowed the scope to two finalists (Benefit Seminars Plus and Gallagher Benefit Services) based on services provided by each broker/consultant and the annual cost associated with providing the services. Staff then had formal interviews with both firms to further clarify service options and cost, as well as to set expectations for service standards should the contract be awarded to the firm. The interview panel consisted of the City Manager, Deputy City Manager, Managing Director, Human Resources Director and Payroll Benefits Administrator. Reference checks were also conducted.

Based on the analysis conducted on services provided and costs for services, staff is recommending that the City continue to contract with Benefit Seminars Plus to provide consultation and brokerage services for employee benefits. The City Attorney has reviewed the contract, scope of services addendum and business associate agreement (required by the Health Insurance Portability and Accountability Act). These items are attached.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a contractual agreement with Benefit Seminars Plus in the amount of \$24,000 to provide benefit brokerage and consulting services for employee benefits.

**FISCAL IMPACT:**

**Budget FY 13/14:** \$24,000  
**Actual Amount:** \$24,000  
**Variance:** \$0

**ATTACHMENTS:**

Resolution  
Benefit Broker/Consultant Comparison (Based  
on RFP Specifications) Table  
Insurance Broker Comparison (Services)  
Spreadsheet  
Insurance Broker Comparison (Cost)  
Spreadsheet  
PowerPoint  
Contract  
Scope of Services  
Business Associate Agreement

**RESOLUTION NO. 14-**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH BENEFIT SEMINARS PLUS IN THE AMOUNT OF \$24,000 TO PROVIDE BENEFIT BROKERAGE AND CONSULTING SERVICES FOR EMPLOYEE BENEFITS.**

**WHEREAS, the City of Bedford, Texas provides benefits for its employees; and,**

**WHEREAS, the City of Bedford, Texas has contracted in the past with a brokerage firm to provide brokerage and consulting services for employee benefits; and,**

**WHEREAS, staff conducted ample research, issued a Request for Proposal and received proposals for brokerage and consulting services for the employee benefits; and,**

**WHEREAS, the Benefit Seminars Plus proposal was the most cost effective of the proposals that were submitted; and,**

**WHEREAS, the Benefit Seminars Plus proposal provided the highest quantity of services for the cost; and,**

**WHEREAS, the City Attorney has approved the Benefit Seminars Plus contract; and,**

**WHEREAS, the City Council of Bedford, Texas has a desire to enter into a contractual relationship with Benefit Seminars Plus to provide brokerage and consulting services for employee benefits.**

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

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

**SECTION 2. That the City Council hereby authorizes the City Manager to enter into a contractual agreement with Benefit Seminars Plus in the amount of \$24,000 to provide benefit brokerage and consulting services for employee benefits.**

**PRESENTED AND PASSED this 11th day of February 2014, 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**

## Benefit Broker/Consultant Comparison (Based on RFP Specifications)

<b>BROKER</b>	<i>Benefit Seminars Plus</i>	<i>Gallagher Benefit Services</i>	<i>Higginbotham</i>	<i>Holmes Murphy</i>	<i>McGriff, Seibel's &amp; Williams of Texas</i>	<i>IPS Advisors, Inc.</i>
Office location in close proximity to City	✓	✓	✓	✓	✓	✓
Provided Organizational chart as requested in RFP	✓	✓	✓	✓	✓	✓
Designated Personnel meet professional experience requirements	✓	✓	✓	✓	✓	✓
Meets Insurance requirements as outlined in RFP	✓	✓	✓	✓	✓	✓
Provided Sample Service Contract	✓	✓	✓	✓	✓	✓
Provided References of Current and Ex-Clients	✓	✓	✓	✓	✓	✓
Provided current financial statement	✓	✓	✓	X	✓	X
Firm is financially solvent (as evaluated by Admin Srvs Dir)	✓	✓	✓	X	✓	X
Firm history and Capabilities meet City standards and requirements	✓	✓	✓	✓	✓	✓
Updates & Staff training on Laws, Rules and Regulations	✓	✓	✓	✓	✓	✓
No Conflict of Interest Indicated	✓	✓	✓	✓	✓	✓

X= did not provide information to address the specific area

**INSURANCE BROKER COMPARISON  
(Services)**

ITEMS INCLUDED IN BASE CONSULTING FEE	Benefit Seminars Plus	Gallagher Benefit Services	Higginbotham	Holmes Murphy	McGriff, Seibels & Williams of Texas	IPS Advisors, Inc.
<b>INSURANCE RENEWAL PROCESS</b>						
Prepares RFP and submits to Insurance Companies	Yes	Yes	Yes	Yes	Yes	Yes
Analyzes bids & presents information	Yes	Yes	Yes	Yes	Yes	Yes
Provides automated Open Enrollment process	Yes	No <sup>1</sup>	No <sup>1</sup>	Yes	No	No <sup>1</sup>
Attends Council and Employee Meetings	Yes	Yes	Yes	Yes	Yes	Yes
Printed Employee Information Packets Provided	Yes	Yes	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes <sup>2</sup>	Yes <sup>2</sup>

ADDITIONAL SERVICE OPTIONS	Benefit Seminars Plus	Gallagher Benefit Services	Higginbotham	Holmes Murphy	McGriff, Seibels & Williams of Texas	IPS Advisors, Inc.
COBRA Administration Services	Yes	No	No	No	No	No
Monthly/Quarterly Claims Analysis/Reporting	Yes	Yes	Yes	Yes	Yes	Yes
Strategic Planning Preparation	Yes	Yes	Yes	Yes	Yes	Yes
Compliance Information Portal/Newsletter	Yes	Yes	Yes	No	No	Yes
Conducts Annual Benefits/Compliance Audit	Yes	Yes	Yes	Yes	Yes	Yes
Available to Directly Assist Employees w/Claims	Yes	No	No	No	No	No
Annual Section 125 Plan Review	Yes	Yes	Yes	Yes	Yes	Yes
Prepare and Print Annual Benefit Statements	Yes	No <sup>1</sup>	No <sup>1</sup>	Yes	Yes	No <sup>1</sup>

<sup>1</sup> Can provide at an additional cost

<sup>2</sup> Passes printing costs on to the client

## INSURANCE BROKER COMPARISON (Cost)

Annual Base Contract Information	Benefits Seminar Plus	Gallagher Benefit Services	Higginbotham	Holmes Murphy	McGriff, Seibels & Williams of Texas	IPS Advisors, Inc.
Year 1	\$24,000	\$25,000	\$101,400 or \$71,580/Commission <sup>2</sup>	\$45,000	\$47,500	\$24,000
Year 2	\$24,000	\$35,000	Not Quoted	\$45,000	\$47,500	\$24,000
Year 3	\$24,000	\$36,750	Not Quoted	\$45,000	\$47,500	Not Quoted
Year 4	\$24,000	\$38,588 <sup>3</sup>	Not Quoted	Not Quoted	\$47,500	Not Quoted
Year 5	\$24,000	\$40,517 <sup>3</sup>	Not Quoted	Not Quoted	\$47,500	Not Quoted
Commission Fees in Addition to Monthly Retainer	No	Yes (on non-medical & dental) <sup>4</sup>	Yes <sup>2</sup>	Yes	Yes	No
Preparation of Employee Benefits Statements	Yes	Not included-at an additional fee	Yes	Yes	Yes	Yes (\$25 Per EE) \$8,450 Per Year+Printing <sup>1</sup>
Development of Open Enrollment Materials	Yes	Yes	Yes	Yes	Yes	Yes
Printing Fees	No	No	Yes (at Cost)	Yes (at Cost)	Yes (at Cost)	Yes (at Cost)
Travel Expense Fees	No	No	No	No	No	Yes (up to \$1,500/year)
Electronic Open Enrollment Fees	Included in Base	Not included-at an additional fee	Included in Base	Yes (offset by Commission)	Not Applicable	Yes (\$4.50 PEPM) \$18,252 per year <sup>1</sup>

<sup>1</sup>Calculation based on 338 employees

<sup>2</sup>Commission as follows: Medical 1.9% (\$3,450); Dental 4% (\$1,007); Vision 2.5% (\$35); Long Term Disability 12% (\$298); and Life, AD&D & Dependent Life; Voluntary Life; Stand Alone Voluntary and Voluntary Dependent Life 14% (\$1,175). Total monthly fee= \$5,965

<sup>3</sup>Originally not quoted in RFP. Quoted during interview.

<sup>4</sup> Not Disclosed

# Employee Benefit Broker Services

A Presentation to the City Council

February 11, 2014



# Time Line

- October 28, 2013- Request for Proposal Released
- November 25, 2013- Bids Due to Human Resources
- Six firms submitted bids
- Spoke to other cities using brokers-all satisfied
- Evaluation of Bids and Selection of Finalists
- Week of January 5, 2014-Interviews with Finalists
- Week of January 21, 2014-Reference Check Process
- February 11, 2014-City Council Presentation and Award of Contract



# The Process



# STEP ONE

## RFP Specifications Analysis

- Please refer to table labeled “**Benefit Broker/Consultant Comparison (Based on RFP Specifications)**”
- The RFP requested general information such as org charts, adequate insurance coverage, current financials, firm capabilities and history and firm staff professional bios
- For the most part, all firms were responsive to the RFP requirements
- Two firms failed to provide financial information
- General assessment- “All Firms are Capable”



# STEP TWO

## Thorough Review of Services Provided

- Refer to spreadsheet labeled “**INSURANCE BROKER COMPARISON (Services)**”
- The spreadsheet is broken down into two areas: *“Insurance Renewal Process included in Base Consulting Fee”* and *“Additional Service Options”*
- This section provides an overview of standard services provided by a broker for insurance renewal as well as other basic services provided as part of the base contract or as an “add-on” service with an additional cost.



# STEP THREE

## Selection of Finalists

- Based on analysis, Brokers provide a set of primary core services with the ability to “add –on” services for additional costs (See “Insurance Broker Comparison (Cost)” spreadsheet)
- Finalists were selected based on their ability to provide the primary core services and the variety of “add-on services” that closely mirror the current level of services at the most competitive price.



# Core & Add-On Services Finalists

ITEMS INCLUDED IN BASE CONSULTING FEE	Benefit Seminars Plus	Gallagher Benefit Services
<b>INSURANCE RENEWAL PROCESS</b>		
Prepares RFP and submits to Insurance Companies	Yes	Yes
Analyzes bids & presents information	Yes	Yes
Provides automated Open Enrollment process	Yes	No <sup>1</sup>
Attends Council and Employee Meetings	Yes	Yes
Printed Employee Information Packets Provided	Yes	Yes
<b>ADDITIONAL SERVICE OPTIONS</b>		
COBRA Administration Services	Yes	No
Monthly/Quarterly Claims Analysis/Reporting	Yes	Yes
Strategic Planning Preparation	Yes	Yes
Compliance Information Portal/Newsletter	Yes	Yes
Conducts Annual Benefits/Compliance Audit	Yes	Yes
Available to Directly Assist Employees w/Claims	Yes	No
Annual Section 125 Plan Review	Yes	Yes
Prepare and Print Annual Benefit Statements	Yes	No <sup>1</sup>

<sup>1</sup>Can provide at an additional cost



# Cost Projections

Annual Base Contract Information	Benefits Seminar Plus	Gallagher Benefit Services
Year 1	\$24,000	\$25,000
Year 2	\$24,000	\$35,000
Year 3	\$24,000	\$36,750
Year 4	\$24,000	\$38,588
Year 5	\$24,000	\$40,517
Commission Fees in Addition to Monthly Retainer	No	Yes (on non-medical & dental)
Preparation of Employee Benefits Statements	Yes	Not included-at an additional fee
Development of Open Enrollment Materials	Yes	Yes
Printing Fees	No	No
Travel Expense Fees	No	No
Electronic Open Enrollment Fees	Included in Base	Not included-at an additional fee



# Recommendation

Staff recommends Benefit Seminars Plus for the following reasons:

- RFP submittal included all relevant and requested information
- All core services pertaining to insurance renewal and add-on service options are included in the base retainer cost
- Cost of service is a straight retainer and includes no commissions built into insurance products resulting in increased broker fees and/or increased premium fees
- Rate does not increase over the five year contract period (five (1) year renewal options)
- Rate represents no increase over current rate for the next five years



# Questions?



# INSURANCE BENEFIT BROKER/CONSULTANT SERVICE AGREEMENT

This Service Agreement is dated as of January 29, 2014, by and between Benefit Seminars Plus, Inc. and City of Bedford (collectively the "Parties").

The Parties agree as follows:

## **1. SERVICES:**

The Consultant will perform the services described in the "Scope of Service" included in their Insurance Benefit Broker/Consultant Service Proposal submitted to the City of Bedford in November of 2013 per the City's instructions outlined in the RFP for Insurance Benefit Broker/Consultant Services. The services meet or exceed the requirements described in the City of Bedford RFP for Insurance Benefit Broker/Consultant Services dated October 28, 2013.

## **2. LENGTH OF SERVICE:**

The services described above shall commence on or before January 29, 2014. The term of this agreement shall be a period of twelve months (12) commencing on the date of this Agreement and shall be renewable on an annual basis at the discretion City of Bedford for an additional five (5), twelve month (12) periods. City of Bedford and Benefit Seminars Plus have the right to terminate this agreement with a thirty day (30) written notice to either Party.

## **3. PAYMENT:**

The City of Bedford shall pay Benefit Seminars Plus, Inc. Two thousand dollars (\$2,000.00) per month. Payments are due on the first (1<sup>st</sup>) of each month and considered late after thirty days (30).

**4. Other Expenses:** No other expenses

## **5. General Provisions:**

- (a) All work shall be completed in a workmanship like manner.
- (b) To the extent required by law all work shall be performed by individuals duly licensed and authorized by law to perform the work.
- (c) Benefit Seminars Plus, Inc. warrants that it is adequately insured.

(d) In the event City of Bedford shall fail to pay any periodic payment due hereunder, Benefit Seminars Plus may cease work without breach pending payment or resolution of dispute.

(e) Any delay or failure in the performance by either Party hereunder shall be excused if and to the extent caused by the occurrence of a Force Majeure. For purposes of this Agreement, Force Majeure shall mean a cause or event that is not reasonably foreseeable or otherwise caused by or under the control of the Party claiming Force Majeure, including acts of God, fires, floods, explosions, riots, wars, hurricane, sabotage terrorism, vandalism, accident, injunctions, labor strikes, other than those of Consultant or its suppliers, that prevent Consultant from furnishing the materials or equipment, and other like events that are beyond the reasonable anticipation and control of the Party affected thereby, despite such Party's reasonable efforts to prevent, avoid, delay, or mitigate the effect of such acts, events or occurrences, and which events or the effects thereof are not attributable to a Party's failure to perform its obligations under this Agreement.

(f) Benefit Seminars Plus, Inc. is an independent contractor and not an employee of City of Bedford.

(g) Any changes to this document must be signed by both Benefit Seminars Plus, Inc. and City of Bedford.

**CITY OF BEDFORD:**

**BENEFIT SEMINARS PLUS, INC:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Title (if applicable)

\_\_\_\_\_  
Title (if applicable)



## *Scope of Service for City of Bedford*

As the Insurance Benefit Broker/Consultant for City of Bedford, BSP provides these services in conjunction with all City of Bedford's insurance benefit programs for employees, retirees and their dependents:

- A) Perform ongoing analyses of the current health (and other) benefit programs to determine effectiveness of service as related to cost and identify any areas of improvement. Plan designs will be carefully reviewed so recommendations for change are appropriate and effective in assisting the City of Bedford to achieve their budgetary goals and remain competitive in the marketplace. Examples of change include (but are not limited to) the introduction of dual option choices, changes to deductibles and copay restructuring. Any changes will be carefully considered prior to implementation for alignment with City benefit philosophy.
- B) Assist City of Bedford in periodically reviewing and analyzing alternative approaches to its overall benefits program, including health reimbursement accounts, health savings accounts, cafeteria plans, self-funded, partially self-funded and fully insured plans.
- C) Determine the effectiveness of the current self-funded plan versus fully insured and other funding arrangements and annually evaluate the financial impact based on actual experience.
- D) Prepare RFP's for all insurance benefit plans scheduled to expire (whether the City is interested in a change in carriers or not). The marketing process is comprehensive, broad in scale and in accord with all applicable state public purchasing statutes and City of Bedford purchasing policies. All funding arrangements are requested and considered including fully insured, self-funded and partially self-funded. All carriers will have an A- or better financial rating with A.M. Best.
- E) Attend planning meetings, proposal openings and as many evaluation meetings as necessary to assist the City in making decisions that insure they receive the most value for their benefit dollar. Comparative analyses of current plan versus proposed plan benefits include premium rates/costs, co-pays, deductibles, formulary categorical inclusions/exclusions (e.g., generic, brand, non- brand and mail order), hospital and physician or dentist provider networks/disruptions, financial ratings/conditions, customer service ratings/statistics, references, and/or such other relevant data and information as will help City of Bedford make fact-based and informed decisions.
- F) Based on the data and analysis, and as directed by City of Bedford administrative staff BSP will negotiate aggressively with one or more benefit providers regarding premium rates, plan components and other elements of their proposals. BSP will work diligently until the absolute "best and final offer" is available for recommendation by City of Bedford's administrative staff to City of Bedford's Council.
- G) Prepare customized illustrations and spreadsheets for the City of Bedford to determine the financial impact to employees and the City if there are changes to plan design or premium contribution levels.
- H) Assist City of Bedford administrative staff in every step of the implementation of all group benefits plans from final negotiations, making application and reviewing all enrollment data, contracts and certificates for accuracy. Changes are communicated to employees in a variety



of formats including meetings, custom handouts and a customized online website to maximize employee participation.

- I) If a transition of insurance carriers is called for, BSP will draft the formal termination letters to carriers whose contracts will end. Data transfer to insure accurate eligibility and deductible/coinsurance credit is performed by BSP.
- J) Online enrollment is provided at open enrollment as well as during the year. Employees can access information, make changes, track time off and compare benefit programs. The City can communicate important messages at any time on their site which is customized for the City. Reports can be run at any time and data can be formatted many different ways to meet the needs of payroll, insurance companies or other entities that need access to this information. Benefit SeminarsPLUS+ loads all the benefit plan information for the City and customizes the site to look and feel like the City of Bedford's own HR site.
- K) Participate in all phases of any carrier transition, by reviewing applications for accuracy, formatting employee information to reduce data entry errors, following through with ID card and contract/SPD delivery and accuracy of billing.
- L) During and after the open enrollment process BSP creates custom communication handouts that are attractive and easy to understand that can be easily accessed on the City's custom HR website.
- M) Act as City of Bedford's employee advocate to resolve provider billing problems, claims concerns, employee, retiree and COBRA benefits questions and issues and any other insurance related problems and questions. An 800 # is provided for all City of Bedford employees convenience. Service is bilingual in Spanish and English. Calls are made to carriers, providers, collection agencies and billing offices on behalf of employees to improve productivity, protect privacy and reduce frustration. Access is also available 24/7 through our website: [www.bsplus.com](http://www.bsplus.com). Employees' calls are logged into a state-of-the art network computer system. The system tracks all customer service calls. These conversations and their resolutions are maintained as history with an automated tickle back system to doctors, hospitals and insurance companies. These files are easily downloaded for review by the City of Bedford.
- N) Claims history is provided to the City on a monthly basis. These reports are monitored throughout the year and periodically reviewed with carrier(s). The data includes claims counts and claims amounts paid by diagnostic category, pharmacy utilization by drug category and more.
- O) COBRA services are available to the City of Bedford at no extra cost.
- P) Benefit programs to be serviced include Pharmacy Benefits Management; Health, Dental, Employee Assistance Program, HRA/HSA, Basic and Voluntary Life/AD&D Programs, Long Term Disability, Section 125, Wellness and other Voluntary Benefit Programs such as Long Term Care Program and follow BSP processes and procedures.



- Q) Assist in compliance with all state and federal laws that affect benefits. City of Bedford is informed of legislative changes, labor and benefit issues on an ongoing basis through a robust online HR library, ThinkHR. In addition to weekly (or more frequent) electronic alerts, City of Bedford key employees can access thousands of forms, documents, tools, checklists and templates online. There are over 200 on demand courses available on subjects that are not limited to but include employment, safety, harassment, environmental issues and wellness. If specific questions arise, licensed HR professionals are available both telephonically and electronically. This tool saves valuable time and thousands of dollars that could be spent researching and paying for expensive legal counsel.
- R) Provide customized annual benefit statements for each employee showing the value of all City of Bedford paid benefits and the relationship to their salary. Statements will clarify employees' understanding of City of Bedford's subsidy of their benefits and the "hidden paycheck" these benefits provide. The communication materials are practical and easy to understand.
- S) Design all inclusive new hire and open enrollment communication handouts showing all benefits and costs in a brochure format. The message combines information about benefits and a secondary theme that promotes City of Bedford as a benefit sensitive work environment focused on the well-being and the financial stability of their employees.
- T) Organize and participate in health and benefit fair events to inform and educate City of Bedford employees and retirees regarding fitness/exercise, weight loss/proper dieting, healthy eating, smoking cessation, and other similar topics.

## **BUSINESS ASSOCIATE AGREEMENT**

This Business Associate Agreement is entered into between the City of Bedford (“Covered Entity”) and Benefit Seminars Plus, Inc. (“Business Associate”) for the purposes of insuring that Business Associate will take the same precautions the Covered Entity is required to take under federal and state law in order to keep patient health care information private. All provisions of this Agreement will be read and interpreted in a manner that will further effectuate patient privacy and meeting all federal and state requirements, either as currently exist or as may be amended from time to time and Benefits Seminars Plus, Inc. is a “Business Associate” of the City of Bedford and the City of Bedford is a “Covered Entity” as those terms are defined in HIPAA and the HIPAA Regulations;

This Business Associate Agreement (“this Agreement”) between the Covered Entity and Business Associate is effective \_\_\_\_\_ (the “Effective Date”);

**WHEREAS**, Covered Entity and Business Associate intend for this Agreement to establish certain requirements needed to protect the privacy and provide for the confidentiality, integrity and availability of Protected Health Information (“PHI”) disclosed by Covered Entity to Business Associate, or collected or created by the Business Associate pursuant to services provided pursuant to the engagement of Business Associate, in compliance with HIPAA, and the regulations thereunder, including, without limitation, the HIPAA Regulations; and the Health Information Technology for Economic and Clinical Health Act, part of the American Recovery and Reinvestment Act of 2009, (the “HITECH Act”) and its regulations and guidance issued by the Secretary of the Department of Health and Human Services (the “Secretary”), and the Genetic Information Nondiscrimination Act; Other Modifications to the HIPAA Rules; and the Texas Medical Records Privacy Act found in Chapter 181 of the Texas Health and Safety Code, and all other applicable federal and state laws, as may be amended from time to time and this Agreement establishes such legal requirements for the relationship between the Business Associate the Covered Entity, including certain obligations arising from the federal and state laws and all applicable regulations, including but not limited to those set out above; and

**WHEREAS**, the Covered Entity and the Business Associate are parties to an agreement for services pursuant to which the Business Associate will provide services for the Covered Entity and, in connection with the provision of those services, the Covered Entity may disclose to the Business Associate certain PHI (as defined in 45 C.F.R. §160.103), that is subject to protection under HIPAA and the HIPAA Regulations and other state and federal laws;

**WHEREAS**, pursuant to the HIPAA Regulations, the Covered Entity and the Business Associate must agree in writing to certain mandatory provisions regarding the Use and Disclosure of PHI;

**WHEREAS**, the purpose of this Agreement is to comply with the requirements of the HIPAA Regulations, including, without limitation, the Business Associate Agreement requirements regarding Individual rights with respect to PHI, requirements regarding the Use and Disclosure of PHI, and regulations safeguarding the confidentiality, integrity and availability of PHI that it maintains or transmits in an electronic format (“ePHI”); and

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

Obligations of and Requirements for Business Associate.

(a) Permitted Uses and Disclosures. Business Associate shall only use or disclose PHI for the purposes of (i) performing Business Associate's obligations pursuant to services provided by Business Associate pursuant to the "Insurance Benefit Broker/Consultant Service Agreement" including all referenced documents, including, but not limited to the Insurance Benefit Broker/Consultant Service Proposal submitted by Business Associate to the City of Bedford and the Request for Proposal issued by the City of Bedford; or (ii) as permitted or required by law; or (iii) as otherwise permitted by this Agreement.

Business Associate shall not use or further disclose PHI other than as permitted or required by this Agreement or as required by law. Business Associate shall not use or disclose PHI in any manner that would constitute a violation of HIPAA, the HIPAA Regulations, the HITECH Act or the Texas Medical Records Privacy Act, if so used by Covered Entity, except that, as provided by 45 C.F.R. § 164.504(e), Business Associate may use PHI (i) for the proper management and administration of Business Associate; and (ii) to carry out the legal responsibilities of Business Associate, if the disclosure is required by law or the Business Associate obtains reasonable assurances, including a written agreement, from the person to whom the information is disclosed that it will be held confidentially and used or further disclosed only as required by law or for the purpose for which it was disclosed to the person and the person notifies the Business Associate of any instances of which it is aware in which the confidentiality of the information has been breached.

Business Associate may Disclose PHI for the proper management and administration of Business Associate, to carry out its legal responsibilities or for Payment as specified in 45 C.F.R. § 164.506. To the extent required by law, Business Associate shall obtain a written agreement from the person to whom the PHI is to be Disclosed that such person will hold the PHI in confidence and will not Use and further Disclose such PHI except as required by law or for the purpose(s) for which it was Disclosed by Business Associate to such person, and that such person will notify Business Associate of any instances of which it is aware in which the confidentiality of the PHI has been Breached.

Business Associate may provide data aggregation services relating to the health care operations of the covered entity.

(b) Appropriate Safeguards. Business Associate shall implement administrative, physical, and technical safeguards that (i) reasonably and appropriately protect the confidentiality, integrity, and availability of electronic PHI that it creates, receives, maintains or transmits on behalf of Covered Entity, and (ii) prevent the Use or Disclosure of PHI other than as contemplated by Covered Entity pursuant to the services provided by Business Associate and this Agreement

(c) Compliance with Security Provisions. Business Associate shall (i) use appropriate safeguards to prevent the use or disclosure of PHI other than as permitted by Covered Entity and this Agreement; (ii) implement and maintain reasonable and appropriate administrative safeguards, as required by 45 C.F.R. §164.308, physical safeguards, as required by 45 C.F.R. §164.310, and technical safeguards, and as required by 45 C.F.R. §164.312, that protect the confidentiality, integrity and availability of ePHI that it creates, receives, maintains or transmits on behalf of Covered Entity; (iii) implement and document reasonable and appropriate policies and procedures as required by 45 C.F.R. § 164.316; (iv) appropriately safeguard ePHI in accordance with the standards specified at 45 C.F.R. § 164.314(a); (v) utilize device and media controls and encrypt ePHI as further described in Section 2(f); and (vi) comply with HIPAA, HIPAA Regulations, the HITECH Act and the Texas Medical Records Privacy Act requirements related to the confidentiality, the integrity and availability of PHI.

(d) Compliance with Privacy Provisions. Business Associate shall only Use and Disclose PHI in compliance with each applicable requirement of 45 C.F.R. § 164.504(e). Business Associate shall comply with all requirements of HIPAA, HIPAA Regulations, the HITECH Act related to privacy and applicable as if Business Associate were a “covered entity,” as such term is defined in HIPAA. To the extent Business Associate is to carry out one or more of Covered Entity’s obligation(s) under Subpart E of 45 C.F.R. Part 164, Business Associate shall comply with the requirements of Subpart E that apply to Covered Entity in the performance of such obligation(s).

(e) Duty to Mitigate. Business Associate agrees to mitigate, to the extent practicable and mandated by law, any harmful effect that is known to Business Associate of a Use or Disclosure of PHI by Business Associate in violation of the requirements of this Agreement. Business Associate agrees that it will be solely responsible for the cost of any and all mitigation and corrective action required by the Secretary or the Texas Office of the Attorney General.

(f) Training. Business Associate agrees to provide appropriate training for its employees. Such training shall address federal and State law as it relates to the Covered Entity’s course of business regarding PHI, each employee’s scope of employment regarding PHI, safeguarding Individual rights afforded by HIPAA Regulations, compliance with Business Associate’s security policies and detecting and reporting a Security Incident. Pursuant to section 181.101 of the Texas Medical Records Privacy Act, Business Associate agrees to complete training for new employees within sixty (60) calendar days of the employee’s hire by Business Associate and complete training for current employees at least every two (2) years.

#### Reporting.

(a) Security Incidents and/or Unauthorized Use or Disclosure. Business Associate shall report to Covered Entity a Security Incident or any Use and/or Disclosure of PHI other than as provided for by this Agreement or permitted by applicable law within a reasonable time of becoming aware of such Security Incident and/or unauthorized Use or Disclosure but not later than ten (10) business days thereafter, in accordance with the notice provisions set forth herein. Business Associate shall take (i) prompt action to cure any such deficiencies as reasonably requested by Covered Entity, and (ii) any action pertaining to such Security Incident and/or unauthorized Use or Disclosure required by applicable federal and State laws and regulations. If such successful Security Incident or unauthorized Use or

Disclosure results in a Breach as defined in the HITECH Act, then Covered Entity shall comply with the requirements of Section 3(b) below.

(b) Breach of Unsecured PHI. The provisions of this Section are effective with respect to the Discovery of a Breach of Unsecured PHI occurring on or after September 23, 2009. With respect to any unauthorized access, acquisition, Use or Disclosure of Covered Entity's PHI by Business Associate, its agents or subcontractors, Business Associate shall (i) investigate such unauthorized acquisition, access, Use or Disclosure; (ii) determine whether such unauthorized access, acquisition, Use or Disclosure constitutes a reportable Breach under the HITECH Act; and (iii) document and retain its findings under clauses (i) and (ii) for a minimum of six (6) years. If the Business Associate Discovers that a reportable Breach has occurred, Business Associate shall notify Covered Entity of such reportable Breach in writing within ten (10) business days of the date Business Associate Discovers such Breach. Business Associate shall be deemed to have discovered a Breach as of the first day that the Breach is either known to Business Associate or any of its employees, officers or agents, other than the person who committed the Breach, or by exercising reasonable diligence should have been known to Business Associate or any of its employees, officers or agents, other than the person who committed the Breach. To the extent the information is available to Business Associate, Business Associate's written notice shall include the information required by 45 C.F.R. § 164.410 and Texas Business and Commerce Code § 521.053. Business Associate shall promptly supplement the written report with additional information regarding the Breach as it obtains such information. With respect to such Breach, Business Associate shall cooperate with Covered Entity in meeting the Covered Entity's obligations under the HITECH Act or Chapter 521 of the Texas Business and Commerce Code, the "Identity Theft Enforcement and Protection Act," as applicable.

#### Business Associate's Agents.

To the extent that Business Associate uses one or more subcontractors or agents to provide services related to those provided to Covered Entity, and such subcontractors or agents receive or have access to PHI, Business Associate shall sign an agreement with such subcontractors or agents containing substantially the same provisions as this Agreement.

#### Rights of Individuals.

(a) Access to PHI. Within ten (10) business days of receipt of a request by Covered Entity, Business Associate shall make an Individual's PHI maintained in a Designated Record Set available to Covered Entity or, as directed by Covered Entity, to such Individual to enable Covered Entity to fulfill its obligations under 45 C.F.R. § 164.524 and Texas Health and Safety Code § 181.102. Subject to Section 5(b) below, (i) in the event that any Individual requests access to PHI directly from Business Associate in connection with a routine billing inquiry, Business Associate shall directly respond to such request pursuant to 45 C.F.R. § 164.524; and (ii) in the event such request appears to be for a purpose other than a routine billing inquiry, Business Associate shall forward a copy of such request to Covered Entity and shall fully cooperate with Covered Entity in responding to such request. In either case, a denial of access to requested PHI shall not be made without the prior written consent of Covered Entity.

(b) Access to Electronic Health Records. If Business Associate uses or maintains ePHI on behalf of Covered Entity then, to the extent an Individual has the right to request a copy of ePHI pursuant

to 45 C.F.R. § 164.524 and makes such a request directly to Business Associate, Business Associate shall provide such Individual with a copy of ePHI in an electronic format and, if the Individual gives authorization, transmit such copy directly to an entity or person designated by the Individual. At Covered Entity's request, Business Associate shall provide Covered Entity with a copy of an Individual's PHI maintained in an electronic format within ten (10) business days of the Individual's request to allow Covered Entity to comply with 45 C.F.R. § 164.524(b), as amended by the HITECH Act, or the Texas Medical Records Privacy Act § 181.102(a).

(c) Amendment of PHI. Business Associate agrees to make any amendment(s) to PHI in a Designated Record Set to which the Covered Entity agrees, pursuant to a Covered Entity's or an Individual's request made under 45 C.F.R. § 164.526 within twenty (20) calendar days of the Individual's request. If Covered Entity does not agree to make such an amendment, Business Associate agrees to include a statement of disagreement should an Individual submit a request to Covered Entity.

(d) Accounting of Disclosures of Electronic Health Records. Business Associate shall maintain an accounting of any Disclosures made unless such Disclosure was made for Treatment, Payment or Health Care Operations. Such accounting shall include (i) the date of the disclosure; (ii) the name of the entity or person who received the protected health information and, if known, the address of such entity or person; (iii) a brief description of the PHI disclosed; and (iv) a brief statement of the purpose of the disclosure that reasonably informs the Individual of the basis for the disclosure; or, in lieu of such statement, a copy of a written request for a disclosure.

(e) Accounting Rights. Business Associate shall make available to Covered Entity, in response to a request from an Individual or an Individual's legally authorized representative, information required for an accounting of disclosures of PHI with respect to the Individual, in accordance with 45 C.F.R. § 164.528, incorporating exceptions to such accounting designated under such regulation. Such accounting is limited to disclosures that were made in the six (6) years prior to the request and is not required to include any disclosures that were made prior to the compliance date of the HITECH Act. In response to such request, Business Associate agrees to provide (i) the date of the disclosure; (ii) the name of the entity or person who received the protected health information and, if known, the address of such entity or person; (iii) a brief description of the PHI disclosed; and (iv) a brief statement of the purpose of the disclosure that reasonably informs the Individual of the basis for the disclosure; or, in lieu of such statement, a copy of a written request for a disclosure within twenty (20) calendar days of Covered Entity's request. Upon request by Covered Entity, Business Associate shall provide such accounting to Covered Entity within twenty (20) calendar days of the Individual's request. Such accounting must be provided without cost to Covered Entity if it is the first accounting requested by an Individual within any twelve (12) month period; however, a reasonable, cost-based fee may be charged for subsequent accountings if Business Associate informs the Covered Entity to advance written notice of the fee to allow the Individual or the Individual's legally authorized representative an opportunity to withdraw or modify the request. These accounting obligations shall survive termination of this Agreement and shall continue as long as Business Associate maintains PHI created by Covered Entity.

(f) Agreement to Restrict Disclosure. If Covered Entity is required to comply with a restriction on the Disclosure of PHI pursuant to Section 13405 of the HITECH Act, then Covered Entity

shall, to the extent necessary to comply with such restriction, provide written notice to Business Associate of the name of the Individual requesting the restriction and the PHI affected thereby. Upon receipt of such notification, Business Associate shall not Disclose the identified PHI to any health plan for the purposes of carrying out Payment or Health Care Operations, except as otherwise required by law. Covered Entity shall also notify Business Associate of any other restriction to the Use or Disclosure of PHI that Covered Entity has agreed to in accordance with 45 C.F.R. § 164.522(a).

(g) Agreement to Make Confidential Communications. Business Associate agrees to abide by any reasonable request from an Individual to receive communications of PHI by alternative means to which Covered Entity agrees, pursuant to a Covered Entity's or an Individual's request made under 45 C.F.R. § 164.522(b). Upon receipt of such notification, Business Associate shall communicate with Individual via the alternative means specified by Covered Entity. A Business Associate shall not seek an explanation from the Individual as to the basis for the request as a condition of providing communications on a confidential basis.

(h) Agreement to Obtain Consent to Re-identify an Individual. Business Associate agrees that it shall not re-identify or attempt to re-identify an Individual who is the subject of any PHI without obtaining the Individual's consent or authorization.

#### Remuneration and Marketing.

(a) Remuneration for PHI. Business Associate agrees that it shall not, directly or indirectly, receive remuneration in exchange for any PHI of Covered Entity without obtaining the Individual's consent or authorization as required under Texas Health and Safety Code § 181.152.

(b) Limitations on Use of PHI for Marketing Purposes. Business Associate shall not Use or Disclose PHI for the purpose of making a communication about a product or service that encourages recipients of the communication to purchase or use the product or service, unless Covered Entity or the Business Associate obtains clear and unambiguous permission in written or electronic form to Use or Disclose PHI for any marketing communication. Such permission is not required if the communication is: (i) in the form of a face-to-face communication to an Individual; (ii) in the form of a promotional gift of nominal value provided by the Business Associate; or (iii) necessary for administration of a patient assistance program or other prescription drug savings or discount program. If such permission is obtained, the Business Associate Uses or Discloses PHI to send a written marketing communication through the mail, the communication must be sent in an envelope showing only the names and addresses of sender and recipient and must state the name and toll-free number of the entity sending the marketing communication and explain the recipient's right to have the recipient's name removed from the sender's mailing list. Upon receipt of a request to remove a person's name from a mailing list, the Business Associate shall remove the person's name within thirty (30) calendar days of Business Associate's receipt of such request. A Business Associate that makes a marketing communication pursuant to an Individual's oral request may only make such a communication if clear and unambiguous oral permission for the Use or Disclosure of the PHI is obtained. The marketing communication must be limited to the scope of the oral permission and any further marketing communication must comply with the requirements of Texas Health and Safety Code § 181.152.

Governmental Access to Records.

Business Associate shall make its internal practices, books and records relating to the Use and Disclosure of PHI available to the Secretary for purposes of determining Covered Entity's compliance with the HIPAA Regulations and the HITECH Act. Except to the extent prohibited by law, Business Associate agrees to notify Covered Entity of all requests served upon Business Associate for information or documentation by or on behalf of the Secretary. Business Associate shall provide to Covered Entity a copy of any PHI that Business Associate provides to the Secretary concurrently with providing such PHI to the Secretary.

Minimum Necessary.

To the extent required by the HITECH Act, Business Associate shall limit its Use, Disclosure or request of PHI to the Limited Data Set or, if needed, to the minimum necessary to accomplish the intended Use, Disclosure or request, respectively. Effective on the date the Secretary issues guidance on what constitutes "minimum necessary" for purposes of the HIPAA Regulations, Business Associate shall limit its Use, Disclosure or request of PHI to only the minimum necessary as set forth in such guidance.

State Privacy Laws.

Business Associate shall comply with laws of the State of Texas that are More Stringent than HIPAA Regulations because the laws provide greater privacy protections for PHI or provide greater rights to individuals with respect to PHI, including without limitation the Texas Medical Records Privacy Act, chapter 181 of the Texas Health and Safety Code and the Identity Theft Enforcement and Protection Act, chapter 521 of the Texas Business and Commerce Code.

Termination.

(a) Breach by Business Associate. Business Associate authorizes termination of this Agreement by Covered Entity, if Covered Entity determines Business Associate has violated a material term of this Agreement or if Covered Entity finds a violation of Business Associate's obligations under this Agreement. Covered Entity may notify Business Associate and request that Business Associate take reasonable steps to cure such breach or end such violation prior to termination. Upon written notice to Business Associate, Covered Entity may terminate its relationship with Business Associate upon written notice to Business Associate, if Business Associate fails to take such steps or Business Associate's efforts to cure such breach or end such violations are not possible or are unsuccessful.

(b) Effect of Termination. Upon termination of this Agreement for any reason, Business Associate shall either return or destroy all PHI that Business Associate maintains in its scope as a Business Associate as of the Effective Date of this Agreement. If Covered Entity requests that Business Associate return PHI, such PHI shall be returned in a format and timeframe as mutually agreed upon. If Business Associate reasonably determines that return or destruction is infeasible, Business Associate shall continue to extend the protections of this Agreement to such PHI, and limit further Use and Disclosure of such PHI to those purposes that make the return or destruction of such PHI infeasible. If Business Associate is asked to destroy the PHI, Business Associate shall destroy PHI in a manner that renders the PHI Unusable, Unreadable or indecipherable to unauthorized individuals as specified in the HITECH Act.

Indemnification.

Business Associate agrees to indemnify and hold Covered Entity, its officers, employees, and agents harmless from any and all liabilities and costs, and against any claim, suit, fine, or damages, including loss of profits, reasonable attorneys' fees, or interest, or any incidental, indirect, special, or consequential damages incurred as a result of any loss or damage due to a violation of local, State or federal laws, including but not limited to HIPAA, HIPAA Regulations, the HITECH Act, the Texas Medical Records Privacy Act or any other laws or regulations relating to medical record privacy, the security or confidentiality of PHI or consumer rights, provided, however, that such indemnification is limited to Business Associate's negligent failure to substantially comply with a governmental requirement cited herein.

#### Amendment of This Agreement.

The parties acknowledge that State and federal laws relating to data security and medical record privacy are rapidly evolving and that amendment of this Agreement may be required to ensure compliance with such developments. The parties specifically agree to take such action as is necessary to implement any new or modified standards or requirements of HIPAA, the HIPAA Regulations, the HITECH Act, the Texas Medical Records Privacy Act and other laws or regulations relating to the medical record privacy, the security or confidentiality of PHI or consumer rights. Upon the request of Covered Entity, Business Associate agrees to promptly enter into negotiation concerning the terms of an amendment to this Agreement incorporating any such changes.

#### Audit and Inspection Rights.

Business Associate agrees to make its internal policies and procedures relating to the Use and Disclosure of PHI and the Security of ePHI, practices, books and records available to Covered Entity, or, at the request of Covered Entity, to the Secretary, the Texas Office of the Attorney General, or any officer employee to whom the Secretary or has delegated such authority for the purpose of determining Covered Entity's compliance with the HIPAA Regulations and/or the Texas Medical Records Privacy Act, as applicable. Such information shall be made available in a time and manner designated by Covered Entity, the Secretary or the Texas Office of the Attorney General.

#### No Third Party Beneficiaries.

Nothing express or implied in this Agreement is intended to confer, nor shall anything herein confer, upon any person other than Covered Entity, Business Associate and their respective successors or assigns, any rights, remedies, obligations, or liabilities whatsoever.

#### Definitions.

Capitalized terms used herein without definition shall have the meanings ascribed to them in HIPAA, the HIPAA Regulations or the HITECH Act, as applicable unless otherwise defined herein.

#### Survival.

The provisions of this Agreement shall survive the termination or expiration of the termination of the attorney-client relationship to the extent that Business Associate still maintains PHI created by Business Associate.

Interpretation.

This Agreement shall be interpreted as broadly as necessary to implement and comply with HIPAA, the HIPAA Regulations and the HITECH Act. The parties agree that any ambiguity in this Agreement shall be resolved in favor of a meaning that complies and is consistent with such laws.

Governing Law.

This Agreement shall be construed in accordance with the laws of the State of Texas. Venue for any cause of action arising from this Agreement shall be in Tarrant County, Texas.

Notices.

All notices required or permitted under this Agreement shall be in writing and sent to the other party as directed below or as otherwise directed by either party, from time to time, by written notice to the other. All such notices shall be deemed validly given upon receipt of such notice by certified mail, postage prepaid, facsimile transmission, e-mail or personal or courier delivery:

If to Covered Entity:           City of Bedford  
  Jill McAdams  
  Human Resources Director  
  2000 Forest Ridge Drive  
  Bedford, TX  
  (817) 952-2167  
  [Jill.Mcadams@bedfordtx.gov](mailto:Jill.Mcadams@bedfordtx.gov)

If to Business Associate:   \_\_\_\_\_   
  Attn: HIPAA Security Officer

**IN WITNESS WHEREOF**, the parties hereto have agreed to be bound by the terms of this Agreement as part of the legal services provided by Business Associate, evidenced by the signatures below through each party's duly authorized representative as of the Effective Date.

City of Bedford (Covered Entity)

\_\_\_\_\_  
City Manager  
Date: \_\_\_\_\_

\_\_\_\_\_ (Business Associate)

\_\_\_\_\_  
Date: \_\_\_\_\_



# Council Agenda Background

**PRESENTER:** Jill McAdams, *SPHR*  
HR Director

**DATE:** 02/11/14

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

**ITEM:**

Consider a resolution of the City Council of the City of Bedford, Texas declaring that the City of Bedford is a hybrid entity for purposes of the Health Insurance Portability and Accountability Act (HIPAA); designating the City's health care covered components; designating HIPAA privacy and security officers; providing for severability; and providing an effective date.

**City Attorney Review:** Yes

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

**DISCUSSION:**

A municipality that qualifies as a "covered entity" under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) must comply with the requirements of HIPAA for the protection of protected health information (PHI). For municipalities, two possible functions may make the governmental entity a HIPAA "covered entity": (1) a health plan and/or (2) a health care provider that electronically transmits health information in connection with a HIPAA transaction. "Covered entities" must comply with HIPAA requirements.

The HIPAA Privacy Rule permits an entity, such as a municipality, to separate its "covered entity" functions from its "non-covered entity" functions so that only the "covered entity" functions are required to comply with the HIPAA regulations. This separation of HIPAA-governed functions creates a "hybrid entity."

It is important for the City of Bedford to become a "hybrid entity" so that the departments that possess medical information on citizens, but do not perform "health plan functions" or "medical provider functions," will not be required to protect medical information in compliance with HIPAA. Further, if the governmental entity constitutes a "covered entity" or performs a "covered entity" function and has not made a "hybrid entity" designation, then the entire organization, including all of the departments, is required to comply with HIPAA. Examples of this may include, but are not limited to:

- The Police Department (which generally does not perform "covered entity" functions) would have to secure and protect incident reports containing medical information under HIPAA.
- Detention Services, if they dispense medication or have a notation referring to a prisoner's medical condition, would have to comply with HIPAA.
- The Dispatch (911) Division (which dispatches police, fire and ambulance services) would also have to comply because it has data about the medical information of individuals.

There are a number of requirements for a covered entity, including administrative, organizational, physical safeguards, security and technological safeguards. In addition, there are record keeping requirements and training requirements, as well as the possibility of producing records in response to a complaint or investigation. If the hybrid designation is made, it would limit the functions subject to those requirements. The designation requires that the City examine its functions to see what functions must be included in such a designation. HR Staff, in conjunction with the City Attorney's office, conducted a review of the requirements of HIPAA and the functions within the City and/or performed by the City and developed a resolution for Council to adopt declaring the City of Bedford as a "hybrid entity" under HIPAA.

Adoption of this resolution is a best practice and, in the event that there is a HIPAA audit by the Health and Human Services Department, the City is protected from potential fines associated with non-compliance that would otherwise be excluded due to the “hybrid entity” status.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution of the City Council of the City of Bedford, Texas declaring that the City of Bedford is a hybrid entity for purposes of the Health Insurance Portability and Accountability Act (HIPAA); designating the City’s health care covered components; designating HIPAA privacy and security officers; providing for severability; and providing an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution

RESOLUTION 14-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS DECLARING THAT THE CITY OF BEDFORD IS A HYBRID ENTITY FOR PURPOSES OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA); DESIGNATING THE CITY'S HEALTH CARE COVERED COMPONENTS; DESIGNATING HIPAA PRIVACY AND SECURITY OFFICERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, the City of Bedford, Texas ("City") is a home rule city pursuant to the provisions of Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,**

**WHEREAS, the requirements of the Health Insurance Portability and Accountability Act of 1996 and the Health Information Technology for Economic and Clinical Health Act ("HITECH" Act) and the regulations passed pursuant to those Acts require entities that provide certain "covered entity" functions to follow the requirements of those statutes and regulations in regard to matters relating to the privacy and security of medical records and health information; and,**

**WHEREAS, The City of Bedford has always respected the privacy of such medical information and fully intends to follow all federal and state laws in regard to such information, including, but not limited to, HIPAA, HITECH Act, the Texas Medical Records Privacy Act, and the Texas Identity Theft Enforcement and Protection Act; and,**

**WHEREAS, HIPAA allows a single legal entity such as the City, to be a "Hybrid Entity," as defined in the regulations (45 C.F.R. §164.103) as a "single legal entity": (1) That is a covered entity; (2) Whose business activities include both covered and non-covered functions; and (3) that designates health care components in accordance with paragraph §164.105(A) (2) (III) (C)"; and,**

**WHEREAS, the City of Bedford is responsible for designating the components that are part of one or more health care components of the covered entity and documenting the designation, provided that, if the covered entity designates a health care component or components, it must include any component that would meet the definition of covered entity if it were a separate legal entity. Health care components also include a component only to the extent that it performs: (1) Covered functions; or (2) Activities that would make such components a business associate of a component that performs covered functions if the two components were separate legal entities; and,**

**WHEREAS, the City Council of the City of Bedford, Texas finds that it is appropriate for the City to be declared a "Hybrid Entity" and to formally designate its health care components in compliance with 45 C.F.R. §164.105.(a)(2)(iii)(C); and,**

**WHEREAS, the City has made an assessment of its different functions for the purpose of ascertaining the applicability of HIPAA requirements to that function and the City has set forth the positions which carry out those functions that create, transmit, use or maintain health information and which are to be designated as health care components; and,**

**WHEREAS, 45 C.F.R. §164.530 requires the City to designate a privacy official who is responsible for the development and implementation of the policies and procedures of the entity and the Deputy Chief/EMS-Emergency Management is the designated Privacy Officer for HIPAA compliance in regard to public safety functions, including ambulance services, as set forth more fully herein, and the Human Resources Director is the designated Privacy Officer in regard to HIPAA compliance for administrative and health plan functions, and the designated Privacy Officer for the Kaner Medical Group is the Privacy Officer for the City of Bedford's Employee Health and Wellness Clinic insofar as it provides medical services to, or engages in, healthcare operations for the City of Bedford; and,**

**WHEREAS, as a “Hybrid Entity,” the City will meet its ongoing responsibilities to establish and maintain ongoing policies, procedures, training and business practices to meet the requirements set forth by HIPAA and HITECH.**

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

**SECTION 1. That the statements set forth above are true and correct and are adopted and incorporated as if set forth in full.**

**SECTION 2. That the City Council hereby designates the City as a “Hybrid Entity.”**

**SECTION 3. That the City Council hereby designates the following components which are part of one or more healthcare components of the City and documenting the designation, as required by 45 C.F.R. §164.105(a) (2) (iii) (C), as follows:**

- **Emergency medical service as provided by the Fire or Police Department;**
- **Dispatch services and technology services, but only as related to emergency medical services;**
- **The Human Resources Department, but only as related to duties involving health insurance or clinic operations, including coordination with the City attorney on any legal or litigation matters, and only to the extent that such services involve protected health information (“PHI”) or electronic protected health information (“ePHI”);**
- **The Information Services Department, but only as related to emergency medical services or health care benefit plans or clinic operations;**
- **The City Secretary’s Office, but only as related to the keeping, certification, maintenance or other functions in regard to emergency medical services or health care benefit plans or clinic operations;**
- **The City’s contract auditor in conjunction with the coordinating Administrative Services staff, but only as related to the audit of any covered component of the City;**
- **The City Manager’s Office, but only as related to the management of emergency medical services, health care benefits plans or clinic operations or any other covered component of the City; and,**
- **The Facilities/Risk Manager, but only to the extent that such services involve protected health information (“PHI”) or electronic protected health information (“ePHI”).**

**SECTION 4. That the City Council hereby directs all covered components to protect the security and privacy of PHI and ePHI and comply with all applicable laws and regulations relating to data privacy and security, including, but not limited to, HIPAA, HITECH Act, the Texas Medical Records Privacy Act, and the Texas Identity Theft Enforcement and Protection Act. The City Council directs all departments, positions or persons that have been designated as covered components to take any and all action necessary to implement this resolution and to ensure that all the laws and regulations, as well as policies, procedures, guidelines, training, maintenance of records and any other required function is carried out, and that the requirements for privacy and confidentiality are fully implemented, including all organization requirements (45 C.F.R. §§164.105 and 164.314), security safeguards (45 C.F.R. §164.306), administrative safeguards (45 C.F.R. §164.308), physical safeguards (45 C.F.R. §164.310), technical safeguards (45 C.F.R. §164.312), policies and procedures and documentation requirements (45 C.F.R. §164.316) and all other applicable requirements.**

**SECTION 5.** That the City Council hereby designates the following Privacy Officers:

- The Deputy Chief/EMS-Emergency Management is the designated Privacy Officer for HIPAA compliance in regard to public safety functions, including ambulance services, and related financial, technological and administrative functions, as set forth more fully herein;
- The Human Resources Director is the designated Privacy Officer in regard to HIPAA compliance for administrative and health plan functions, coordination with the City Attorney on any legal, litigation or risk management functions, and related financial, technological and administrative functions; and,
- The Privacy Officer for the Kaner Medical Group is the Privacy Officer for the City of Bedford Employee Health and Wellness Clinic insofar as it provides medical services to, or engages in, healthcare operations for the City of Bedford.

**SECTION 6.** That the City Council directs and authorizes the Privacy Officers to work with the City Attorney to carry out the intent of this Resolution.

**SECTION 7.** That if any section, article, paragraph, sentence, clause, phrase or word in this Resolution or application thereto, 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 this Resolution; and the City Council hereby declares it would have passed such remaining portions of the Resolution despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 8.** That this Resolution shall be effective immediately upon its adoption.

**PRESENTED AND PASSED** this 11th day of February, 2014, 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



# Council Agenda Background

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

**DATE:** 02/11/14

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

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a Professional Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$75,000 for the Water Master Plan Update Project.

**City Attorney Review:** Yes

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

**DISCUSSION:**

The City has requested Kimley-Horn & Associates, Inc., (KHA) to assist in updating the current Water Master Plan. This includes revision to the current water distribution system model from June 1988 to account for changes in existing and projected demands, land uses, and projected Capital Improvement Projects. An update to the plan in relation to the Northwest Pressure Plane project was performed by Kimley-Horn in 2010. Kimley-Horn is familiar with the existing models and distribution system.

The Professional Services Contract would include the following tasks for preparation of the updated Water Master Plan:

1. Evaluate the historic demands on the City's water system and comparing it to the projected model. This analysis would include service connection data, metering records, fire hydrant flow tests, elevated and ground storage tank data, pump station data, water supply information, systems control data, system demand analysis, and land use adjustment.
2. Prepare an extensive hydraulic analysis using the "WaterCad" system. This system would incorporate the analysis into the existing Capital Improvement Projects. The Northwest Pressure Plane is not currently included in the water model and is a very important component in this hydraulic analysis.
3. Develop a Master Plan Report which would include recommendations for new Capital Improvement Projects including probable costs and a presentation at a future Council meeting.
4. Prepare an updated water system map.

Details on the scope of services are outlined in the Professional Services Contract, which is on file with the City Secretary. Funding would be paid out of the Water & Sewer Fund.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a Professional Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$75,000 for the Water Master Plan Update Project.

**FISCAL IMPACT:**

**Water & Sewer Fund:**

**\$75,000**

**ATTACHMENTS:**

**Resolution  
KHA Professional Services Contract (On file  
with the City Secretary's Office)**

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC., IN THE AMOUNT OF \$75,000 FOR THE WATER MASTER PLAN UPDATE PROJECT.

WHEREAS, the City Council of Bedford, Texas has determined that an update to the current Water Master Plan is necessary for the health and safety of its citizens; and,

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

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

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

SECTION 2. That the City Council does hereby authorize the City Manager to enter into a Professional Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$75,000 for the Water Master Plan Update Project..

SECTION 3. That funding in the amount of \$75,000 will come from the Water Fund.

PRESENTED AND PASSED this 11th day of February, 2014, 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:** Thomas Hoover, P.E.  
Public Works Director

**DATE:** 02/11/14

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

**ITEM:**

Consider a resolution authorizing the City Manager to authorize a contract in the amount of \$34,225 to TexOp Construction, LP for asphalt milling work.

**City Attorney Review:** N/A

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

**DISCUSSION:**

The City entered into an Interlocal Agreement with Tarrant County for street improvements on Martin Drive from Park Avenue to Cummings Drive, and Cummings Drive from SH 157 to SH 121 at the November 26, 2013 Council meeting. The street rehabilitation includes the mill and overlay of both roadways.

In the agreement, the County agrees to provide the labor and equipment necessary to complete the paving. One item not provided by the County, but needed for the completion of the project, is the milling of the existing asphalt. Neither the County nor the City has a milling machine suitable for this operation.

The County has a contract for milling with TexOp Construction, LP. Utilizing the existing Interlocal Agreement, TexOp Construction, LP has provided an estimate of \$34,225 for their milling services. The estimate includes milling, loading, water transport, detailing, trucking, and sweeping 24,125 square yards of asphalt. The City has used TexOp Construction, LLC on many occasions for this type of work. The County has requested to begin work on February 12, 2014 if this item is approved. TexOp Construction, LP is available to begin on that date.

Funding in the amount of \$34,225 will come from the Street Improvement Economic Development (SIEDC) Budget.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to authorize a contract in the amount of \$34,225 to TexOp Construction, LP for asphalt milling work.

**FISCAL IMPACT:**

SIEDC 4B

\$34,225

**ATTACHMENTS:**

Resolution  
TexOp Construction, LP Quote

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AUTHORIZE A CONTRACT IN THE AMOUNT OF \$34,225 TO TEXOP CONSTRUCTION, LP FOR ASPHALT MILLING WORK.

WHEREAS, the City Council of Bedford, Texas has determined that asphalt milling is necessary for health and safety of its citizens by keeping the public roadways in good condition; 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 recitals above are found to be true and correct, and are incorporated herein.

SECTION 2. That the City Council does hereby authorize the City Manager to authorize a contract in the amount to \$34,225 to TexOp Construction, LP.

SECTION 3. That funding in the amount of \$34,225 will come from the Street Improvement Economic Development Budget.

PRESENTED AND PASSED this 11th day of February, 2014, 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



P. O. Box 427  
Roanoke, Texas 76262  
(940) 648-1455 office ♦♦♦ (940) 648-1457 fax

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January 22, 2014

**City of Bedford, Martin & Cummings St**  
**To: City of Bedford**  
**ATTN: Mike Gardner**

**Quantities and Prices:**

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Extension</u>
<b>1-A</b>	Plane ACP 2"-4"	19,361.00 SY	1.40 \$	27,105.40
<b>1-B</b>	Plane ACP 2"-4"	4,764.00 SY	1.40 \$	6,669.60
	Mobilization	1.00 EA	450.00 \$	450.00
<b>Total</b>			<b>\$</b>	<b>34,225.00</b>

**Prices Include:**

Milling, Loading, Water Transport, Detailing, Trucking, and Sweeping

Unit price based on using Tarrant County Bid No. 2012-066 (1.50 per SY -0.10/SY for Vendor to keep millings).

RAP to become TexOp property.

**Prices Exclude:**

Sawcuts, Engineering, Base Repair, Detailing, Traffic Control, Water, Sizing of ACP, AGC Dues, Stockpiling of Materials, Police personnel, Message Boards, and Barricades

**Project water source, and water for the milling operation**

Questions, please call (940) 648-1455 or (817) 308 - 4818.

Sincerely,

James Davis  
Estimator



# Council Agenda Background

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

**DATE:** 02/11/14

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

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a Professional Services Contract with Pacheco Koch, LLC, in an amount not to exceed \$110,276, for the Brasher Lane Paving Improvement Project.

**City Attorney Review:** Yes

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

**DISCUSSION:**

On January 24, 2014, the City Council requested staff to proceed with the conceptual engineering associated with the extension of Brasher Lane and Midway Court (presented as Scenario 4 at the November 26, 2013 Council Meeting). The consulting firm Pacheco Koch, LLC (PK) has submitted a proposal in an amount not to exceed \$110,276 for the design associated with paving, drainage, and utility improvements on Brasher Lane and Midway Court from Aspenwood Drive to FM 157 (Industrial Boulevard). The items on PK's proposal include project management, coordination, design, permitting, project bidding, construction administration, field survey, easement preparation, structural design, geotechnical investigation, and project completion.

The proposal will require PK to provide conceptual drawings and cost projections for approval by the City. Staff will present the completed findings to Council for approval before moving forward with the proposed project.

Funding would be paid out of the Street Improvement Economic Development Corporation (SIEDC) and Stormwater Funds.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a Professional Services Contract with Pacheco Koch, LLC, in an amount not to exceed \$110,276, for the Brasher Lane Paving Improvement Project.

**FISCAL IMPACT:**

SIEDC Fund: \$66,166  
Stormwater Fund: \$44,110

**ATTACHMENTS:**

Resolution  
Professional Services Contract for Pacheco Koch, LLC (on file with the City Secretary's Office)

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PACHECO KOCH, LLC, IN AN AMOUNT NOT TO EXCEED \$110,276, FOR THE BRASHER LANE PAVING IMPROVEMENT PROJECT.

WHEREAS, the City Council of Bedford, Texas has determined that paving improvements on Brasher Lane are necessary for the health and safety of its citizens; and,

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

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

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

SECTION 2. That the City Council does hereby authorize the City Manager to enter into a Professional Services Contract with Pacheco Koch, LLC., in an amount not to exceed \$110,276, for Brasher Lane Paving Improvement Project.

SECTION 3. That funding will come from the Street Improvement Economic Development Corporation Fund and Stormwater Fund.

PRESENTED AND PASSED this 11th day of February, 2014, 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:** Thomas Hoover, P.E.  
Public Works Director

**DATE:** 02/11/14

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

**ITEM:**

Consider a resolution authorizing the City Manager to reject all bids for the Miscellaneous Water Valve Replacement at Various Locations project.

**City Attorney Review:** Yes

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

**DISCUSSION:**

On September 24, 2013 a contract was awarded by the City Council to Saber Development. After construction began on the Northwest Pressure Plane Project, it was found that several water valves were not functioning properly. Operational valves are critical for maintenance of the system and will allow for the isolation of the Northwest Pressure Plane from the remaining portion of the system. As a result, the City’s Consulting Engineer, J. Richard Perkins, P.E., recommended taking the water valve repair work out for a competitive bid.

On January 8, 2014, four bids were opened for the Miscellaneous Water Valve Replacement at Various Locations project. The lowest bid was \$98,600 and the highest bid was \$131,000.

Staff has determined that it would be more cost effective to have Saber Development, the current contractor, repair the largest valves via change order and have Public Works crews repair the remaining valves.

In the next few weeks, Saber Development will submit an estimate for the change order for the water valve work.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to reject all bids for the Miscellaneous Water Valve Replacement at Various Locations project.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution  
Bid Tabulation

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS FOR THE MISCELLANEOUS WATER VALVE REPLACEMENT AT VARIOUS LOCATIONS PROJECT.

WHEREAS, the City Council of Bedford, Texas has determined the need for Miscellaneous Water Valve Replacement at Various Locations for the health and safety of its citizens; and,

WHEREAS, the City Council of Bedford, Texas has determined that the four bids for the water valve replacement are at a higher than anticipated cost.

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

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

SECTION 2. That the City Council does hereby authorize the City Manager reject all bids for the for Miscellaneous Water Valve Replacement at Various Locations Project.

PRESENTED AND PASSED this 11th day of February, 2014, 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

**CITY OF BEDFORD**  
**Miscellaneous Water Valve Replacement at Various Locations**  
**Bid Opening Time and Date: 10 am Wednesday, January 8, 2014**

**Bid Tabulation**  
**Miscellaneous Water Valve Replacemetn at Various Locations**  
**08-Jan-14**

**BIDDERS**

LKG Resources, LLC	Quality Construction & Transportation	Municipal Utilities, Inc.
\$98,600.00	\$99,446.00	\$117,500.00
	North Texas Contracting, Inc Corporation	AVERAGE COST
	\$131,000.00	\$111,636.50



# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 02/11/14

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

**ITEM:**

Consider a resolution appointing the chairperson and vice-chairperson of the Cultural Commission.

**City Attorney Review:** N/A

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

**DISCUSSION:**

Section 2-236 of the ordinance creating the Cultural Commission states that the Council is to appoint the chairperson and vice-chairperson of the Commission, and that those officers are to serve for a term of one year each. The terms of both offices are currently expired and Council will need to make an appointment to fill those offices. The current chairperson and vice-chairperson wish to continue in their roles.

The following people currently serve on the Cultural Commission:

Alicia McGlinchey, Place 1 – current chairperson  
Thomas Jacobsen, Place 2 – current vice-chairperson  
Barbara Speares, Place 3  
JoLynne Jensen, Place 4  
David Medina, HEB Chamber of Commerce  
Lee Koch, ARTSNET President  
Paul Davis, ARTSNET Board Member  
Josh Santillan, Place 8 Alternate  
Debbi Savage, Place 9 Alternate

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution appointing the chairperson and vice-chairperson of the Cultural Commission.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution

RESOLUTION NO. 14-

A RESOLUTION APPOINTING THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE CULTURAL COMMISSION.

WHEREAS, the Chairperson and the Vice-Chairperson of the Cultural Commission are appointed by the City Council pursuant to Section 2-236 of the City of Bedford Code of Ordinances; and,

WHEREAS, the selected persons shall serve for a term of one-year.

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

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

SECTION 2. That the City Council appoints \_\_\_\_\_ as Chairperson of the Cultural Commission.

SECTION 3. That the City Council appoints \_\_\_\_\_ as Vice-Chairperson of the Cultural Commission.

SECTION 4. That the persons named above shall serve one-year terms.

PASSED AND APPROVED this 11th day of February, 2014, 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