

AGENDA

**Regular Meeting of the Bedford City Council
Tuesday, August 26, 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.
- Presentation of monument sign options for Central Drive.
- Presentation on Public Funds Investment Act and Investment Policy.

EXECUTIVE SESSION

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

- a) Pursuant to Section 551.071, consultation with the City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations regarding active economic development agreements.**
- c) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Bluebonnet Construction payment.**
- d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to “Project Flamingo.”**

REGULAR SESSION 6:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Pastor Cory Kuhn, The Mission)

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS/UPCOMING EVENTS

OPEN FORUM

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

CONSIDER APPROVAL OF ITEMS BY CONSENT

COUNCIL RECOGNITION

1. Employee Service Recognition

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:

- a) August 8, 2014 budget work session
- b) August 12, 2014 regular meeting

NEW BUSINESS

- 3. Public hearing on the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2014 through September 30, 2015; levying taxes for 2014 tax year.
- 4. Public hearing to consider the proposed 2014 tax rate.
- 5. Consider an ordinance amending Chapter 118 "UTILITIES," Article IV "WATER RESOURCE MANAGEMENT," Division 2, Section 118-114(b) "Drought Contingency Plan" to adopt the current plan, as attached hereto as Exhibit A and is incorporated herein by reference to the City of Bedford Code of Ordinances, and amending Chapter 118 "UTILITIES," Article IV "WATER RESOURCE MANAGEMENT," Division 3, Section 118-115(b) "Water Conservation Plan" to adopt the current plan, as attached hereto as Exhibit B and is incorporated herein by reference to the City of Bedford Code of Ordinances; providing a severability clause; providing a penalty clause; and declaring an effective date.
- 6. Consider a resolution authorizing the City Manager to enter into the final year of a four year contract with Scobee Foods, Inc., for the purchase of prisoner meals for the Detention Facility.
- 7. Consider a resolution authorizing the City Manager to enter into a Lease Agreement with Planet Kidz for the purpose of holding the Fun Time Live Program at the Boys Ranch Activity Center.
- 8. Report on most recent meeting of the following Boards and Commissions:
 - ✓ Animal Shelter Advisory Board - Councilmember Fisher
 - ✓ Beautification Commission - Councilmember Turner
 - ✓ Community Affairs Commission - Councilmember Boyter
 - ✓ Cultural Commission – Councilmember Champney
 - ✓ Library Board - Councilmember Davisson
 - ✓ Parks & Recreation Board - Councilmember Davisson
 - ✓ Senior Citizen Advisory Board - Councilmember Turner
 - ✓ Teen Court Advisory Board - Councilmember Farco

9. Council member Reports

10. City Manager/Staff Reports

EXECUTIVE SESSION

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- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations regarding active economic development agreements.

- c) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Bluebonnet Construction payment.
- d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to “Project Flamingo.”

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

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

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Friday, August 22, 2014 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

Michael Wells, City Secretary

Date Notice Removed

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



Council Agenda Background

PRESENTER: Mirenda McQuagge-Walden, Managing Director

DATE: 08/26/14

Work Session

ITEM:

Presentation of monument sign options for Central Drive.

City Manager Review: _____

DISCUSSION:

As part of the construction of the North Tarrant Express, Bluebonnet Contractors, LLC (BBC) removed the monument signage at the S.H. 183/Central Drive intersection. BBC has offered to replace the monument signs on both the north and south sides of the intersection. BBC will cover the cost of the monuments up to \$9,000 per sign. This amount is based on the cost of replacing the monument sign that was removed and matches what BBC paid for the City of Euless' monument sign at Westpark. BBC will still coordinate and install monument signage above this amount, but the City of Bedford will bear the cost of the difference.

BBC is working to complete the North Tarrant Express as soon as possible and needs direction from the City of Bedford on the design and sign type. With that in mind, staff solicited quotes on various types of signs.

Brick monument with no electronic component - \$8,838 per sign
Brick monument with monochromatic letter message only - \$23,177 per sign
Brick monument with 16 mm RGB electronic message - \$32,258 per sign

The brick monument component of each sign will mirror what is at the Old Bedford School. It will use the same brick, cast stone and a cast aluminum logo.

ATTACHMENTS:

PowerPoint Presentation



EST **B** 1915

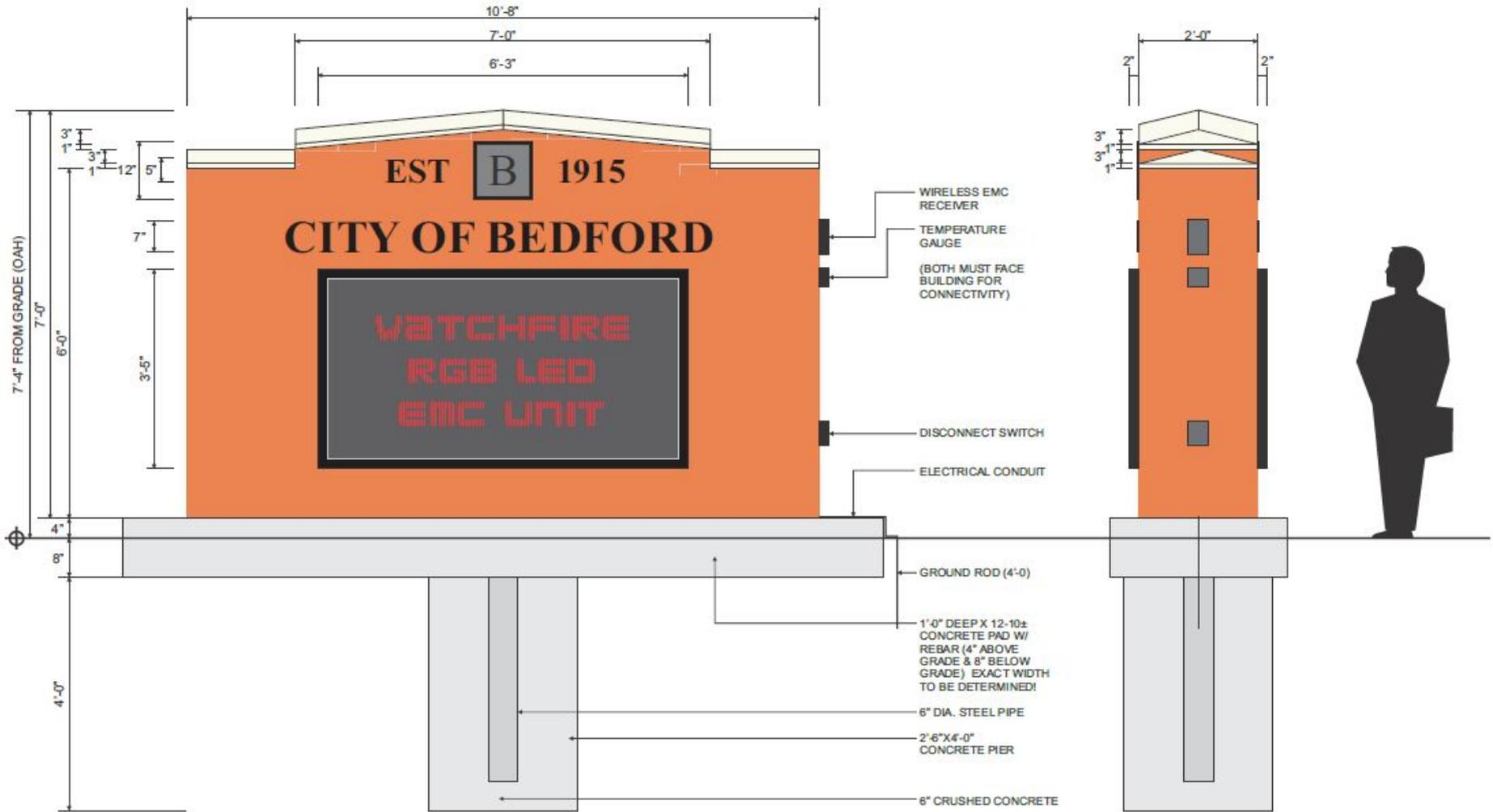
OLD BEDFORD SCHOOL

2400 SCHOOL LANE

DAKTRONICS

GALAXY

Buy tickets online
Oldbedfordschool.com



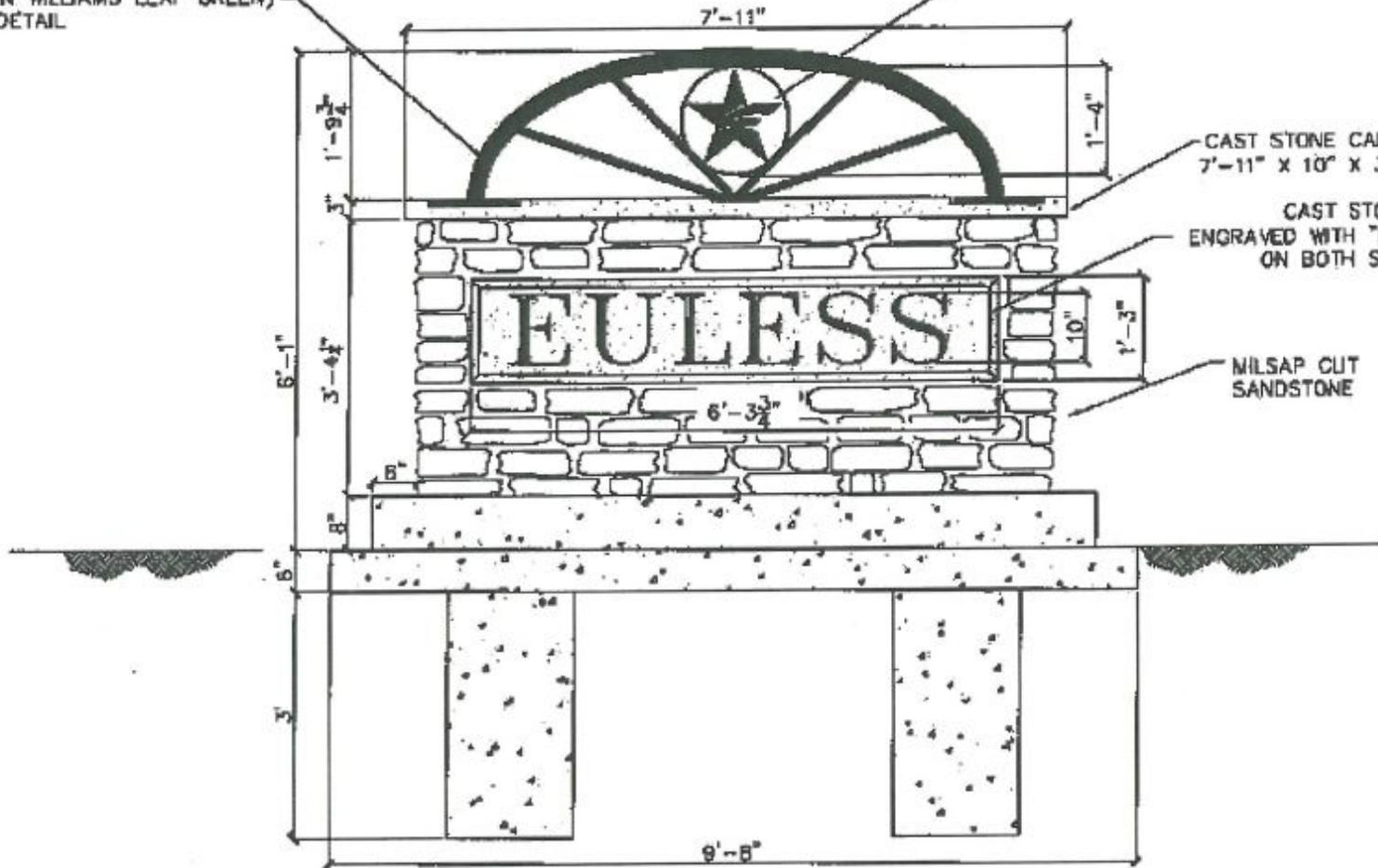
A. ARCHED POLE WITH STEEL PLATE
 BE BOLTED TO INTERIOR PLATE
 COATED SHERWIN WILLIAMS LEAF GREEN)
 SEE DETAIL

16" STAR DETAIL
 (POWDER COATED METALLIC GOLD)

CAST STONE CAP
 7'-11" X 10" X 3"

CAST STONE INSERT
 ENGRAVED WITH "EULESS" (10" FONT)
 ON BOTH SIDES OF SIGN

MILSAP CUT
 SANDSTONE



4
 5 SIGN CONSTRUCTION FRONT ELEVATION



Council Agenda Background

<u>PRESENTER:</u> Clifford Blackwell, CGFO – Director of Administrative Services Dick Long, Valley View Consulting, LLC	<u>DATE:</u> 08/26/14
Work Session	
<u>ITEM:</u> Presentation on Public Funds Investment Act and Investment Policy. City Manager Review: _____	
<u>DISCUSSION:</u> Valley View Consulting, the City of Bedford’s investment advisor, will present to the City Council a brief overview of the Public Funds Investment Act and how it relates to the City’s investment policy.	
<u>ATTACHMENTS:</u> PowerPoint Presentation	



Public Funds Investment Act
and
Investment Policy
Overview

August 26, 2014



Chapter 2256 - PFIA

- **003. Authority to Invest Funds**

- (1) Local Government

- Investment Management Firm

- **004. Applicability; Does Not Apply To:**

- (1) Public Retirement System

- (6) Deferred Compensation Plan

- (7) Donated Assets (ex.: gift of stock)

Chapter 2256 - PFIA

- **005. Investment Policies; Strategies; Investment Officer**
 - (a) Adopt an investment policy (*September 2013*)
 - (b) The policies must:
 - (1) Be written
 - (2) Primarily emphasize safety of principal and liquidity
(section II. General Objectives)
 - (3) Address investment diversification, yield, and maturity and the quality and capability of investment management (*Throughout the policy*)

Chapter 2256 - PFIA

- **005. Investment Policies; Strategies; Investment Officer**

(b) The policies must:

(4) Include:

(A) Authorized Investments (*section V. Suitable and Authorized Investments*)

(B) Maximum allowable stated maturity (*section VI. Investment Parameters*)

(C) Maximum dollar-weighted average maturity (*section VI. Investment Parameters*)

(D) Methods to monitor market price and issuer rating (*section VII. Reporting*)

(E) Delivery vs. payment (*section IV. Broker/Dealers, Internal Controls and DVP*)

Chapter 2256 - PFIA

- **005. Investment Policies; Strategies; Investment Officer**
 - (d) Written investment strategy must address:
 - (1) Suitability
 - (2) Preservation and safety of principal
 - (3) Liquidity
 - (4) Marketability
 - (5) Diversification
 - (6) Yield

(section X. Investment Strategies)

Chapter 2256 - PFIA

- **005. Investment Policies; Strategies; Investment Officer**

(e) Council must annually review policy and strategies (*per section VIII. Policy Considerations*)

(f) Council designates one or more investment officers but retains ultimate responsibility (*section III. Standards of Care*)

(i) Investment officer must file a statement of personal business relationship with a business organization and/or a statement of relationship by blood or by marriage within the second degree to a seller of investments with the governing body and the Texas Ethics Commission (*section III. Standards of Care*)

Chapter 2256 - PFIA

- **005. Investment Policies; Strategies; Investment Officer**

(k) Present investment policy to a seller of investments. Nothing relieves the investing entity of responsibility.

Written instrument executed by qualified representative (***per section IV. Broker/Dealers, Internal Controls and DVP***)

(m) Compliance audit of management controls on investments and adherence to approved investment policies performed in conjunction with annual financial audit (***per section IV. Broker/Dealers, Internal Controls and DVP***)

Chapter 2256 - PFIA

- **006. Standard of Care**

(a) Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probably safety of capital and the probable income to be derived (*section III. Standards of Care*)

Chapter 2256 - PFIA

- **008. Investment Training; Local Governments**
 - (a) Treasurer, chief financial officer, and investment officer
 - (1) Initial training of 10 hours within 12 months from an independent source approved by the Council body or a designated investment committee
 - (2) 10 hours every 2 years from an independent source approved by the Council or a designated investment committee
- (section III. Standards of Care)***

Chapter 2256 - PFIA

- 009. Obligations of, or Guaranteed by Governmental Entities (v)
- 010. Certificates of Deposit and Share Certificates (v)
- 011. Repurchase Agreements (v)
- 0115. Securities Lending Program
- 012. Banker's Acceptances
- 013. Commercial Paper
- 014. Mutual Funds
 - (a) A no-load money market mutual fund (v)
 - (b) A no-load mutual fund
- 015. Guaranteed Investment Contracts
- 016. Investment Pools (v)
- 0201. Municipal Utility
- 0202. Mineral Rights

(section V. Suitable and Authorized Investments - (v) indicates authorized)

Chapter 2256 - PFIA

- **021. Effect of Loss of Required Rating**
Investment does not qualify when it does not have the minimum rating; take prudent measures to liquidate (*section VII. Reporting*)
- **023. Internal Management Reports (*section VII. Reporting*)**
- **025. Selection of Authorized Brokers (*section IV. Broker/Dealers, Internal Controls and DVP*)**

Chapter 2257, Public Funds Collateral Act

- Requires Written Collateral Policy (***section V. Suitable and Authorized Investments & IX. Selection of Depositories***)



Council Agenda Background

PRESENTER: Beverly Griffith, City Manager

DATE: 08/26/14

Council Recognition

ITEM:

Employee Service Recognition

City Manager Review: _____

DISCUSSION:

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

Leslie Preuss	Police Department	5 years
Michael Cullum	Public Services	15 years
Melissa Briggs	Police Department	15 years

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 08/26/14

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) August 8, 2014 budget work session
- b) August 12, 2014 regular meeting

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

August 8, 2014 budget work session
August 12, 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 8:30 a.m. in the Law Enforcement Training Room, 2121 L. Don Dodson, Bedford, on the 8th day of August, 2014, with the following members present:

Jim Griffin	Mayor
Ray Champney	Council Members
Jim Davisson	
Steve Farco	
Roger Fisher	
Roy W. Turner	

constituting a quorum.

Councilmember Boyter was absent from the meeting.

Staff present included:

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

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order at 8:36 a.m.

WORK SESSION

1. Receive and discuss FY 2014-2015 budget overview.

City Manager Beverly Griffith discussed the City's budget strategy including: everything in the budget attaching to the Council's goals; taking the citizen survey results into account; fiscal responsibility, including planning for the needs of the City in the long term; investments in infrastructure and employees; accountability in the form of performance measures; and keeping an eye on the radar. In regard to performance measures, the first step was to identify what was important, how they are measured and how they relate to Council and Department goals. Assumptions in the budget include: conservative growth in sales tax, which does not include incentives that the City has agreed to rebate; service level increases including a Liaison Officer for the Crime-Free Multi-Family Program, the Repeat Victimization Unit storefront with a Mental Health Coordinator, and investment in the multi-family inspection program; replacement of some major capital equipment; fee increases, including a water

and sewer pass-through from the Trinity River Authority (TRA), multi-family inspections from \$0.75 per apartment to \$1.50 per apartment, and day camp; a portion of the health insurance premium increase being passed to employees; debt service for Phase 1 of the Boys Ranch and capital equipment purchases; and the property tax rate being maintained. She stated that there would be \$118,000 in unallocated funds at the end of the budget that could be built in for next year when the City has to take on \$290,000 for Fire Station #2. She stated that the City received the platinum designation from the Comptroller's Office for fiscal transparency. Ms. Griffith stated that the operating budget for this year is \$64,316,128 at a cost of \$753 a year to the average home with the current tax rate.

Assistant to the City Manager Meg Jakubik stated that there are increases across the various funds. In the Water/Sewer Fund, expenditures are more than revenues due to capital purchases. There are savings in the Stormwater Fund due to a decrease in legal fees. There were extraordinary expenditures in the 4B Fund. This year, the Municipal Cost Index increased 1.4 percent, with a five-year average of almost two percent a year. Almost half of revenue comes from the General Fund, followed by the Water/Sewer and Debt Service funds. Revenue comes from property taxes, sales tax, franchise fees, water and sewer charges, other charges for service, licenses and permits, fines, and miscellaneous revenue including operating transfers. In regard to expenditures by function, the largest portion is Public Services. In regard to expenditures by classification, a majority of the cost is personnel, with contractual services, water and sewer purchases, maintenance, supplies and debt/transfers being the rest.

Ms. Jakubik presented information on programs that departments requested to increase and were incorporated in the base budget, or moneys that were reallocated from other programs that were driven by contractual reasons. The fiscal impact of all of these is over \$500,000. She discussed TMRS and ICMA. When TMRS was started, the City entered into a five percent employee contribution with a two-to-one match, with ICMA maintaining a four percent contribution. The City committed to keeping with this system for five years, allowing employees to pay back loans they had against ICMA. Human Resources conducted a survey with employees, which showed that out of the over 200 employees who took the survey, 68.5 percent preferred moving to the seven percent TMRS contribution, with 25 percent wanting no change. The budget as presented increases the TMRS contribution level to seven percent with a two-to-one match by reducing the ICMA money, while taking the balance and providing a two percent increase to salaries. There was discussion on Social Security and Medicare. The other part of compensation is continuing to put aside a pool of money for merit increases, as well as targeted market adjustments, with compensation being made retroactive to October 1. The total of the compensation pool is \$367,051.

Ms. Jakubik presented information on General Fund revenues, including property taxes being based on the tax rate remaining the same; conservative sales tax growth; minor changes to franchise taxes; changes to mixed beverage taxes; increases to charges for services, licenses and permits back to historical trends; fines and forfeitures; and grants. There was discussion on the revenue projections being reasonably conservative and budgeting for the norm; and that in calculating the tax rate, the accounts with the senior tax freeze are deducted, equating to \$40,000 per penny of property tax.

Administrative Services Director Cliff Blackwell gave a presentation on how the effective and rollback tax rates are calculated. The effective tax rate is \$0.479538 per \$100 valuation and the rollback rate is \$0.529670 per \$100 valuation. A tax rate comparison of the current tax year shows an increase in the debt rate of 6.9 percent and a decrease in the maintenance and operation rate of 4.4 percent. He displayed charts of the history of the City's taxable values and changes in appraised values, which shows a total of \$3.1B in taxable values, an increase of 3.8 percent over the current year. He displayed charts showing the history of the City's tax rate, the overlapping tax rates with other entities, and a comparison of the City's current and proposed tax rate with surrounding cities. The impact of the tax rate on the average home in Bedford is approximately a \$20 increase. There was discussion on the tax rates of Colleyville and Grapevine; and comparing the half-cent sales tax offset, which has an impact of nine cents on the tax rate, with specific exemptions.

Ms. Jakubik presented a history of sales tax figures over the previous five years and stated that the August numbers show an eight percent increase compared to the average. If the upward trend continues, the City is looking at topping \$10M in sales tax collections. In answer to questions from

Council, she stated that the budgeted sales tax figures for this year were \$9.3M and that the numbers shown are whole but what is budgeted is net of any sales tax rebates.

Ms. Jakubik presented information on General Fund revenue. There are increases in property tax revenues due to increased property values and new construction, sales tax, franchise fees, charges for service, and fine and forfeitures. Changes in General Fund expenditures are due to increased benefit costs, a one-time supplemental in Development from the previous year, and a planned decrease in the Operating Transfers to pay for a supplemental. She displayed a graph of where General Fund revenue goes by department. Operating Transfers are maintenance funds to build capital for larger items instead of having to package them into debt issuances. There was discussion on funding for the Economic Development Fund. Ms. Jakubik displayed a graph showing that the City pays \$1,200 per citizen net of capital programs and that the City is mid-range compared to neighboring cities for number of employees per capita. Revenue supplementals include the multi-family inspection fee and grant moneys. Fee amendments include the multi-family inspection fee, the day camp fee structure, and building permits. Supplemental requests include new personnel, new services and programs, increases to service levels, and capital outlay. Specific requests include the PRIDE Program and software maintenance in Support Services; New World software maintenance in Administrative Services; and a Mental Health Coordinator and a storefront for the Repeat Victimization Unit for the Police Department, which are grants and have offsetting revenue and expenditure supplementals. There was discussion on proceeding on these two items if the grants were not available. Other supplementals include a Crime-Free Multi-Family Officer and replacement of patrol vehicle cameras for the Police Department; a Building/Multi-Family Inspector, which includes a truck for the first year, for the Fire Department; fleet software and equipment warranties for Public Services; expansion of bandwidth for public use and an early literacy station for the Library; and a Parks Master Plan update for Parks. There was discussion on the Parks Master Plan update, which includes tweaking priorities, incorporating the Cultural District, and the open space component of the Bedford Commons; the timeframe for the phases of the Boys Ranch Master Plan; and increases to the multi-family inspection fee covering the cost of the new inspector after the first year.

Ms. Jakubik presented information on the Debt Service Fund, which comes from the portion of the tax rate for interest and sinking. The expenditures from this fund are General Fund debt, which includes the debt for 4B. She displayed a list of the bonds funded from the Debt Service Fund. She displayed a graph showing the annual funding requirements, which shows the City retires more debt than it issues. From the previous year, there is approximately a \$500,000 increase in expenditures, mainly from issuances this year including the GO Bonds for Phase 1 of the Boys Ranch and the PFCOs for various capital items.

Ms. Jakubik presented information on the Water and Sewer Fund, where user charges cover the expenses. Revenue comes from charging for water and treating wastewater, as well as billing fees and a payment from the Stormwater Fund. Goals of the Fund include paying NTE for utility relocates, which was paid for with cash, covering operations and maintenance expenditures, providing for debt service payments, providing for renewal and replacement of infrastructure, and providing adequate working capital. She displayed the current water and sewer rates that went into effect in January. A report from the TRA shows their costs are projected to increase. She stated that staff is proposing a volume increase synonymous with the TRA rate increase and displayed the projected impact on the average utility bill. There was discussion on the City using its well water as a supplement. Expenditures include water distribution, wastewater, debt/transfer, a payment to the General Fund, franchise fees, and the Customer Service, Accounting, Risk Management and Engineering Divisions. A vast majority of the expenses are the payments to the TRA and the City of Hurst for a portion of wastewater treatment, followed by debt service and personnel. Supplemental requests include administrative help for Risk Management, a portion of the maintenance for the New World Software, moving a half-time FTE to a full-time FTE, an increase to the rental line item, a cargo trailer, and a jet/vacuum machine for a total of \$474,000. There was discussion on the Administrative Coordinator position for Risk Management, and the vacuum machine including the requirements that the City clean 166,000 linear feet of sewer each year; that the current machine is 15 years old and is frequently down for maintenance, costs of \$200,000 to \$300,000 a year to call out a contractor just for cleaning required by the State; the vehicle being used three to four times a week; buying a used vehicle; financing options; the current one being sent to auction; the expected lifespan of the equipment being 10-12 years; using the vehicle to clean

out storm drains and manholes; controlling mosquitoes; the extra \$1M for working capital being allocated to pay for it and therefore not affecting the water/sewer rates; smaller versions of the vehicle; the disposal of the materials, including costs; and calling out a contractor for larger lines. There was discussion on a supplemental for a camera van, including that the current one is from 1997 and has maintenance issues; that the City is required to TV a certain amount of lines per year; and that it would be paid out of the Water/Sewer Vehicle Replacement Fund.

Ms. Jakubik presented information on the Stormwater Fund, where expenses are also covered by user charges. Revenue goes towards operations, debt and administrative transfers. The largest portion of expenses is administrative overhead, followed by contractual services, maintenance and personnel. There was discussion on a supplemental for a hydroseeder, including the costs for replacing sod; not using it in residential areas; it being used by other departments; and it fitting in the back of a pickup truck.

Ms. Jakubik presented information on the 4B Fund, which is funded by a half-cent sales tax and interest. Expenses include debt service/transfers, maintenance and contractual services. The budget is higher this year due to design and reconstruction of Bedford Road and a conceptual design of Harwood Road. Supplementals include a dump truck, diesel truck with a sander and snow plow attachment, and a gas powered generator. There was discussion on the dump truck, including that the current one is four yards and the new one would be 14 yards; on the snow plow, including that it would be used for normal street maintenance during the rest of the year; and on the generator, which is commercial grade and would be used almost daily.

Ms. Jakubik presented information on the Special Revenue Funds, which are from restricted sources. In regard to the Tourism Fund, a majority of revenue comes from the hotel/motel tax, followed by the Old Bedford School (OBS), Blues Fest and Fourth Fest. Expenditures go towards tourism/special event administration, Blues Fest, Fourth Fest, and the Old Bedford School. There was discussion on the supplemental for the Special Events Coordinator, including discontinuing a sponsorship consultant, which cost approximately \$10,000 the previous year. There was discussion on the supplemental for a community calendar subscription that was a request from the Cultural Commission, which would allow other entities to update and is searchable. There was discussion on the revenue and expenses from the OBS, including marketing assistance from the Special Events Coordinator and that cost recovery has increased from 29 percent in 2009 to 41 percent this year. Other supplementals for the OBS include centennial events, replacing the front windows, and repairing and sealing mortar. There was discussion on the windows including that they would match the aesthetics of the building and would be vinyl.

Ms. Jakubik displayed a graph showing the other various funds including Court Technology, Court Security, Traffic Safety, PEG, Economic Development, Beautification, Park Donations, and Drug Enforcement. Supplementals include software and a server for the Court from the Court Technology Fund and a document management system from the Computer Replacement Fund. There was discussion on permanent records being put into the system, destroying records once they are entered, and putting it in the "cloud." Another supplemental from the Computer Replacement Fund is a GIS upgrade. Supplementals out of the Facilities Maintenance Fund for Public Works include door operators at the garage, remodeling the kitchen, security cards and a gate card reader, and locker replacement. Another supplemental is for windows at Fire Station 1. There was discussion on issues related to the garage doors, lockers, and security cameras. Supplementals out of the Aquatics Maintenance Fund at Splash include replacing the large entrance sign, first aid training equipment, replacement movie screen and large format projector, and concession appliances. Supplementals out of the Equipment Replacement Fund include a Code Compliance truck, a medic chassis for Fire, and a Parks vehicle for the landscaping crew. In regard to the chassis, there was discussion on the five-year replacement schedule, that there are three frontline ambulances and one in reserve, and that this item will be seen for the next four years. There was discussion on the different sizes, costs and equipment for requested trucks.

2. Discuss potential utility rate changes.

This item was discussed during Ms. Jakubik's presentation.

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

There was discussion on Brasher Lane, including the bond cycle and the fiscal impact; the proposal from 1993 regarding residents paying for 90 percent of the paving; access for residential and commercial properties; the zoning and land use of the properties; and recouping costs.

There was discussion regarding funds set aside for water and sewer infrastructure improvements including one-time revenue; water main breaks, including predictability, that most are age-related, and identifying problematic areas; and designs for Eagle Drive and Blue Quail Court in the Northwest Pressure Plane. There was discussion on preventative maintenance; flows to TRA decreasing by 300,000 gallons per day; developing a comprehensive plan to replace a percentage of the City's infrastructure at a time; taking money from the supplementals to finance a bond issuance for infrastructure improvements; erosion control bond projects that have been authorized by the voters but not sold; leveraging the \$1M in the Utility Maintenance Fund; that a \$10M bond would get approximately 30 miles of water lines, or one-fifth of the City; and staff working up scenarios for proportional infrastructure bond packages.

In regard to improvements at City Hall, Deputy City Manager David Miller stated that it is estimated to cost \$600,000 to modernize the inside of the building, including redoing the carpets, panels, and replacing the Council Chamber doors, but not furniture. There was discussion on funding, tying it into the Bedford Commons, and renting space and selling the property to a developer.

In regard to Park Improvements, Managing Director Mirinda McQuagge-Walden stated that ten playgrounds were installed in the City in the 1990s. Two at the Boys Ranch are being taken care of by Phase 1 of the improvements and there are seven more in need of repair. She stated that these projects should be added to a maintenance fund. The two playgrounds being asked for this year are mid-size and are between \$60,000 and \$100,000. She discussed projects requested by the Parks and Recreation Board and she asked if these are projects the Council would consider. She advised adding the additional phases of the Boys Ranch into a later CIP. In regard to the Cheek Sparger trail design, the entire project is \$2.8M and would include a 13,000 linear foot long, twelve-foot wide expansion. There is \$250,000 budgeted for the design and \$10,000 to apply for a grant, which would pay for the full cost of construction. In the citizen survey, the number one item to improve the City was improving parks and recreation. She stated that Brookhollow is a neighborhood park and has limited parking. There was discussion on the utilization of pavilions. The Park Board prioritized their projects in the following order: Brookhollow, Stormie Jones, Harris Ryalls, Central Park volleyball courts, the Cheek Sparger trail, and Carousel Park. There was discussion on a volleyball complex at Central Park; the impact of the look of playgrounds on neighborhoods; hiring somebody to do ongoing design work; and lighting repairs at Meadow Park. Council was of the consensus to put these projects into a future CIP.

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

Ms. Jakubik presented options for Council to consider. There is a projected surplus of \$118,000. If it is not spent, it could be used to capitalize the loss of revenue from Fire Station 2 and plan for future needs such as the Bedford Commons. In regard to tax rate adjustments, staff is proposing to maintain the current tax rate; if it is reduced to the effective rate, the impact comes to the General Fund in a \$360,000 deficit. Increasing the tax rate to just shy of \$0.50 per \$100 valuation would give the City an additional \$130,000. If the rate is increased to the rollback rate, there would be over \$1M in additional General Fund revenue. There was discussion on the tax rate including holding it where it is; the Economic Development Fund including that \$100,000 in unallocated funds were put in the previous year; preparing for the future; cutting from supplementals and how some get funded while others do not; and surveys.

Ms. Jakubik presented a timeline of upcoming dates regarding the budget process.

ADJOURNMENT

Mayor Griffin adjourned the meeting at approximately 2:30 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 12th day of August, 2014 with the following members present:

Jim Griffin
Michael Boyter
Ray Champney
Jim Davisson
Steve Farco
Roger Fisher
Roy W. Turner

Mayor
Council Members

constituting a quorum.

Staff present included:

Beverly Griffith
David Miller
Stan Lowry
Michael Wells
Cliff Blackwell
Chuck Carlisle
Bill Cooper
Natalie Foster
Roger Gibson
Tom Hoover
Meg Jakubik
Mirenda McQuagge-Walden
Maria Redburn
Jacquelyn Reyff
Bill Syblon
James Tindell

City Manager
Deputy City Manager
City Attorney
City Secretary
Administrative Services Director
Risk/Contractual Services Manager
Deputy Director of Information Services
Marketing Specialist
Police Chief
Public Works Director
Assistant to the City Manager
Managing Director
Library Director
Planning Manager
Development Director
Fire Chief

WORK SESSION

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

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

Council discussed placing the following items on consent: 3, 7, 8, 10, 11, 12, 13, 14 and 15.

Administrative Services Director Cliff Blackwell presented information regarding Items #7 and #8, which are for the acceptance of the certified tax roll for 2014 and does not require Council action. There is an increase in the City's taxable values of 3.8 percent. Every year, the County submits to the Council the July certified roll, as well as the anticipated collection rate for the upcoming tax year, which has always been 100 percent. If it is less, there would have to be adjustments to the following year's debt rate. In answer to questions from Council, Mr. Blackwell stated that this amount is the largest the City has seen and that there has been an average increase of 1.5 percent the previous three years.

Public Works Director Tom Hoover presented information regarding Item #11. In January of 2013, the City entered into an agreement with the County for the 39th Year Community Block Development Grant

program for waterline improvements along Savannah Way. In 2014, the County approved a contract with Excel 4 Construction in the amount of \$139,889, and the City agreed to pay for any amount over \$123,812.64. During construction, there was a change order to add fire hydrants and additional water line improvements, which increased the funding to \$150,779, leaving a balance of \$26,966.

Police Chief Roger Gibson presented information regarding Item #12. Alliance for Children enters into agreements with agencies such as the Police Department every three years. They provide coordination of forensic interviews to reduce the stress of future victimization of children, as well as coordination of resources for prosecution efforts. The City has had an agreement since 1999 and the price structure, which is based on population, has not changed much. In answer to questions from Council, Chief Gibson stated that he believes the Alliance for Children to be not-for-profit; that costs do not have to do with usage; that the City participates with a collective group that responds to such things as abductions, but a vast majority of time an officer works with the Alliance on Bedford cases; and that without the program, they would have to dedicate a larger number of resources to accomplish the same goals.

Chief Gibson presented information regarding Items #13 and #14. He recently came to Council regarding a security camera program. There would be five camera locations in the City, two of which would be on buildings. Both those locations have rooftop agreement requirements and there is no money required to sign them.

In answer to questions from Council regarding Item #15, Risk/Contractual Services Manager Chuck Carlisle stated that this was not a budgeted item and it was sent through TIPS/TAPS.

- **Presentation on pilot program for recycling carts.**

Jeri Harwell with Republic Services stated that they would like to do a pilot program for recycling carts at no obligation or cost to the City to get a true reading of what residents think of the carts when they utilize them. The hardest thing about going to carts is the perception of residents. Benefits of carts include: a larger container size of 65 gallons; lids providing litter control, as well as preventing recycling from getting contaminated; and increased participation in that the average resident will put the excess waste into the trash when the bins get full. They are proposing two recycle routes of 2,200 homes one of which recycles more and one that recycles less, to find out if the program increases or decreases recycling. They would monitor the data for 90 days and at the end of the program, send out a comment survey. The information would be put into a spreadsheet and include comments by group. One item that needs to be worked out is if they would pick up the carts at the end of the 90 days or wait until Council makes their decision. She displayed a graph showing cart sizes in surrounding cities and stated that 95 gallons were utilized for every other week pickup. She stated that if the City were to move forward, she does not yet know the cost as there are several variables.

Deputy City Manager David Miller stated that the reason for this request was that when the contract was renewed with Republic Services, a majority of the Council discussed launching a pilot program to see if there is a strong desire for the carts. The recent City survey showed that 67 percent of respondents supported going to some type of cart. The anticipated launch date would be October 1.

In answer to questions from Council, Ms. Harwell stated that the floor area surface of the carts is the same footprint as the bins; that every resident would receive a letter about when the carts would be delivered and gives them a contact person; that if they refuse the cart prior to the delivery date, Republic Services would reach out to them but if they still refuse, their recycling would not be picked up for 90 days; and that the weighing of materials is done at their facility. There was discussion on costs being a factor, Council receiving a copy of the surveys, and the color of the carts. In answer to questions from Council regarding the benefits to Republic Services, Ms. Harwell discussed safety factors, having clean materials, saving landfill space and reducing the number of calls for missing bins and litter. A postcard on what can be recycled would be included with the carts. In answer to further questions, she stated that she would not recommend a 95 gallon cart for the survey but if the City moves forward on the program, residents would get a choice between a 65 gallon and 95 gallon cart; and that residents would be notified of the 90 days of no recycling when the cart is refused. In answer to a question from Council, Mr. Miller stated that there are risks regarding the current ordinance for recycle containers being stored out-of site. In regards to what defines success of the program, Ms. Harwell stated that it is increased

recycling and decreased trash, and the residents' response on ease of use.

Council was of the consensus to move forward on the pilot program and establish an October 1 launch date.

- **Present report on the 2014 City of Bedford Fourth Fest.**

Special Events Manager Wendy Hartnett presented a report on the 2014 City of Bedford Fourth Fest. The goals of the festival are to provide a community event, foster economic growth, encourage citizen involvement, and produce a phenomenal festival that enhances the image of the City. She presented a timeline of events regarding the music and the malfunction of the fireworks, and discussed a Police report on a four-inch mortar found on Lakeview Court. She presented a comparison of the fireworks issues this year compared to 2012. There was discussion on the timeline and that nobody was hurt during the event. She stated a decision needs to be made to stay with Western Enterprises or not. The City has done business with them for 20 years, there will be a better show in 2015, and a professional technician will be provided. If they decide not to stay with Western, staff would bid comparable shows with other companies. In-house changes include the functionality of the stage, better communication with the staging company and improved internal procedures.

Ms. Hartnett stated that cost recovery was 36.9 percent and revenue increased by \$10,000, not including refunds from the fireworks. Expenses have been static and personnel have been reduced; however, nothing customer service related has been cut back. Onsite parking increased by 96 percent; there was increased pricing for glow products; Friends of the Library parking increased by 15 percent to \$2,750; pizza sales were added; there was added efficiency to the staff and volunteer program; and the event continues to start at 4:00 p.m. Challenges include adding more sponsors, improving lots for on-site parking, investigating other parking locations, removing the shuttle, and evaluating other fireworks vendors. She stated that 90 percent of logistical issues for staff are due to the shuttles. In answer to questions from Council, Ms. Harnett stated that there are issues with fireworks coming from China and that other companies are having problems as well; that traffic cannot go out to the Forest Ridge Drive exit because of the shuttles; that Western is required to show proof of insurance; that Mr. Carlisle has been working with the owner of the truck damaged during the show; and that the price with Western has not really changed over the last 20 years. Council discussed going out to bid for other companies.

Mayor Griffin adjourned the Work Session at 6:44 p.m.

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, to seek advice from the City Attorney regarding Item #6 at 6:44 p.m.

Council reconvened from Executive Session at 7:00 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 7:05 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION

Councilmember Turner gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

ANNOUNCEMENTS/UPCOMING EVENTS

Marketing Specialist Natalie Foster reminded everyone about Blues Fest and that on Friday night, there will be the First Annual Foreman's Backyard BBQ Battle. The Animal Shelter will participate in the "Empty the Shelter" adoption event, in which all fees are waived, from 10:00 a.m. to 5:00 p.m. on Saturday. She discussed photography classes that are available at the Boys Ranch Activity Center.

OPEN FORUM

Patricia Nolan, 1005 Carousel Drive – Ms. Nolan signed up to speak on Item #5. She stated that the Mayor recently made proposals on how the Board and Commissions were to operate. Their mission statement is that they are comprised of citizen volunteers who have an active interest in the participation of municipal business within the City. They have dedicated volunteers who have served many years but Council is discounting their time and service. Volunteers affect public policy; have access to the highest form of City government; develop networks; shape and influence public policy by lending a more diverse viewpoint for the Council to consider; and play a vital role that enhances the quality of life in the City. They may take hours of deliberation before making recommendations. The City could not function without them and they perform a vital service that shapes the quality of life and reflect the varied interests of the community. She discussed the proposed changes and asked if every year the Council changes, would every member need to be re-interviewed, wasting the Council's and candidates' time. She stated that the July 1 Planning Session minutes reflect Council discussion on more control being needed so nothing bad is said about doing business in the City, and Code Compliance issues not being allowed to be brought up during Council meetings. She stated that this is not free democracy at work and that Boards and Commissions bring a system of checks and balances without which the City would cease to exist as a community. She stated that if Council members are going to vote alike without discussion, the City does not need seven of them. She stated that if Council is going to elect the chairperson, set the agenda, and tell the Boards and Commissions what to say, it is an autocratic form of government and should not be tolerated.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 3, 7, 8, 10, 11, 12, 13, 14 and 15.

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

COUNCIL RECOGNITION

- 1. Proclamation declaring August 12, 2014 as Plaski Family Day in the City of Bedford. ***This item requested by Councilmember Turner.**

Mayor Griffin read a proclamation declaring August 12, 2014 as Plaski Family Day in the City of Bedford.

Alicia Plaski discussed planting American flags in honor of her father who fought in World War II. Her father Walter Plaski recounted his experiences with the Second Infantry at the Battle of the Bulge. Ms. Plaski stated that she has created a non-profit called Flag DFW and she wants to see flags up and down Forest Ridge Drive.

- 2. Consider a resolution authorizing the Beautification Commission to recognize Gemma Dalton, DDS and Pecan Creek Apartments for maintaining, improving, and/or keeping their property visually attractive to the community.**

Beautification Commission Chairperson Faye Murphy discussed the Business Recognition Program, where a citizen can nominate businesses for an award in three categories – overall appearance, best improved, and superior landscaping. From those businesses nominated this summer, the Commission recognized Pecan Creek Apartments for superior landscaping, and Gemma Dalton, DDS for overall appearance. Each business will be given a plaque and recognition signs will be placed at the

businesses for a month. The presentation is scheduled for Saturday, August 23, with Dr. Dalton at 10:00 p.m. and Pecan Creek Apartments at 10:15 a.m.

Motioned by Councilmember Champney, seconded by Councilmember Farco, to approve a resolution authorizing the Beautification Commission to recognize Gemma Dalton, DDS and Pecan Creek Apartments for maintaining, improving, and/or keeping their property visually attractive to the community.

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

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:

a) July 22, 2014 regular meeting

This item was approved by consent.

PERSONS TO BE HEARD

4. The following individual has requested to speak to the Council tonight under Persons to be Heard:

a) Salvatore Caruso, 148 Ravenswood Drive, Bedford, Texas 76022 – Requested to speak to the Council to present the “Block Party” concept.

Salvatore Caruso, 148 Ravenswood Drive, Bedford – Mr. Caruso stated that a year ago the Community Affairs Commission was looking for a direction and he brought up the possibility of a block party. He and fellow Commission member Mark Massey discussed the idea of having the Mayor and Council come to different communities around the City, in the form of a rolling block party. They are proposing two a year, one in September, and one in April or May. They are asking that the Library, Boys Ranch, and the Fire and Police Departments have tables. Mr. Massey stated that he has been on the Commission for six years, has seen it evolve and that this is a fresh opportunity to reach out to the community. He feels that it will reach more people in the business, residential and faith-based communities than meetings that have been held at the Library. 6Stones and a church will be participating. He stated that this would give people the opportunity to talk to Council and voice their opinions. Mr. Caruso recognized Commission Member Amy Sabol, whose subcommittee coordinated with different departments to have tables at the Mayor’s Roundtable. Albertsons is providing free hotdogs, water and chips, and St. Vincent’s has volunteers to hand out fliers. They will have a photographer for pictures in the Bedford Connection. The street is easily blocked off and they have received permission from the homeowners.

b) Darryl Day, 1317 Brookshire Drive, Bedford, Texas 76021 – Requested to speak to the Council regarding Boards and Commissions.

Darryl Day, 1317 Brookshire Drive, Bedford – Mr. Day discussed his roles in the community including with the HEB Chamber, the Education Foundation Board, the Mid-Cities Optimist Club, Trinity High School, and 6Stones. He is a business owner and life-long resident of the HEB area. At a Library Fundraiser, he met Joe and Connie Stout and first heard about Trap-Neuter-Release (TNR). He had his first experience to speak to Council at their February 11 meeting and was disturbed by the process that night and has since tried to make sense of what he saw. He stated that the Animal Shelter Advisory Board was not allowed to have a voice and he has been exploring why for the last six months. He discussed talking to members of Council the following day and told them that he was disturbed by what had happened. He discussed a meeting regarding TNR attended by 40-50 people and he told the attendees he would talk to Council and observe and understand the reason behind Council’s decisions. He had applied to be on the Board but was told that the appointment process would not be until November to allow Council to redefine the mission statement and roles of the Boards and Commissions before new people are brought on. He discussed the February 11 meeting and stated that Dr. Epps was not allowed to answer questions but there was a Q&A with the Police Chief. He reviewed the Council mission statement, including being responsive to the needs of the community and stated that 90 percent

of people in attendance at the Council meeting were in favor of TNR. He questioned getting answers to questions after the vote. On May 15, he attended an all-day seminar for Animal Control Officers. He discussed comments by Council regarding it being unfortunate not hearing from any opponents and asked how that can be unfortunate. He discussed the purpose of the Board and that the members recognized that cats were being put down unnecessarily and that there was overcrowding in the Shelter. He discussed Council's goal of demonstrating excellent customer service in an efficient manner and an email being sent from a Council member to a volunteer at the Shelter about their contingency being disrespectful. He discussed what it means to be a liaison and stated that in looking at the minutes of the Board, staff says what they are doing is not working. He stated that he was surprised that for Animal Control, the Police only respond to complaints and that they should be eliminating the problem before it comes in. He stated that when the Board brought Council their recommendation, they were told it was not the direction of the Board even though it says so in the mission statement. He discussed changes to Boards and Commissions including the setting of agendas and the appointment of chairpersons. He stated that the problem is not the Board but the Shelter. He stated that staff and other citizens told them that TNR would never happen in the City. He discussed people bypassing the Board and trying to establish an ordinance to make TNR illegal; and the Council not allowing the Boards to function and taking away their power and asked why have boards. He stated that volunteer groups have tried to help the Shelter but they are not made to feel welcome and was told it is the hardest shelter to deal with and that they are afraid for the animals. He discussed the Council goal of encouraging citizen involvement and changing the ordinance to make TNR illegal. In regards to economic development, he stated the City should not want to have the most restrictive animal ordinance in the State. He discussed the Board not being able to give their presentation; not having a veterinarian position since February and that State law requires one; that there was a vicious dog bite on July 22; things being broken; State mandates; checks and balances being gone; the effect on animals, the quality of life, economic development and the budget; grants for the Shelter; Council taking control of the Boards and Commissions; and the negative effect on the City. He stated that he is disappointed and that this will embarrass the City and cost it money.

Mayor Griffin stated that the Council is dealing with the Boards and Commissions from the point of view of structure, conformity, and reestablishing that they work at the purview of the Council. They are refocusing all of them and it is not accurate to say that Council is not interested in citizen involvement. There was discussion on changing the Animal Shelter Advisory Board purpose back to the State definition.

OLD BUSINESS

- 5. Consider an ordinance amending Chapter 2. "Administration," Article IV. "Boards, Commissions and Committees;" Chapter 74. "Library," Article II "Library Board;" Chapter 86. "Parks and Recreation," Article II. "Parks and Recreation Board;" and Chapter 18. "Animals," Article III. "Animal Shelter Advisory Board" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.**

City Secretary Michael Wells presented information regarding this item. Based on discussions at the July 1 Planning Session and the July 22 Council meeting, several changes to the Boards and Commissions are being proposed. To make the appointment of Board and Commission members be in-line with the fiscal year, the terms of all members, excluding the Zoning Board of Adjustment, the Building and Standards Commission, and the Teen Court Advisory Board, will end on September 30, 2014. The Council would also name the chairperson, excluding the Planning and Zoning Commission as the provisions for naming their chairperson are in the Charter. Other changes that affect all Boards and Commission include: agendas being the responsibility of the staff and Council liaisons with input from the chairperson; subcommittees requiring approval by the Council and their meetings complying with the Open Meetings Act, including the posting of agendas; appointing a vice chairperson and secretary; requests for funding and/or staff time having to go through the staff liaison; making annual reports to Council; maintaining a record of all meetings to be kept on file with the City Secretary; each member serving at the will of the Council, and being removed at any time by a majority vote of the Council, with or without cause; and changing the attendance policy that absences are counted within the fiscal year. Other changes include: reducing the number of meetings of the Animal Shelter Advisory Board from six to three; adopting the Adopt-a-Street, Clean Up Bedford, and Chunk Your Junk

subcommittees of the Beautification Commission and removing outdated language; removing the second part of the duties of the Community Affairs Commission, adopting their Business Outreach, Residential Outreach, Faith Based Outreach and City Expo subcommittees, and adding language regarding appointing qualified applicants to the "Business Owner" places; streamlining the purpose of the Cultural Commission, adopting their 501(c)(3), Arts Incubator, ArtsFest and Storefront Gallery subcommittees, and changing ARTSNET to Arts Council Northeast; deleting the Senior Citizen Advisory Board; removing language regarding the Library Advisory Board reviewing the Library budget prior to submittal to the City Manager; and moving the sections on the Parks and Recreation Board and Library Advisory Board under Chapter 2. "Administration," Article IV. "Boards, Commissions and Committees."

Council was of the consensus to change the language regarding the agendas to be the responsibility of staff and the chairperson with input from the Council liaison. Councilmember Fisher proposed changes to the Animal Shelter Advisory Board including that it consist of five members: one member of the general public, one licensed veterinarian, one representative from an animal welfare organization, one municipal employee who is the Police supervisor over the Animal Control Division, and one municipal employee whose duties include the daily supervision of the Animal Control Shelter; and that the powers and duties reference Section 18-84 as it deals with multi-pet permitting and Section 18-187 as it deals with exotic animals. There were no objections to these proposed changes.

There was discussion on a comprehensive review of Boards and Commissions; addressing systems, procedures and policies; members and liaisons clearly understanding their roles; and having more organized and structured processes in order to be more effective and efficient.

Motioned by Councilmember Turner, seconded by Councilmember Fisher, to approve an ordinance amending Chapter 2. "Administration," Article IV. "Boards, Commissions and Committees;" Chapter 74. "Library," Article II "Library Board;" Chapter 86. "Parks and Recreation," Article II. "Parks and Recreation Board;" and Chapter 18. "Animals," Article III. "Animal Shelter Advisory Board" of the City of Bedford Code of Ordinances; providing a severability clause; declaring an effective date, and including the changes as previously stated.

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

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

Voting in opposition to the motion: Councilmember Davisson

NEW BUSINESS

- 6. Public hearing and consider an ordinance to rezone a portion of the property known as Lot C, Block 28, Stonegate Addition, located at 530 Bedford Road, from Light Commercial to Light Commercial/Specific Use Permit/Tobacco Products Store, specifically allowing the sale of tobacco or other substances such as vapor, electronic cigarettes, e-cigarettes, liquid nicotine, etc., for KND Discount Cigarettes; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date. The property is generally located east of Brown Trail and south of Bedford Road. (Z-254)**

Planning Manager Jacquelyn Reyff presented information regarding this item. It is for the property at 530 Bedford Road in the Bedford Plaza Shopping Center. The location has an existing tobacco product store with a valid certificate of occupancy. The new owner attempted to complete the certificate of occupancy process; however; on April 22, 2014, Council approved a zoning ordinance which now requires a specific use permit (SUP) for this business type. The property has no zoning variance and the applicant is only requesting a SUP. The property is zoned L - Light Commercial, and the tobacco product store is a permitted use when the SUP process is complete. The applicant would like to continue using the 1,007 square foot lease space and there would be no physical changes to the site. There are 61 parking spaces for the entire shopping center and parking is in compliance for the proposed use. The Comprehensive Plan indicates the location to be commercial so the proposed use

would not conflict with the Plan. The Planning and Zoning Commission approved the SUP request at their July 10 meeting 6-0-0.

Mayor Griffin opened the public hearing at 8:45 p.m.

Sal Caruso, 148 Ravenswood Drive – Mr. Caruso stated that he spoke at the July 10 Commission meeting and expressed his viewpoints. He had gone to the store and noticed that there were adult magazines. There is an elementary school, apartment complex and a high school in the area. There are gambling machines and pipes in the store as well. There are snacks, candy and chips and children can walk in there anytime. He talked to a store representative who removed the magazines but he is not comfortable that it will not be that way once again if this item is approved. He discussed e-cigarettes including checking ages, and cited articles that stated they are not regulated by the FDA and are a chemical aerosol. A CDC survey indicated that 1.8M middle and high school students have used e-cigarettes in 2012. He stated that the benefits and risks of e-cigarettes are uncertain but there is insufficient data to draw conclusions. He stated that the World Health Organization recommended consumers not to use them. He stated that the store should not be shut down but needed to be more monitored.

Starr Finn, 1545 Forest Park Circle #238 – Ms. Finn stated she came to speak out against the shop. She stated that there is mindset in the culture that once one gets to a certain age, one can partake of certain things. There is a need to use God's word and apply it to one's life and that one should not sin when they reach a certain age. It represents bondage and does not glorify God. The land would become sick and defiled and cause people and the land not to prosper. One should want to do things that glorify God and not give people the opportunity to sin.

Mayor Griffin closed the public hearing at 8:55 p.m.

Sajeel S. Khaleel, a representative for Discount Tobacco, stated that the applicant understands the laws regarding e-cigarettes and that they are boxed off and sealed. They also follow the law regarding asking for identification. His client was in negotiations with the previous owner in December before the new regulations came out. In regards to concerns about adult magazines, they are not illegal as long as they are controlled. He does not see why the SUP cannot be granted.

There was discussion on the prohibition of commerce. In answer to questions from Council, Mr. Khaleel stated that the name has always been Discount Cigarettes and there would be no changes to the storefront; that the LED lights around the window no longer work; and that the sale is complete. There was discussion on the legalities in the zoning process that make it difficult to prohibit this type of store. In answer to further questions from Council, Mr. Khaleel stated that his client is willing to say they will no longer sell any adult products; that 90 percent of their sales come from actual tobacco; and that pipes represent two to three percent of their business and they are waiting for their inventory to clear out. In answer to questions from Council, Ms. Reyff stated that she is not aware of the sale of adult products being legal non-conforming after approval of this item. There was discussion on adding a stipulation that the LED lights remain in non-working condition or not allowing them to be replaced.

Motioned by Councilmember Fisher, seconded by Councilmember Davisson, to approve an ordinance to rezone a portion of the property known as Lot C, Block 28, Stonegate Addition, located at 530 Bedford Road, from Light Commercial to Light Commercial/Specific Use Permit/Tobacco Products Store, specifically allowing the sale of tobacco or other substances such as vapor, electronic cigarettes, e-cigarettes, liquid nicotine, etc., for Discount Cigarettes; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty clause; and declaring an effective date, with the stipulation that the SUP be attached to the new owner's name and a ban on LED lights surrounding the windows.

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

Voting in favor of the motion: Mayor Griffin, Councilmember Boyter, Councilmember Davisson, Councilmember Farco and Councilmember Fisher.

Voting in opposition to the motion: Councilmember Turner and Councilmember Champney.

7. Receive the 2014 Certified Ad Valorem Tax Roll from the Tarrant Appraisal District.

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

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

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

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

Assistant to the City Manager Meg Jakubik presented information regarding this item. The tax rate recommended to fund the budget as presented is the current tax rate. The compositions of the rate changed with an increase on the Debt side for the Boys Ranch Park and capital items that Council approved. That increase resulted in a four percent decrease on the Maintenance and Operations side to maintain the same rate. This item is to set the maximum tax rate that Council will consider when they go for formal approval on September 9.

Motioned by Councilmember Fisher, seconded by Councilmember Farco, to consider a tax rate of \$0.4948303 per \$100 assessed valuation to be voted on the September 9, 2014 agenda, and schedule a public hearing to discuss the tax rate on Tuesday, August 26, 2014 at 6:30 p.m. at Bedford City Hall and a second public hearing to discuss the tax rate on Tuesday, September 2, 2014 at 6:30 p.m. at Bedford City Hall.

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

10. Call a public hearing on the proposed FY 2014-2015 budget to be held on August 26, 2014 at 6:30 p.m. in the City Hall Council Chambers.

This item was approved by consent.

11. Consider a resolution authorizing the City Manager to approve payment in the amount of \$26,966.36 to Tarrant County for the final payout for the Tarrant County Community Development Block Grant 39th Year Program.

This item was approved by consent.

12. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) and Protocol Agreement with Alliance for Children.

This item was approved by consent.

13. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with Texas Health Resources.

This item was approved by consent.

14. Consider a resolution authorizing the City Manager to enter into a rooftop equipment/system agreement with Leis 'Ohana Hui Family Partnership, LTD.

This item was approved by consent.

15. Consider a resolution authorizing the City Manager to enter into a contract with Harrison, Walker & Harper (HWH) to remodel the men's and women's restrooms at the Senior Center in the amount of \$24,656.49.

This item was approved by consent.

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

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

No report was given.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner announced the Crud Cruiser event on September 13 at Meadow Park. Residents have the ability to get rid of their crud year-round by getting a voucher at City Hall. The Shred Day event is scheduled for mid-October.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter stated that everyone heard Mr. Caruso's presentation. He recognized other Commission members in attendance and stated that it was a great honor to serve them. He respects them and appreciates all that they have done.

✓ **Cultural Commission – Councilmember Champney**

Councilmember Champney reported that the Commission met the previous night and discussed Arts Fest in March of next year. There was discussion on storefront art displays including maybe having another one in November.

✓ **Investment Committee – Councilmember Turner**

Councilmember Turner reported that the Committee held its quarterly meeting a couple of weeks ago. The City's money is very safe but not making a lot of interest due to curbs put in place by the State and the City. The first principle of investing is safety. The City is earning 17 basis points, which is comparable to other cities. He has asked the City's investment advisory company to come to the August 26 Council meeting to present the basis on which the City's investments are made.

✓ **Library Board - Councilmember Davisson**

No report was given.

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

Councilmember Davisson reported that the Board reviewed and proposed changes for the summer day camp fees, including incentivizing people to pay in advance. The 2K9 and Dog Splash Day events are scheduled for September 9 at 8:30 a.m. and 10:00 a.m. respectively. The costs are \$10.00 for 2K9, \$5.00 for Dog Splash Day, and \$12.00 for both.

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

No report was given.

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

Councilmember Farco reported that the Board met on August 7 and discussed the successful banquet. They raised \$1,500 and awarded six \$1,000 scholarships. They are looking for more students and adult volunteers.

17. Council member Reports

No other reports were given.

18. City Manager/Staff Reports

City Manager Beverly Griffith reported that the Senior Center will be closed the week of September 8-12 for much needed repair and maintenance work.

Public Works Director Tom Hoover gave a presentation on the West Nile Virus (WNV) and what the City is doing about mosquitoes. They are working with the Tarrant County Health Department and have four static locations and one roaming location. The City got its first hits on the north side and at Stormie Jones Park. The roving trap was moved below Cheek Sparger Drive and received a positive hit. They have taken an aggressive stance where a four man crew walks every linear foot of creek once a month and applies chemicals to the water, banks and high grasses. They also remove blocks in the flow of the water, including trees that have fallen. They have doubled their efforts in areas that have tested positive, including mowing the grass along the two positive areas. Since then, they have not had a positive test at Stormie Jones. Their program complies with EPA and CDC requirements, by reducing the breeding sites, educating the population, and using biological chemicals. He discussed it being an interdepartmental effort between Code Compliance, Public Works and the Parks Departments. The City has had more positive tests but no human cases. In regards to spraying, he stated that it treats adult mosquitoes, which is not effective and would cost \$150,000 to \$200,000 to fog the entire City. The CDC recommendation is to spray when there are multiple human cases. In answer to questions from Council, Mr. Hoover stated that they do service in apartment areas in coordination with management due to the number of residents, but that they do not service commercial property.

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

Item #6 was discussed during Executive Session.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 9:28 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: Meg Jakubik, C.G.F.O., Assistant to the City Manager

DATE: 08/26/14

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

ITEM:

Public hearing on the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2014 through September 30, 2015; levying taxes for 2014 tax year.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

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

In accordance with the requirements in the City Charter, the budget for the City of Bedford, as compiled by the City Manager, has been submitted. On August 12, 2014, the City Council called for a public hearing to be held on August 26, 2014 to receive public comments on the budget.

Exhibit A to this agenda item reflects a summary of the budget as presented. An ad valorem tax of \$0.4948303 per \$100 valuation is recommended to fund this budget.

At the August 12 Work Session, Council requested further information regarding the proposed supplementals for trucks and information related to the Brasher Lane street build. Attached is a list itemizing each truck request and the different specifications requested by each department according to their needs. Additionally, the memo outlining the scenarios with cost impacts and estimated impacts for the different options in the Brasher Lane area is included.

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

RECOMMENDATION:

Hold a public hearing to receive citizen comments on the proposed budget for FY2013-2014.

FISCAL IMPACT:

N/A

ATTACHMENTS:

PowerPoint Presentation
Exhibit A: Summary of Revenue and Expenditures by Fund
Truck Supplementals List
Oak Grove Estates Scenario Memo

FY 2014-15
Budget Public Hearing

August 26, 2014

Budget Strategy

- Council Goals
- Citizen Survey
- Fiscal Responsibility
- Investments
 - Infrastructure
 - Human Capital
- Accountability
- *Keep an eye on the radar*

Performance Measure Program

- Evaluated & Revised
- Goals related to Council Mission Areas
 - Required to have an applicable Performance Measure
- Example – Library
 - Mission Area – *Foster economic growth.*
 - Goal: Empower job seekers by providing access to technology, resources and classes.
 - Measure: % of Library Customers reporting they got a Job

Assumptions

- Conservative Sales Tax Growth
- Targeted Service Level Increases
 - Crime Free Multi-Family Program
 - Repeat Victimization Unit Storefront Operation with a Mental Health Coordinator
 - Improve Multi-Family Building Inspection Program
 - Replacement of Capital Equipment
- Fee Increases related to cost for providing services
 - Water & Sewer pass-through increase from TRA
 - Multi-Family Inspections
 - Day Camp
- Shared portion of increased benefit costs with Employees
- Debt Service for Boys Ranch Phase I & Capital Purchases
- Maintain current Property tax rate
 - Provide contingency for Fire Station 2

Fiscal Transparency Award

- Texas Comptroller Leadership Circle Award
- Platinum Designation for entities *that go above and beyond providing financial transparency.*



Texas Comptroller
Leadership Circle

Cost of Services

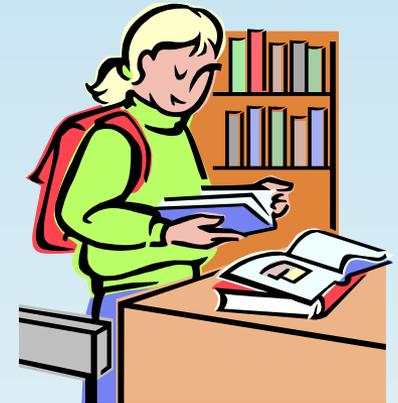
- Customers Served:
 - 48,721 Citizens
 - Untold Number of Visitors



- Operating Budget: \$64,316,128



Services Provided





What a Bargain!

- Average Taxable Home Value: \$152,234
- Tax Rate per \$100: \$0.494830



- Cost:
 - Per Year = \$753.30
 - Per Month = \$62.77
 - Per Day = \$2.06

Financial Highlights

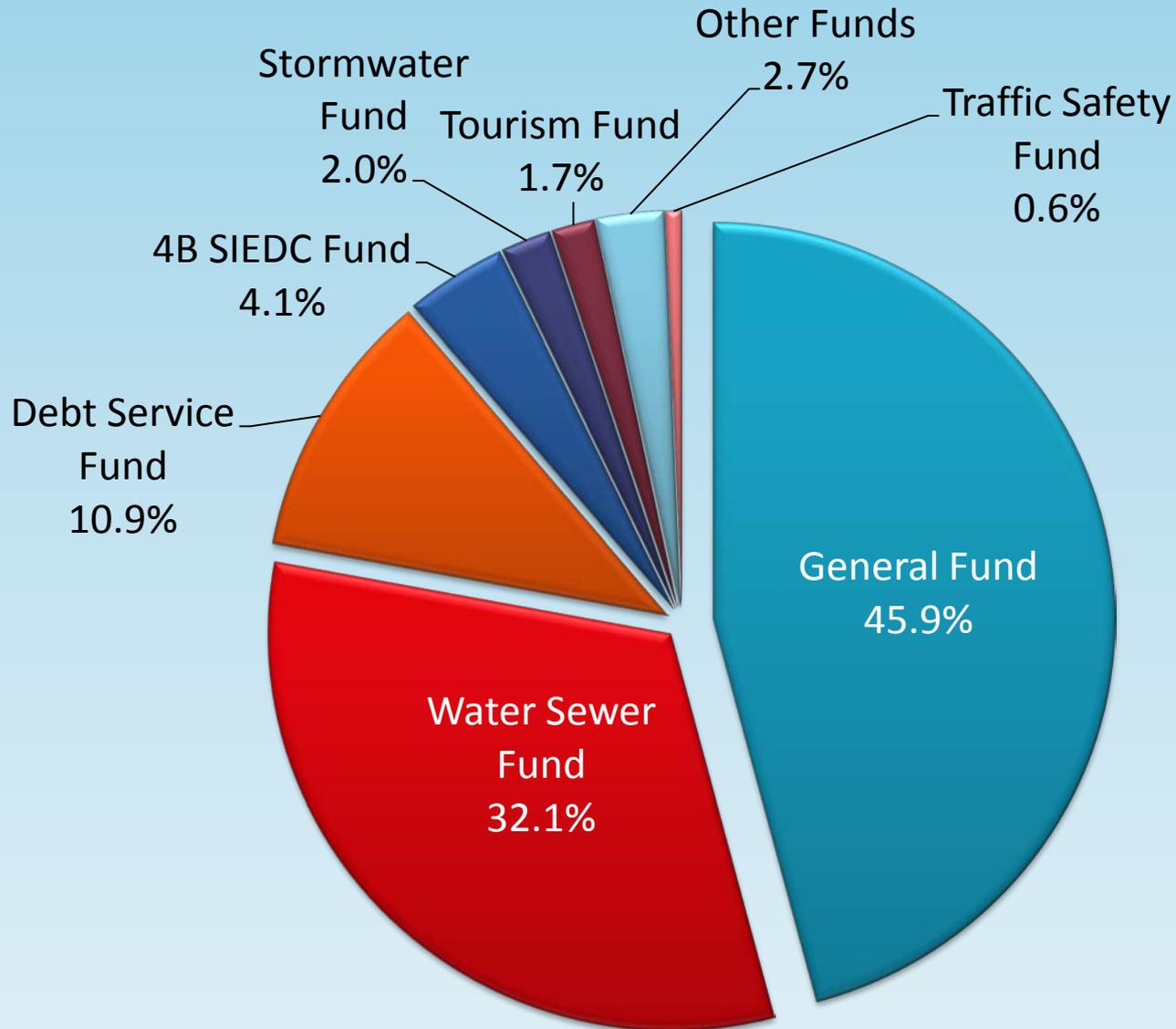
Budget Highlights

<u>Fund</u>	<u>Revenue</u>	<u>Expenditures</u>	<u>Difference</u>
General Fund	\$29,501,310	\$29,383,169	\$118,141
Tourism Fund	\$1,125,725	\$1,113,953	\$11,772
Water/Sewer Fund	\$20,623,317	\$20,766,055	(\$142,738)
Stormwater Fund	\$1,305,000	\$1,265,342	\$39,658
Debt Service Fund	\$7,025,607	\$7,043,258	(\$17,651)
4B SIEDC Fund	\$2,628,000	\$3,763,118	(\$1,135,118)
Other Funds	<u>\$2,124,050</u>	<u>\$981,233</u>	<u>\$1,142,817</u>
TOTAL BUDGET	\$64,333,009	\$64,316,128	\$16,881

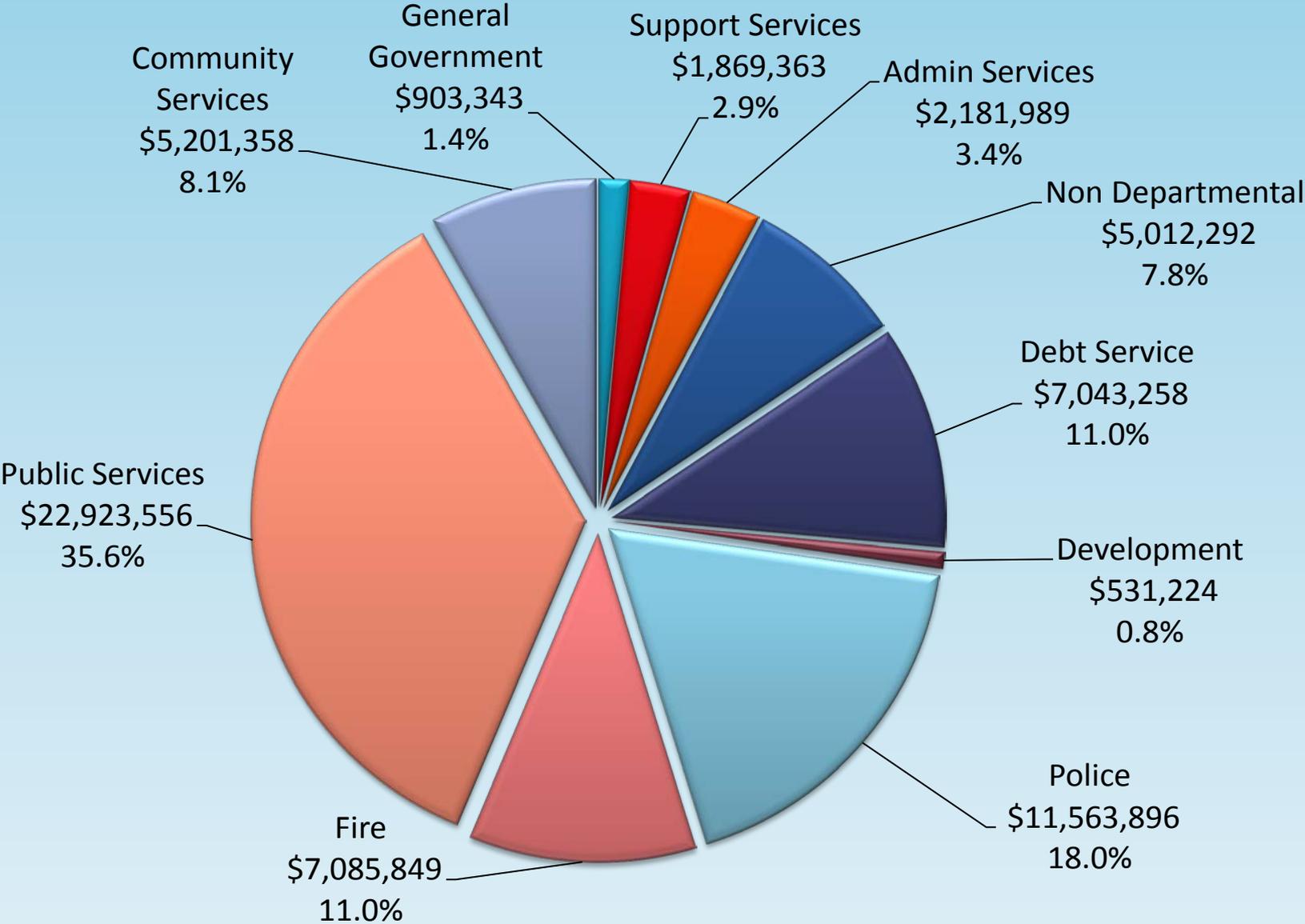
Consumer Price Index (CPI) vs. Municipal Cost Index (MCI)

Type	2010	2011	2012	2013	2014	Avg. per year
MCI % Change	3.1%	4.5%	2.2%	1.8%	1.4%	1.93%
CPI % Change	1.9%	2.8%	2.3%	1.5%	1.3%	1.52%

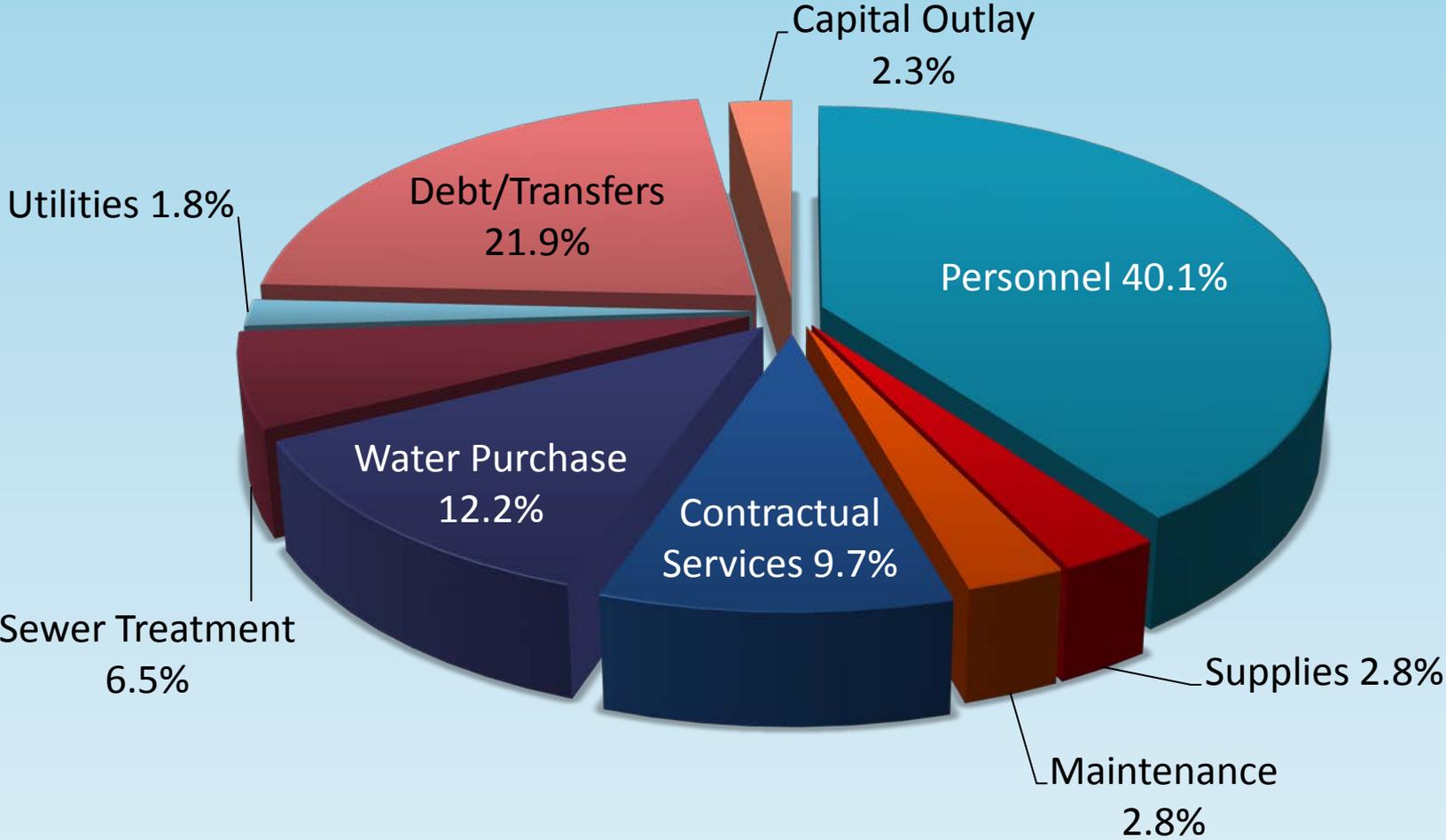
REVENUES BY SOURCE



Expenditures by Function



Expenditures by Classification

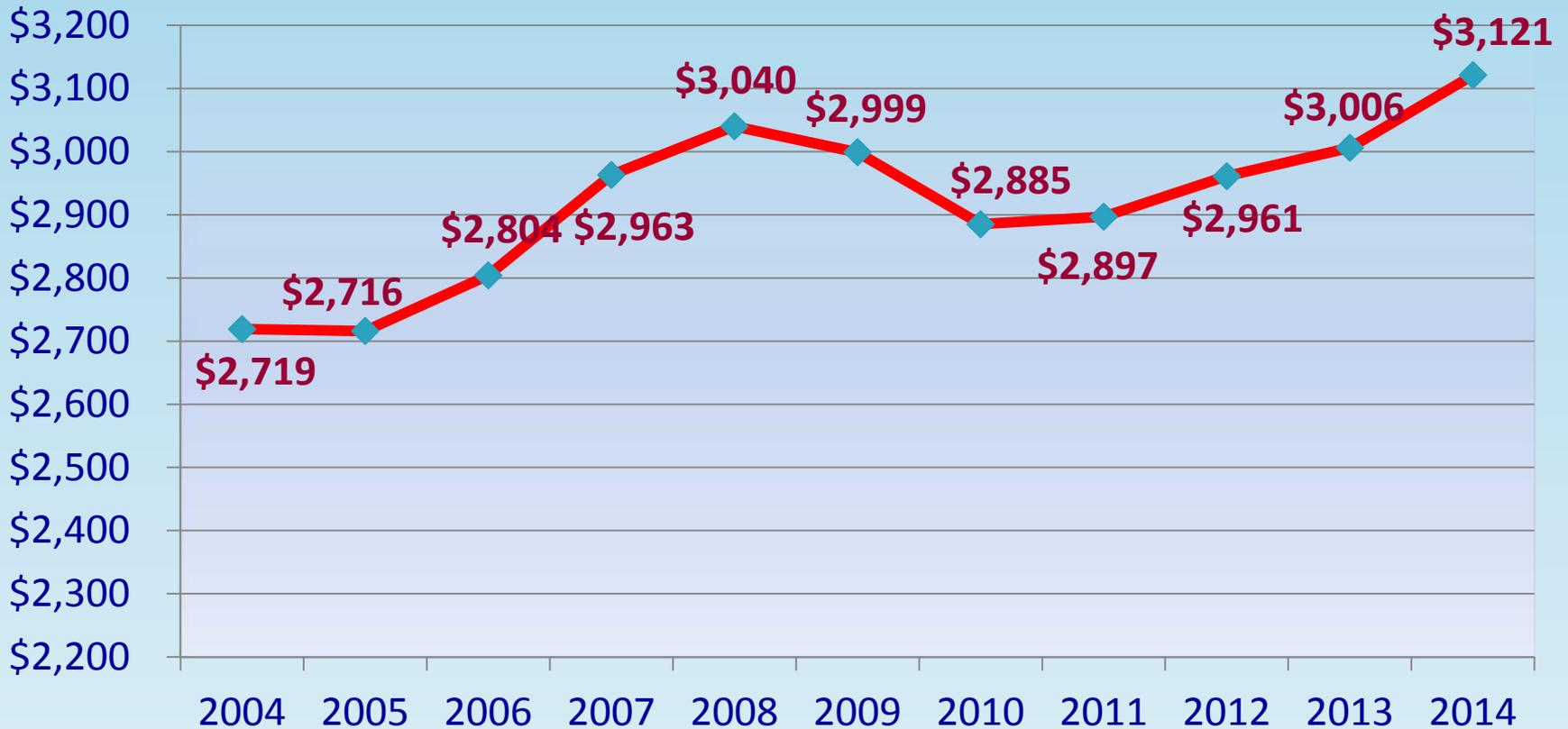


GENERAL FUND

The City's primary operating fund. It is used to account for all financial resources except those required to be accounted for in another fund.

TAXABLE VALUE COMPARISON over the years

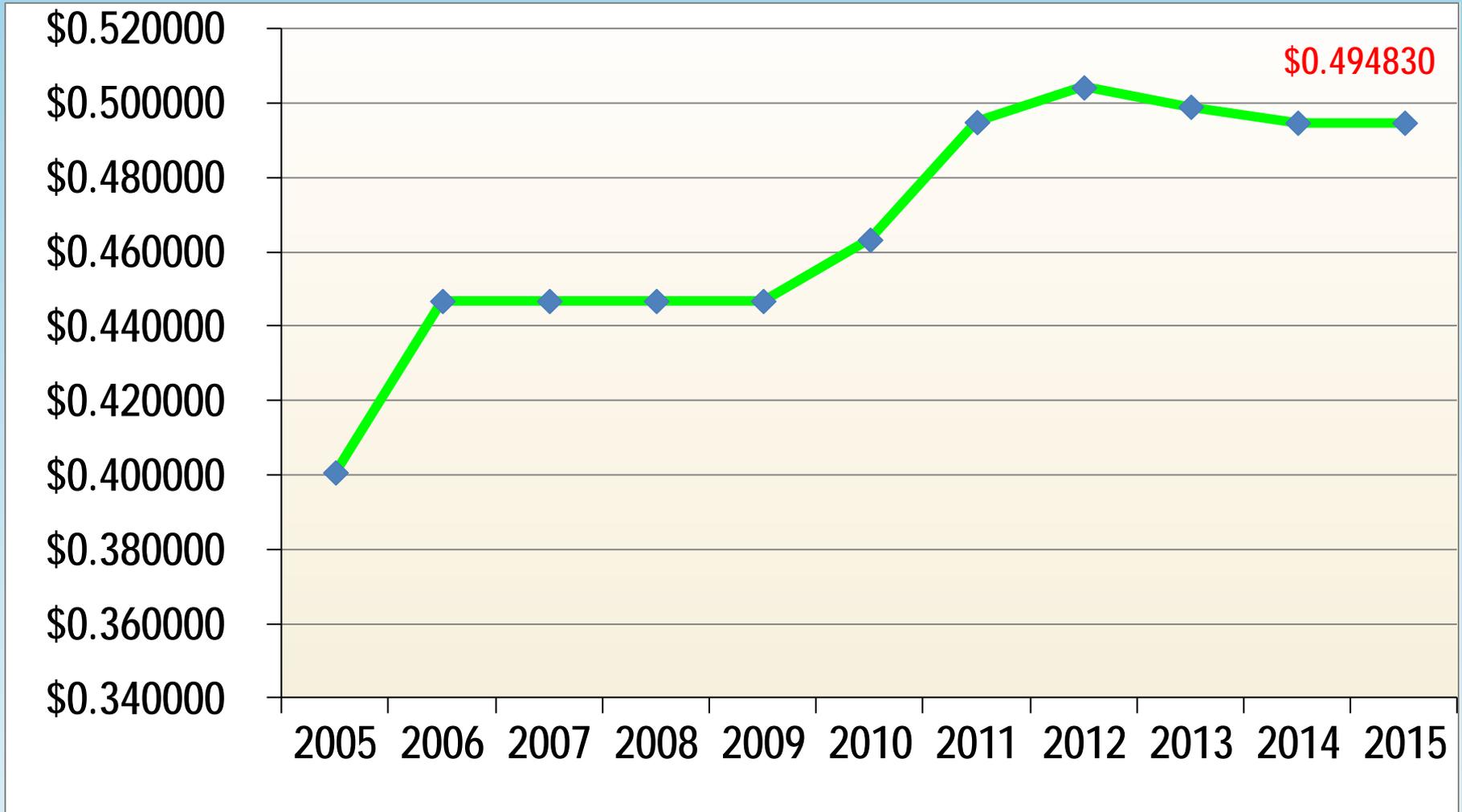
Taxable Values



Appraised Value Changes

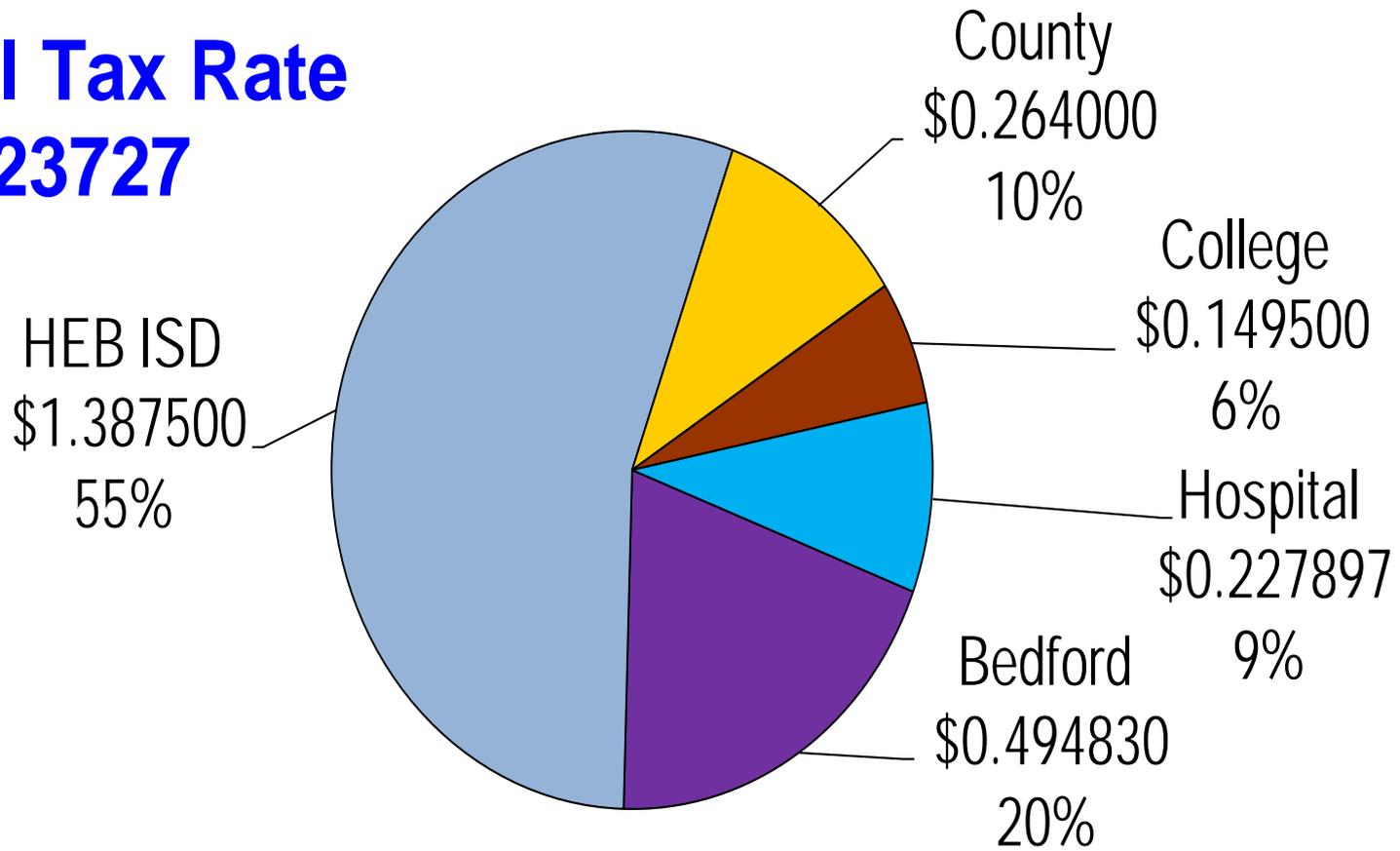
<u>Fiscal Year</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>
Taxable Value	\$3,088,050,009	\$2,930,444,393	\$2,908,359,737
New Construction	\$4,147,745	\$6,293,903	\$6,794,133
Total	\$3,121,183,647	\$3,006,179,994	\$2,961,094,384
Total Change	3.8%	1.5%	2.2%
Avg Market Value	\$166,472	\$161,780	\$158,701
Avg Net Taxable Value	\$152,234	\$148,113	\$145,754

TAX RATE HISTORY

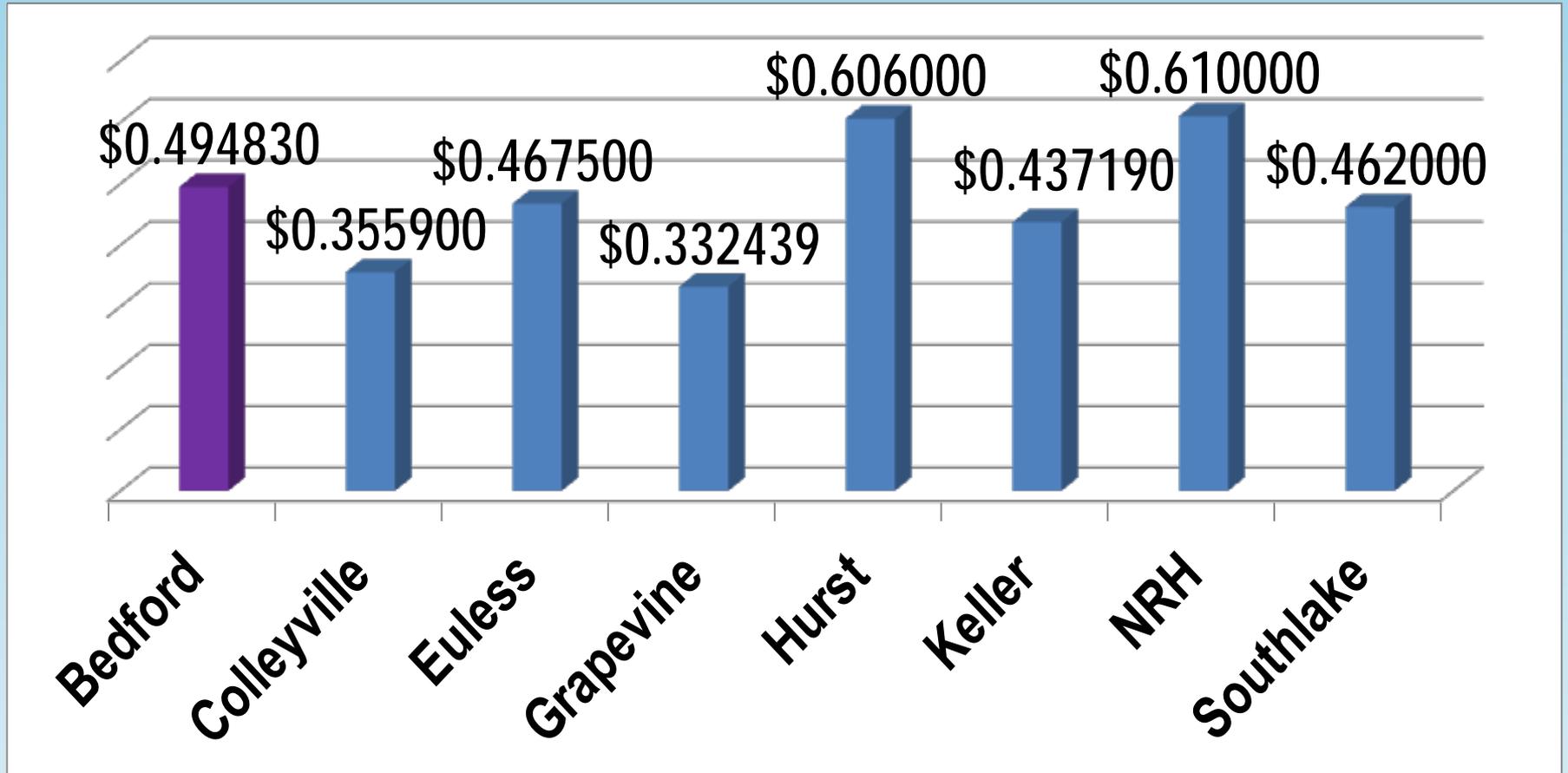


FY13-14 Overlapping Tax Rates

Total Tax Rate
\$2.523727



FY 14-15 Proposed Area Tax Rates



Effective Tax Rate Calculations

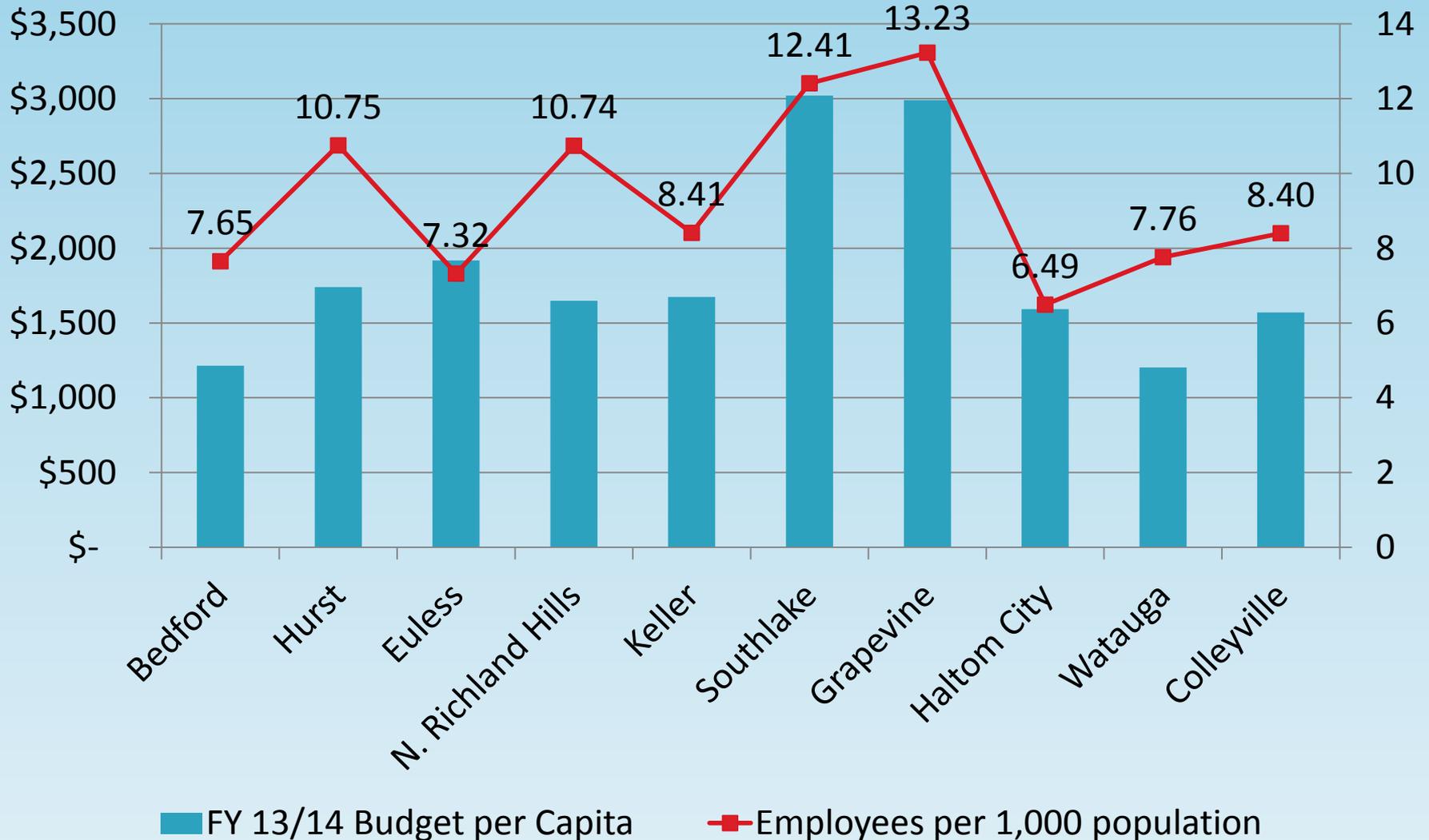
FY 2013-2014 Tax Rate	\$0.494830
FY 2014-2015 Effective Tax Rate	\$0.479538
FY 2014-2015 Rollback Rate	\$0.529670

Tax Rate used in Revenue Calculation:
\$0.494830

Tax Rate Impact

	FY 13-14	FY 14-15
Tax Rate	\$0.494830	\$0.494830
Average Homeowner Impact		
Average Home Value	<u>\$148,113</u>	<u>\$152,234</u>
Annual Tax Bill:	\$732.91	\$753.30
Monthly:	\$61.08	\$62.77
Senior Exemption Property Impact (Newly Qualified Property)		
Average Home Value	\$145,754	\$152,234
Less: Over 65 Exemption	(\$50,000)	(\$50,000)
Net Taxable Value	<u>\$95,754</u>	<u>\$102,234</u>
Annual Tax Bill:	\$485.49	\$505.88
Monthly:	\$40.46	\$42.16

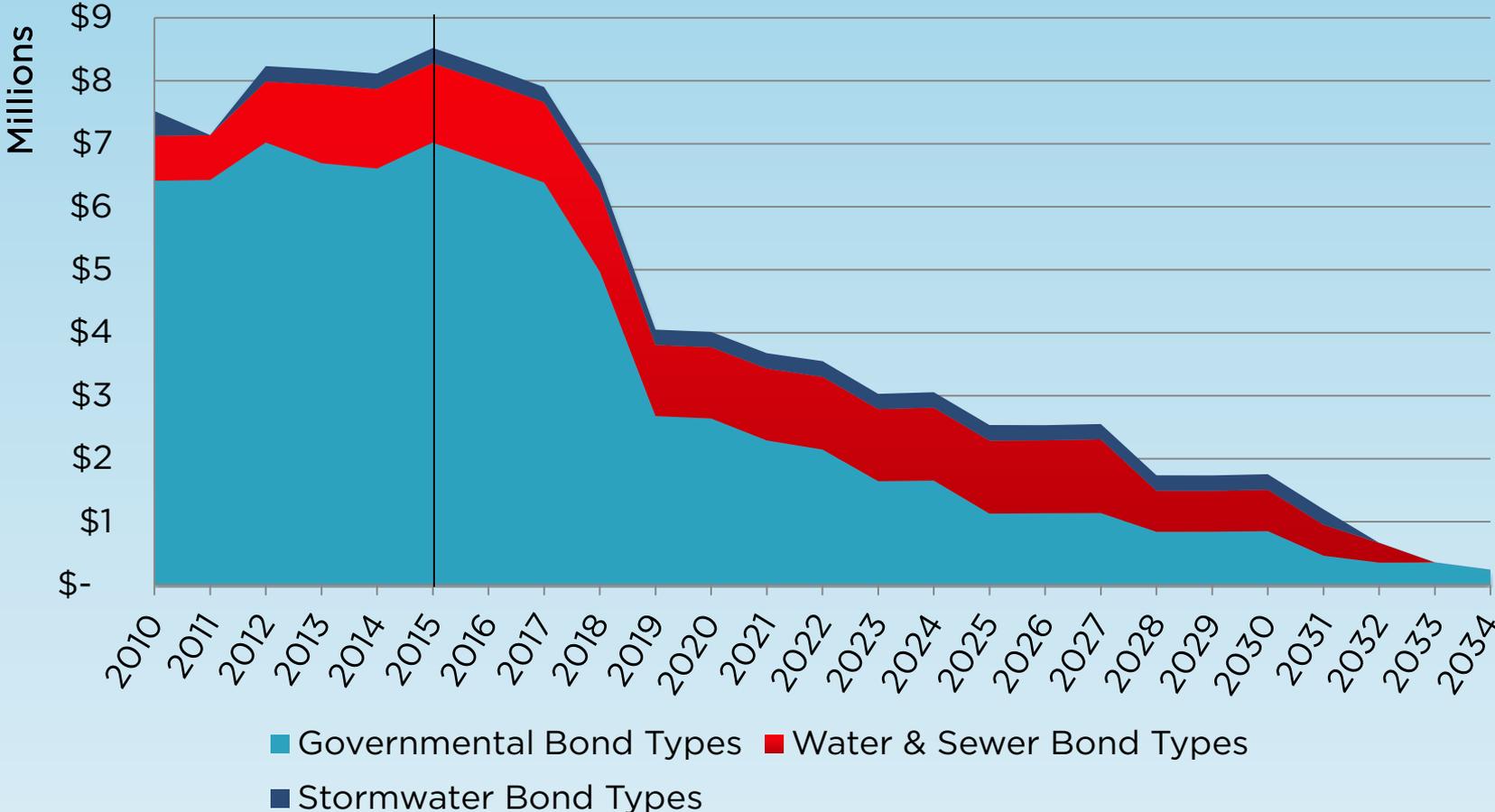
Per Capita Comparisons



DEBT SERVICE FUND

Sometimes referred to as the interest & sinking fund, it is primarily supported by the property tax to fund general long-term debt.

Annual Funding Requirements



Prior Year Comparison

Fiscal Year	Amount
FY 2013-2014	\$ 6,551,187
FY 2014-2015	\$ 7,043,258
Difference	\$ 492,071

- Bonds Issued in 2014
 - G.O. Bonds - \$3,200,000
 - Boys Ranch Improvements Phase I
 - Voter approved in November 2013
 - P.P.F.C.O. Bonds - \$2,300,000
 - Necessary Capital Items: Fire Pumper Truck, Finance Software Upgrade, Motorola Trunk Radio System
 - Other items planned as a part of this issuance, but ending cash balance from previous fiscal year allowed for cash funding

WATER AND SEWER FUND

An enterprise fund that is supported by water and sewer user charges/fees to fund 100% of its operations, debt obligations and capital outlays like a business type activity.

Current Water/Sewer Rates

**since January 2014*

WATER RATES:

Base Rate	\$18.92 / month
Base Rate (age 65 & older)	\$17.20 / month
Volume Rate	\$3.11 / 1,000 gal.

SEWER RATES:

Base Rate	\$11.21 / month	
Base Rate (age 65 & older)	\$10.18 / month	
Volume Rate	\$2.10 / 1,000 gal.	Up to 12,000 gal. max

Trinity River Authority Cost Projections

Projected Future Cost of Services Flows Based on Historical Data & Trends

Fiscal Year Ending Nov. 30	Projected Flow (MGD) – Water	Cost per 1,000 Gal – Water	Projected Flow (MGD) – Wastewater	Cost per 1,000 Gal - Wastewater
2015	34.100	\$2.909	131.552	\$2.226
2016	34.350	\$3.085	131.500	\$2.420
2017	34.600	\$3.323	131.500	\$2.622
2018	34.850	\$3.388	131.500	\$2.776
2019	35.100	\$3.517	131.500	\$2.909

Proposed Water/Sewer Rates

**effective October 2014*

WATER RATES:

Base Rate	\$18.92 / month	
Base Rate (age 65 & older)	\$17.20 / month	
Volume Rate (8.7% increase)	\$3.38 / 1,000 gal.	July City Average – 14,000 gal.

SEWER RATES:

Base Rate	\$11.21 / month	
Base Rate (age 65 & older)	\$10.18 / month	
Volume Rate (6.2% increase)	\$2.23 / 1,000 gal.	City Average – 5,000 gal. Up to 12,000 gal. max

Example Fiscal Impact

	Regular	Senior
Current July Bill	\$97.90	\$94.05
<i>Water & Sewer Increase</i>	<u><i>\$4.43</i></u>	<u><i>\$4.43</i></u>
New July Bill	\$102.33	\$98.48

SPECIAL REVENUE FUNDS

Funds where expenditures are restricted by Council for designated purposes or are restricted by State Law.

Highlights

- Technology Updates
 - Municipal Court Software, Record Management Software, GIS Software
- Facility Improvements
 - Public Works Building & Security Improvements, Old Bedford School Improvements, Splash Signage
- Vehicle Replacements
 - Medic Chassis, Code Compliance Truck, Parks Truck, Camera Van

QUESTIONS?

**CITY OF BEDFORD
SUMMARY OF REVENUE AND EXPENDITURES BY FUND
FISCAL YEAR 2014-2015**

FUND NAME	BEGINNING	REVENUE			EXPENDITURES			FY 14-15	ENDING
	BALANCE	PROPOSED	SUPPLEMENTAL	REVENUE	PROPOSED	SUPPLEMENTAL	EXPENDITURES	DIFFERENCE	BALANCE
GENERAL FUND	\$ 5,478,483	\$ 29,337,480	\$ 163,830	\$ 29,501,310	\$ 29,004,649	\$ 378,520	\$ 29,383,169	\$ 118,141	\$ 5,596,624
TOURISM FUND	364,268	1,125,725	-	1,125,725	988,220	125,733	1,113,953	11,772	376,040
WATER AND SEWER FUND	4,988,015	20,623,317	-	20,623,317	20,291,878	474,177	20,766,055	(142,738)	4,845,277
STORMWATER UTILITY FUND	960,608	1,305,000	-	1,305,000	1,247,342	18,000	1,265,342	39,658	1,000,266
UTILITY REPAIR & MAINTENANCE FUND	988,280	1,006,000	-	1,006,000	-	-	-	1,006,000	1,994,280
DRUG ENFORCEMENT FUND	44,387	10,000	-	10,000	5,000	-	5,000	5,000	49,387
COURT SECURITY FUND	11,428	40,000	-	40,000	40,000	-	40,000	-	11,428
COURT TECHNOLOGY FUND	151,223	65,000	-	65,000	29,310	50,475	79,785	(14,785)	136,438
PARK DONATIONS FUND	28,487	12,050	-	12,050	25,000	-	25,000	(12,950)	15,537
BEAUTIFICATION COMMISSION FUND	39,552	10,000	-	10,000	10,000	-	10,000	-	39,552
PUBLIC SAFETY TRAINING FUND	18,746	-	-	-	-	-	-	-	18,746
ECONOMIC DEVELOPMENT FUND	242,317	115,000	-	115,000	15,000	-	15,000	100,000	342,317
STREET IMPROVEMENT ECONOMIC DEVELOPMENT CORP.	2,295,579	2,628,000	-	2,628,000	3,582,318	180,800	3,763,118	(1,135,118)	1,160,461
DEBT SERVICE FUND	985,076	7,025,607	-	7,025,607	7,043,258	-	7,043,258	(17,651)	967,425
PEG FUND	344,265	141,000	-	141,000	18,400	-	18,400	122,600	466,865
TRAFFIC SAFETY FUND	25,991	400,000	-	400,000	290,462	34,900	325,362	74,638	100,629
COMPUTER REPLACEMENT FUND	118,807	50,000	-	50,000	-	63,300	63,300	(13,300)	105,507
AQUATICS MAINTENANCE FUND	147,651	50,000	-	50,000	-	20,400	20,400	29,600	177,251
LIBRARY MAINTENANCE FUND	50,001	25,000	-	25,000	-	-	-	25,000	75,001
FACILITY MAINTENANCE FUND	306,728	75,000	-	75,000	-	56,710	56,710	18,290	325,018
EQUIPMENT REPLACEMENT FUND	156,049	50,000	-	50,000	-	170,276	170,276	(120,276)	35,773
WATER/SEWER VEHICLE REPLACEMENT FUND	146,106	75,000	-	75,000	-	152,000	152,000	(77,000)	69,106
	\$ 17,892,046	\$ 64,169,179	\$ 163,830	\$ 64,333,009	\$ 62,590,837	\$ 1,725,291	\$ 64,316,128	\$ 16,881	\$ 17,908,926

Truck Supplementals

Truck	Size	Cab	Fuel	Total Cost	Extras
Code Compliance	3/4 Ton	Single	Gas	\$ 25,330	Light Bar Change-out
Building Inspector	1/2 Ton	Extended	Gas	\$ 29,900	Tool Box, Bed Liner, Light Bar
Streets (4B)	1 Ton	Crew	Diesel	\$ 39,900	4-Wheel Drive, Towing Package, Light Bar
Parks	3/4 Ton	Extended	Gas	\$ 32,000	Towing Package, Light Bar, Tool Box, Bed Liner



MEMORANDUM

TO: Beverly Griffith, City Manager
FROM: Thomas Hoover, Public Works Dir.
DATE: November 8, 2013
RE: Oak Grove Estates

We have completed our review of the Oak Grove Estates as requested by the City Council at the June 12, 2013 Council Work Session. At this meeting, staff was directed to put together several scenarios for the improvements needed for the development of the property east of Stormie Jones Park between Harwood Road and Midway Court.

This area was platted in 1952 but not all of the public improvements were installed. The area in question is approximately 16 acres. There are seventy-one (71) platted single family lots outside of Stormie Jones Park.

The City of Bedford has installed a portion of the water and sewer mains, a portion of the storm drainage system, and some of the street paving. Most of the improvements serve Stormie Jones Park, eight (8) single family lots on Brasher Lane, and three (3) commercial properties on Renee and Harwood.

For this report, the following assumptions will be used on all scenarios:

- 1) Single family home value of \$200,000
- 2) Vacant residential lot value of \$10,000
- 3) Developed Commercial site value of \$1,400,000 per acre

SCENARIO 1

This scenario is to not install any improvements in the area.

This scenario will create development potential for the following:

Residential: 71 vacant residential lots; or
Commercial: 0 acres of land

Projected taxable values and revenue generated:

	<u>Value</u>	<u>Revenue</u>
Residential:	\$ 710,000	\$3,513 Per Year
Commercial:	\$.00	\$.00 Per Year



SCENARIO 2

This involves the installation of the water and sewer necessary to provide service to the properties that front FM 157 (Industrial Blvd). This plan includes 1,364 feet of 8-inch water main and 1,658 feet of 8-inch sewer main. We have included a map showing the proposed improvements. The cost projection for this scenario is \$213,783.

This scenario will create development potential for the following:

Residential:	20 single family lots; or
Commercial:	9.6 acres or about 5 pad sites at 2 acres each

Projected taxable values and revenue generated:

	<u>Value</u>	<u>Revenue</u>
Residential:	\$ 4,000,000	\$19,793 Per Year
Commercial:	\$ 13,440,000	\$66,505 Per Year

SCENARIO 3

This involves the installation of the water and sewer necessary to provide service to the properties that front FM 157 (Industrial Blvd) combined with the paving and drainage improvements on Brasher Lane. This plan includes 1,789 feet of 8-inch water main, 1,658 feet of 8-inch sewer main, 465 feet of 9'x4' box culvert, and 1,465 square yards of concrete pavement. We have included a map showing the proposed improvements. The cost projection for this scenario is \$986,028.

This scenario will create development potential for the following:

Residential:	36 single family lots; or
Commercial:	14.3 acres or about 10 pad sites at 1-2 acres each

Projected taxable values and revenue generated:

	<u>Value</u>	<u>Revenue</u>
Residential:	\$ 7,200,000	\$35,628 Per Year
Commercial:	\$20,020,000	\$99,065 Per Year

SCENARIO 4

This involves the installation of the water and sewer necessary to provide service to the properties that front FM 157 (Industrial Blvd) combined with the paving and drainage improvements on Brasher Lane and Midway Court. This plan includes 2,569 feet of 8-inch water main, 1,658 feet of 8-inch sewer main, 465 feet of 9'x4' box culvert, and



5,018 square yards of concrete pavement. We have included a map showing the proposed improvements. The cost projection for this scenario is \$1,647,726.

This scenario will create development potential for the following:

	<u>Value</u>	<u>Revenue</u>
Residential:	39 single family lots; or	
Commercial:	14.3 acres or about 10 pad sites at 1-2 acres each	

Projected taxable values and revenue generated:

	<u>Value</u>	<u>Revenue</u>
Residential:	\$ 7,800,000	\$38,597 Per Year
Commercial:	\$20,020,000	\$99,065 Per Year

SCENARIO 5

This involves the installation of the water and sewer necessary to provide service to the properties that front FM 157 (Industrial Blvd) combined with the paving and drainage improvements on Brasher Lane, Midway Court, and Renee Street. This plan includes 5,000 feet of 8-inch water main, 2,658 feet of 8-inch sewer main, 465 feet of 9'x4' box culvert, and 15,008 square yards of concrete pavement. We have included a map showing the proposed improvements. The cost projection for this scenario is \$3,010,311.

This scenario will create development potential for the following:

Residential:	71 single family lots; or	
Commercial:	15.3 acres or about 12 pad sites at 1-2 acres each	

Projected taxable values and revenue generated:

	<u>Value</u>	<u>Revenue</u>
Residential:	\$14,200,000	\$70,266 Per year
Commercial:	\$21,420,000	\$105,993 Per Year



Council Agenda Background

<u>PRESENTER:</u> Meg Jakubik, C.G.F.O., Assistant to the City Manager		<u>DATE:</u> 08/26/14
Council Mission Area: Encourage citizen involvement.		
<u>ITEM:</u> Public Hearing to consider the proposed 2014 tax rate. City Attorney Review: N/A City Manager Review: _____		
<u>DISCUSSION:</u> Per Section 26.05 (d) of the Tax Code, “the governing body of a taxing unit ... may not adopt a tax rate that exceeds the lower of the rollback tax rate [\$0.529670] or the effective tax rate [\$0.479538] calculated as provided by this chapter until the governing body has held two public hearings on the proposed tax rate.” Both hearings must be publicized in the local newspaper, published on the City’s website, and advertised on the City’s television channel in accordance with Section 26.065. The budget for the City of Bedford, as compiled by the City Manager, has been submitted to the City Council, and the effective tax rate has been published as required by the Tax Code. On August 12, 2014, the City Council voted on the maximum tax rate that could be considered to fund the recommended program of services for the fiscal year ending September 30, 2015. That maximum rate was established at \$0.4948303 per \$100 assessed valuation. This is the current tax rate.		
<u>RECOMMENDATION:</u> Hold a public hearing to received citizen comments on the proposed 2014 tax rate.		
<u>FISCAL IMPACT:</u> N/A	<u>ATTACHMENTS:</u> Tax Rate Slide	

Effective Tax Rate Calculations

FY 2013-2014 Tax Rate	\$0.4948303
FY 2014-2015 Effective Tax Rate	\$0.479538
FY 2014-2015 Rollback Rate	\$0.529670

Proposed Tax Rate:
\$0.4948303



Council Agenda Background

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

DATE: 08/26/14

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

ITEM:

Consider an ordinance amending Chapter 118 “UTILITIES,” Article IV “WATER RESOURCE MANAGEMENT,” Division 2, Section 118-114(b) “Drought Contingency Plan” to adopt the current plan, as attached hereto as Exhibit A and is incorporated herein by reference to the City of Bedford Code of Ordinances, and amending Chapter 118 “UTILITIES,” Article IV “WATER RESOURCE MANAGEMENT,” Division 3, Section 118-115(b) “Water Conservation Plan” to adopt the current plan, as attached hereto as Exhibit B and is incorporated herein by reference to the City of Bedford Code of Ordinances; providing a severability clause; providing a penalty clause; and declaring an effective date.

City Attorney Review: Yes

DISCUSSION:

The Texas Commission on Environmental Quality (TCEQ) requires municipalities to develop a Water Conservation Plan and a Drought Contingency Plan according to the Texas Administrative Code Title 30, Part 1, Chapter 228, Subchapters A & B, Rule 288 – Water Conservation Plan and Drought Contingency Plan. The current ordinances allow for the plans to change from time to time. The Water Conservation Plan was last updated on July 26, 2011 and the Drought Contingency Plan was last adopted on April 14, 2009. There are no significant changes to the plans except replacing the current plans on file in the City Secretary’s Office. TCEQ requires the plans to be updated every five years. Both plans have been reviewed and approved by TCEQ and the Trinity River Authority.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending Chapter 118 “UTILITIES,” Article IV “WATER RESOURCE MANAGEMENT,” Division 2, Section 118-114(b) “Drought Contingency Plan” to adopt the current plan, as attached hereto as Exhibit A and is incorporated herein by reference to the City of Bedford Code of Ordinances, and amending Chapter 118 “UTILITIES,” Article IV “WATER RESOURCE MANAGEMENT,” Division 3, Section 118-115(b) “Water Conservation Plan” to adopt the current plan, as attached hereto as Exhibit B and is incorporated herein by reference to the City of Bedford Code of Ordinances; providing a severability clause; providing a penalty clause; and declaring an effective date.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Drought Contingency Plan
Water Conservation Plan

ORDINANCE NO. 14-

AN ORDINANCE AMENDING CHAPTER 118 "UTILITIES," ARTICLE IV "WATER RESOURCE MANAGEMENT," DIVISION 2, SECTION 118-114(B) "DROUGHT CONTINGENCY PLAN" TO ADOPT THE CURRENT PLAN, AS ATTACHED HERETO AS EXHIBIT A AND IS INCORPORATED HEREIN BY REFERENCE TO THE CITY OF BEDFORD CODE OF ORDINANCES, AND AMENDING CHAPTER 118 "UTILITIES," ARTICLE IV "WATER RESOURCE MANAGEMENT," DIVISION 3, SECTION 118-115(B) "WATER CONSERVATION PLAN" TO ADOPT THE CURRENT PLAN, AS ATTACHED HERETO AS EXHIBIT B AND IS INCORPORATED HEREIN BY REFERENCE TO THE CITY OF BEDFORD CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of Bedford, Texas (the City) recognizes that a Drought Contingency Plan and Water Conservation Plan are necessary for the health and safety of its citizens due to drought conditions that may directly affect the City's ability to supply potable water; and,

WHEREAS, the Water Code and the regulation of the Texas Commission on Environmental Quality requires that the City adopt a Drought Contingency Plan and Water Conservation Plan; and,

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Drought Contingency Plan and Water Contingency Plan; and,

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances as necessary to preserve and conserve its water resources.

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

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

SECTION 2. That the City of Bedford Code of Ordinances Chapter 118, "UTILITIES," Article IV "WATER RESOURCE MANAGEMENT," Division 2, Section 118-114(b) "Drought Contingency Plan" is amended, as attached hereto as Exhibit A and is incorporated herein by reference to the City of Bedford Code of Ordinances.

SECTION 3. That the City of Bedford Code of Ordinances Chapter 118, "UTILITIES," Article IV "WATER RESOURCE MANAGEMENT," Division 3, Section 118-115(b) "Water Conservation Plan" to amended, as attached hereto as Exhibit B and is incorporated herein by reference to the City of Bedford Code of Ordinances.

SECTION 4. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined the maximum amount allowed by law and/or discontinuance of water service by the City. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 5. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, 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 the Ordinance; and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. That this ordinance shall become effective from and after its passage and publication as required by law.

ORDINANCE NO. 14-

PRESENTED AND PASSED this 26th day of August, 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



**DROUGHT
CONTINGENCY
PLAN FOR THE
CITY OF
BEDFORD**

MAY 2009

**Revised:
July 2014**

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

Jerry Laverty
Environmental Supervisor

**City of Bedford Public
Works Department**
1813 Reliance Pkwy
Bedford, TX 76021
(817) 952-2200

ACKNOWLEDGEMENTS

This drought contingency plan is based on the model drought contingency plan prepared by the Tarrant Regional Water District (TRWD). The TRWD adapted the plan to maintain a consistent and regional approach to drought contingency strategies. This plan was prepared pursuant to Texas Commission on Environmental Quality rules. Some material is based on the existing emergency water management plans for the City of Bedford.

Questions regarding this water conservation plan should be addressed to the following:

Thomas L. Hoover, P.E.
City of Bedford
Public Works
Director
(817) 952-2200
Thomas.hoover@bedfordtx.gov

Jerry Laverty
City of Bedford
Public Works
Environmental Supervisor
(817) 952-2200
Jerry.laverty@bedfordtx.gov

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APPENDICES

APPENDIX A	List of References
APPENDIX B	Texas Commission on Environmental Quality Rules on Drought Contingency Plans <ul style="list-style-type: none">• Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.20 – Drought Contingency Plans for Municipal Uses by Public Water Suppliers
APPENDIX C	Letter to Region C Water Planning Group
APPENDIX D	Adoption of Drought Contingency Plan <ul style="list-style-type: none">• Municipal Ordinance Adopting Drought Contingency Plan

Drought Contingency Plan for the

City of Bedford

July 2014

1. INTRODUCTION AND OBJECTIVES

The purpose of this drought contingency plan (subsequently referred to as the Plan) is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, which is included in Appendix B.

The TCEQ rule Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.1(4) defines a drought contingency plan as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies”.

3. WATER SYSTEM PROFILE

The City purchases treated water from the Trinity River Authority (TRA) via the Tarrant County Water Supply Project (TCWSP) plant on Trinity Boulevard. TRA obtains surface water to supply the TCWSP through a contract with Tarrant Regional Water District (TRWD) from Lake Arlington. In addition, TRA has an agreement to obtain treated water from the City of Fort Worth, and as conditions and opportunities permit, TRA is able to schedule deliveries to its customers in order to accommodate individual customer needs. Thus, the total capacity referenced herein includes the supply available from the TCWSP and the quantities available from Fort Worth and/or any other sources which may become available. It is understood that TRA will manage the total supply available to meet as much

of the existing needs of all its customers as possible before taking actions to declare emergencies and/or make pro rata allocations.

The TCWSP plant was originally established in 1974 and provides treated water to four Contracting Cities in addition to the City of Bedford. The Project serves a population numbering over 180,000 and operates at a system capacity of 87 million gallons a day (MGD).

Bedford has about 13,903 residential connections and 796 commercial connections. The City maintains 163 miles of water mains.

The water supply triggers defined in Section 4.4 were provided to Bedford by its wholesaler's water supplier, Tarrant Regional Water District. TRWD selected its triggers after hiring an outside consultant to evaluate where the trigger levels should be for the drought plan to achieve meaningful water savings.

4. DROUGHT CONTINGENCY PLAN

4.1 Provisions to Inform the Public and Opportunity for Public Input

Bedford will provide opportunity for public input in the development of this drought contingency plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by posted notice and notice on the City website.
- Making the draft plan available on the City website.
- Providing the draft plan to anyone requesting a copy.
- Holding a public meeting.

4.2 Provisions for Continuing Public Education and Information

Bedford will inform and educate the public about the drought contingency plan by the following means:

- Preparing a bulletin describing the plan and making it available at City Hall and other appropriate locations.
- Making the plan available to the public through the City website.
- Including information about the drought contingency plan on the city Web site.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency plan is activated or the drought stage changes, Bedford will notify local media of the issues, the drought response stage, and the specific

actions required of the public. The information will also be publicized on the City website. Billing inserts will also be used as appropriate.

4.3 Initiation and Termination of Drought Response Stages

The provisions of this Plan shall apply to all persons, customers, and property utilizing potable water provided by the City of Bedford. The terms “person” and “customer” as used in this Plan include individuals, corporations, partnerships, associations, and all other legal entities. The Plan does not apply to locations using treated wastewater effluent, private wells or possessing their own water rights in the Trinity River; however, any pond, impoundment, water body, or other water source that is supplemented, or has the ability to supplement supply, with potable water shall adhere to the provisions of this plan..

Initiation of a Drought Response Stage

The City Manager or official designee may order the implementation of a drought response stage or water emergency when one or more of the trigger conditions is met. The following actions will be taken when a drought stage is initiated:

- The public will be notified through local media and the City of Bedford website, as described in Section 4.2.
- TRWD will be notified by telephone with a follow-up letter, e-mail, or fax that provides details of the reasons for initiation of the drought stage.
- If any mandatory provisions of the drought contingency plan are activated, the Bedford Public Works Department shall notify the Executive Director of the TCEQ within 5 business days.

Drought stages imposed by TRWD action will be initiated by customers (including indirect customers).

For other trigger conditions, the City Manager or official designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

Termination of a Drought Stage

The City Manager or official designee may order the termination of a drought response stage or water emergency when the conditions for termination are met or at their discretion. The following actions will be taken when a drought stage is terminated:

- The public will be notified through local media and the City website as described in Section 4.2.

- TRWD will be notified by telephone with a follow-up letter, e-mail, or fax.
- If any mandatory provisions of the drought contingency plan that have been activated are terminated, Bedford will notify the Executive Director of the TCEQ within 5 business days.

The City Manager or official designee may decide not to order the termination of a drought response stage or water emergency even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

4.4 Drought and Emergency Response Stages

Stage 1, Water Watch

Triggering and Terminating Conditions for Stage 1, Water Watch

- The City of Bedford water demand exceeds 90% of reliable delivery capacity for three consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
- The City of Bedford water treatment or distribution system becomes contaminated.
- The City of Bedford water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
- The City of Bedford water supply system is unable to deliver water due to the failure or damage of major water system components, or due to other criteria, such as energy shortages or outages.
 - Total combined raw water supply in TRWD western and eastern division reservoirs drops below 75% (25% depleted) of conservation storage capacity.
 - Water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
 - Water demand is projected to approach the limit of permitted supply.
 - Supply source becomes contaminated.
 - Water supply system is unable to deliver water due to the failure or damage of major water system components.
 - The City Manager finds that conditions warrant the declaration of a Stage 1 drought.

Subject to preceding paragraphs regarding the Termination of a Drought Response stage, Stage 1, Water Watch, will be terminated when the total combined raw water supply in TRWD's western and eastern division reservoirs exceeds 95% of conservation storage or remains above 85% for 90 consecutive days, whichever occurs first.

Goal for Use Reduction

The goal for water use reduction under Stage 1, Water Watch, is to decrease use by five percent. If circumstances warrant or if requested by TRWD, the City Manager or official designee can set a goal for greater water use reduction.

Water Use Reduction Actions under Stage 1, Water Watch

The City Manager or official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to Texas Commission on Environmental Quality (TCEQ). The City of Bedford must notify TCEQ within five business days if any mandatory measures are implemented.

All Water Users

Initiate mandatory restrictions to prohibit non-essential water use as follows:

- Prohibit hosing of paved areas, such as sidewalks, driveways, parking lots, tennis courts, patios, or other impervious surfaces, except to alleviate an immediate health or safety hazard.
- Prohibit hosing of buildings or other structures for purposes other than fire protection.
- Prohibit using water in such a manner as to allow runoff or other waste, including failure to repair a controllable leak within a reasonable period of time after having been given notice to repair such leak. Types of leaks include a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- Prohibit outdoor watering with sprinklers or irrigation systems between 10 a.m. and 6 p.m.
- Limit landscape watering with sprinklers or irrigation systems at each service address to twice per week.
 - Residential addresses ending in an even number (0, 2, 4, 6, or 8) may water on Wednesdays and Saturdays.
 - Residential addresses ending in an odd number (1, 3, 5, 7, or 9) may water on Thursdays and Sundays.
 - All non-residential locations (apartment complexes, businesses, industries, parks, medians, etc.) may water on Tuesdays and Fridays.
 - Water system recovery day with no outdoor watering on Mondays.

Exceptions:

- Foundations may be watered up to two hours on any day using a handheld hose, soaker hose or drip irrigation system placed within 24 inches of the foundation that does not produce a spray of water above the ground.
- Newly installed shrubs (first year) and trees (two years) may be watered up to two hours on any day by handheld hose, drip irrigation, a soaker hose or tree bubbler. Tree watering is limited to an area not to exceed the drip line of a tree.

Skinned areas of sports fields may be watered as needed for dust control.

- Washing of any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle shall be limited to the use of a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the premises of a commercial car wash or commercial service station. Further, such washing may be exempt from these requirements if the health, safety, and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- Encourage reduction in frequency of draining and refilling swimming pools.
- Encourage use of Texas native and drought tolerant plants in landscaping.

City and Local Governments

In addition to actions listed above:

- Review conditions and problems that caused Stage 1. Take corrective action.
- Identify and encourage voluntary reduction measures by high-volume water users through water use audits.
- Increase public education efforts on ways to reduce water use.
- Intensify leak detection and repair efforts.
- Increase enforcement efforts.
- Audit all city irrigation systems to ensure proper condition, settings, and operation.
- Landscape watering of municipal parks and athletic fields is restricted to a twice a week watering schedule; or twice per week per irrigation station if a variance is granted by the Public Works Director or official designee.

Exceptions:

- Watering of athletic fields (field only, does not include surrounding landscape areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent.
- Reduce non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Notify wholesale customers of actions being taken and request them to implement the same drought stage and measures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering of parks and athletic fields is restricted to a twice a week watering schedule; or twice per week per irrigation station if a variance is granted by the Public Works Director or official designee. (See Stage 1 exceptions to outdoor watering restrictions in all water users category for facilities with large multi-station irrigation systems.)

Exceptions:

- Watering of athletic fields (field only, does not include surrounding landscape areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by five percent.
- Stock at commercial plant nurseries is exempt from Stage 1 watering restrictions.
- Car wash facilities must keep equipment in good working order, which should include regular inspections to be sure there are no leaks, broken or misdirected nozzles, and that all equipment is operating efficiently.
- Hotels, restaurants, and bars are encouraged to serve drinking water to patrons per request only.

- Hotels are encouraged to implement laundry conservation measures by encouraging patrons to reuse linens and towels.
- All commercial and industrial customers are encouraged to audit irrigation systems to ensure proper condition, settings, and operation. If irrigation audit or repair occurs during restricted watering times or days, a sign indicating such work is taking place must be placed in public view until job is completed.

Stage 2, Water Warning

Triggering and Terminating Conditions for Stage 2, Water Warning

- The City of Bedford water demand exceeds 95% of reliable delivery capacity for two consecutive days. The delivery capacity could be citywide or in a specified portion of the system.
- The City of Bedford demand for all or part of the delivery system equals or exceeds delivery capacity because delivery capacity is inadequate.
- The City of Bedford water treatment or distribution system becomes contaminated.
- The City of Bedford water supply system is unable to deliver water due to the failure or damage of major water system components, or due to other criteria, such as energy shortages or outages.
 - Total raw water supply in TRWD western and eastern division reservoirs drops below 60% (40% depleted) of conservation storage capacity.
 - Water demand for all or part of the delivery system approaches delivery capacity because delivery capacity is inadequate.
 - Water demand is projected to approach the limit of permitted supply.
 - Supply source becomes contaminated.
 - Water supply system is unable to deliver water due to the failure or damage of major water system components.
 - The City Manager finds that conditions warrant the declaration of a Stage 2 drought.

Subject to preceding paragraphs regarding the Termination of a Drought Response stage, Stage 2, Water Warning, will be terminated when the total combined raw water supply in TRWD's western and eastern division reservoirs exceeds 75% of conservation storage or remains above 70% for 30 consecutive days, whichever occurs first.

Goal for Use Reduction

The goal for water use reduction under Stage 2, Water Warning, is to decrease use by ten percent. If circumstances warrant, the City Manager or official designee can set a goal for greater water use reduction.

Actions Available under Stage 2, Water Warning

The City Manager or official designee shall implement any actions listed below as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ. The City of Bedford must notify TCEQ within five business days if any mandatory measures are implemented:

- Continue actions under Stage 1.
- Require customers to initiate Stage 2 in their drought contingency plans.
- Initiate engineering studies to evaluate water supply alternatives should condition worsen.

All Water Users

- Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. (Exceptions: Foundations, new plantings (first year) of shrubs, and trees may be watered on any day by handheld hose, drip irrigation, or a soaker hose. Restrictions do not apply to locations using treated wastewater effluent for irrigation).
- Prohibit use of water for dust control, except as required to protect public health.
- Restrict the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.

Exceptions:

- Watering with a handheld hose, soaker hose or drip irrigation may occur any day and any time.
- Foundations, new plantings (first year) of shrubs, and trees may be watered on any day by handheld hose, drip irrigation, or a soaker hose.

- Variances may be available through the Public Works Director or official designee for the following:
- All users are encouraged to wait until the current drought or emergency situation has passed before establishing new landscaping. Variances granted for establishing new turf grass or landscaping will be for a maximum of 30 days from the date of approval then maximum of once-per-week watering schedule applies.
- Variances do not apply to the installation of cool season grasses (over seeding).

City and Local Governments

In addition to actions listed above:

- Continue to initiate any actions available under Stage 1.
- Review conditions or problems that caused Stage 2. Take corrective action.
- Increase frequency of media releases on water supply conditions.
- Further accelerate public education efforts on ways to reduce water use.
- Landscape watering of municipal parks and athletic fields is restricted to once-per-week schedule; or once-per-week per irrigation station if a variance is granted by the Public Works Director or official designee. (See Stage 1 exceptions to outdoor watering restrictions in all water users category for facilities with large multi-station irrigation systems.)

Exceptions:

- Watering of athletic fields (field only, does not include surrounding landscape areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by ten percent.
- Eliminate non-essential water use. As used herein, non-essential water uses are those that do not have any health or safety impact and are not needed to meet the core function of the agency.
- Prohibit wet street sweeping.
- Notify wholesale customers of actions being taken and request them to implement the same drought stage and measures.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users.
- Landscape watering of parks and athletic fields is restricted to once-per-week schedule; or once-per-week per irrigation station if a variance is granted by the Public Works Director or official designee. (See Stage 1 exceptions to outdoor watering restrictions in all water users category for facilities with large multi-station irrigation systems.)

Exceptions:

- Watering of athletic fields (field only, does not include surrounding landscape areas) used for organized sports practice, competition, or exhibition events may occur as necessary to protect the health and safety of the players, staff, or officials present for athletic events. Encouraged to reduce water use by ten percent.
- Use of water from fire hydrants for any purpose other than firefighting related activities, or other activities necessary to maintain public health, safety and welfare requires a variance issued by the Public Works Director. Fire hydrant use may be limited to only designated hydrants. Upon the declaration of this drought stage, all holders of a Water Fire Hydrant Meter Agreement are required to apply for a variance as set forth in this plan. If the conditions allow, as determined by the Public Works Director, the use of water from hydrants may continue until the Public Works Director of his/her designee issues a determination on the petition for variance. If conditions do not allow, the Public Works Director may require all fire hydrant meters to be immediately returned from the field, pending determination of each petition for variance.

Stage 3, Water Emergency

Triggering and Terminating Conditions

- The City of Bedford water demand exceeds 98% of reliable delivery capacity for one day. The delivery capacity could be citywide or in a specified portion of the system.
- The City of Bedford demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
- The City of Bedford water treatment or distribution system becomes contaminated.
- The City of Bedford water supply system is unable to deliver water due to the failure or damage of major water system components, or due to other criteria, such as energy shortages or outages.

The TRWD has initiated Stage 3, Water Emergency, which may be initiated by one or more of the following reasons:

- Total raw water supply in TRWD western and eastern division reservoirs drops below 45% (55% depleted) of conservation storage.
- Water demand system exceeds the amount that can be delivered to customers.
- Water demand for all or part of the TRWD delivery system approaches delivery capacity because delivery capacity is inadequate.
- One or more of TRWD's water supply sources has become limited in availability.
- Water demand is projected to approach the limit of permitted supply.
- Supply source becomes contaminated.
- Water supply system is unable to deliver water due to the failure or damage of major water system components.
- The City Manager finds that conditions warrant the declaration of a Stage 3 drought.

Subject to preceding paragraphs regarding the Termination of a Drought Response stage, Stage 3, Water Emergency, will be terminated when the total combined raw water supply in TRWD's western and eastern division reservoirs exceeds 60% of conservation storage or remains at or above 55% for 30 consecutive days, whichever occurs first.

Goals for Use Reduction

The goal for water use reduction under Stage 3, Water Emergency, is to decrease use by twenty percent. If circumstances warrant or if required by TRWD, the City Manager or official designee can set a goal for a greater water use reduction.

Water Use Reduction Actions under Stage 3, Water Emergency

The City Manager or official designee can order the implementation of any of the actions listed below, as deemed necessary. Measures imposing mandatory requirements on customers require notification to TCEQ. The supplier must notify TCEQ within five business days if any mandatory measures are implemented:

- Continue actions available under Stages 1 and 2.
- Require customers to initiate Stage 3 in their drought contingency plans.

All Water Users

- Prohibit all outdoor watering with hose-end sprinklers and automatic irrigation systems.

Exceptions:

- Watering with hand-held hose, soaker hose or drip irrigation system may occur any day and any time.
- Watering of trees and structural foundations may occur any day and any time by means of handheld hose, soaker hose, or drip irrigation.
- Restrictions do not apply to well water, reclaimed water, or other alternative water sources.
- Irrigation of new landscapes and/turf grass installations is prohibited by means of automatic irrigation system or hose-end sprinkler. Variances may be granted for those landscape projects started prior to the initiation of Stage 3 drought restrictions. However, variances will not be granted for the irrigation of new landscape and/or turf grass installations after the initiation of Stage 3 restrictions.
- Prohibit washing of paved areas by any means except where a variance is granted to alleviate a possible public health and safety risk. Any pressure/power washing activities must be performed by a professional pressure/power washing service provider utilizing high efficiency equipment and a vacuum recovery system where possible.
- Prohibit hosing of buildings or other structures for the purpose other than fire protection or surface preparation prior to painting with high-pressure equipment. Services must be performed by a professional pressure/power washing service provider utilizing high efficiency equipment and a vacuum recovery system where possible.
- Vehicle washing is restricted to commercial car washes, commercial service stations, or professional washing services only. This includes home and charity car washing. The washing of garbage trucks and vehicles used to transport food and/or other perishables may take place as necessary for health, sanitation, or public safety reasons.
- Prohibit the operation of ornamental fountains or ponds that use potable water except where necessary to support aquatic life or water quality.
- Prohibit permitting of private pools. Pools already permitted may be completed and filled. Existing private and public pools may add water to maintain pool levels, but may not be drained and refilled.

City and Local Governments

In addition to actions listed above:

- Continue or initiate any actions available under Stage 1 and 2.
- Review conditions or problems that caused Stage 3. Take corrective action.
- Increase frequency of media releases explaining emergency situation and/or water supply conditions.
- Landscape watering at municipal parks and sports fields is prohibited. Variances may be granted by the water provider under special circumstances.

Exceptions:

- Variances may be available for watering of athletic fields (field only, does not include surrounding landscape areas) used for organized sports, practice, competition, or exhibition events to protect health and safety of the players, staff, or officials present for the athletic event.
- Institute a mandated reduction in deliveries to all customers. Such a reduction will be distributed as required by Texas Water Code §11.039.
- If TRWD has imposed a reduction in water available to customers, impose the same percent reduction on wholesale customers.

Commercial or Industrial

- All actions listed above for all water users apply to commercial and industrial users. Landscape watering of municipal parks and athletic fields is prohibited. Variances may be granted by the water provider under special circumstances.

Exceptions:

- Variances may be available for watering of athletic fields (field only, does not include surrounding landscape areas) used for organized sports, practice, competition, or exhibition events to protect health and safety of the players, staff, or officials present for the athletic event.
- Commercial water users may be required to reduce water use by a set percentage as determined by the Director of Public Works.

4.5 Procedures for Granting Variances to the Plan

The City Manager or official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency plan to a customer if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variations shall be granted or denied at the discretion of the City Manager or official designee. All petitions for variations should be in writing and should include the following information:

- Name and address of the petitioner(s)
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

4.6 Procedures for Enforcing Mandatory Water Use Restrictions

Mandatory water use restrictions may be imposed in Stages 1, 2, and 3 drought stages. These mandatory water use restrictions will be enforced by warnings and penalties as follows:

- On the first violation, customers will be given a written warning that they have violated the mandatory water use restriction.
- On the second and subsequent violations, citations may be issued to customers, with minimum and maximum fines established by ordinance.
- After two violations have occurred, the City of Bedford may install a flow restrictor in the line to limit the amount of water that may pass through the meter in a 24-hour period.
- After three violations have occurred, the utility may cut off water service to the customer.

Appendix D contains a copy of the City of Bedford ordinance adopting this Plan and the enforcement actions and penalties.

4.7 Coordination with the Regional Water Planning Group and TRWD

Appendix C includes a copy of a letter sent to the Chair of the Region C Planning Group, General Manager of TRWD and the TCEQ upon adoption of this Plan.

4.8 Review and Update of Drought Contingency Plan

As required by TCEQ rules, Bedford will review this drought contingency plan in 2019 and every five years thereafter. The plan will be updated as appropriate based on new or updated information.

APPENDIX A
LIST OF REFERENCES

Appendix A List of References

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rules 288.1 and 288.5, and Subchapter B, Rule 288.22, downloaded from <http://www.tceq.state.tx.us/assets/public/legal/rules/rules/pdflib/288a.pdf>, March 2007.

The TRWD model drought contingency plan used in developing this plan was largely adapted from the following two plans:

- North Texas Municipal Water District: “Model Drought Contingency Plan for North Texas Municipal Water District Member Cities and Customers,” prepared by Freese and Nichols, Inc., Fort Worth, August 2004 with revisions in April 2006.
- Tarrant Regional Water District: “2014 TRWD Model Drought Contingency Plan,” adopted by the Board of Directors, Fort Worth, May 2005 with revisions in May 2007.

The following conservation and drought contingency plans and related documents were reviewed in the development of this plan. References marked with a * were used heavily in the development of this plan.

- *City of Dallas Water Utilities Department: “City of Dallas Water Management Plan,” adopted by the City Council, Dallas, September 1999.
- *City of Dallas Water Utilities Department: “City of Dallas Water Conservation Plan,” adopted by the City Council, Dallas, September 1999.
- *City of Fort Worth: “Water Conservation plan for the City of Fort Worth,” Fort Worth, August 1999.
- *City of Fort Worth: “Emergency Water Management Plan for the City of Fort Worth,” Fort Worth, August 19, 2003.
- *City of Dallas: “City of Dallas Ordinances, Chapter 49, Section 21.1,” Dallas, October 1, 2001

APPENDIX B

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON DROUGHT
CONTINGENCY PLANS FOR MUNICIPAL USES BY PUBLIC WATER SUPPLIERS**

APPENDIX B

Texas Commission on Environmental Quality Rules on Drought Contingency Plans

Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
RULE §288.20	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

(a) A drought contingency plan for a retail public water supplier, where applicable, must provide information in response to each of the following.

- (1) Minimum requirements. Drought contingency plans must include the following minimum elements.
 - (A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.
 - (B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.
 - (C) The drought contingency plan must document coordination with the Regional Water Planning Groups for the service area of the retail public water supplier to insure consistency with the appropriate approved regional water plans.
 - (D) The drought contingency plan shall include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.
 - (E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:
 - (i) reduction in available water supply up to a repeat of the drought of record;
 - (ii) water production or distribution system limitations;
 - (iii) supply source contamination; or
 - (iv) system outage due to the failure or damage of major water system

components (e.g., pumps).

- (F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.
 - (G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:
 - (i) curtailment of non-essential water uses; and
 - (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).
 - (H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.
 - (I) The drought contingency plan must include procedures for granting variances to the plan.
 - (J) The drought contingency plan must include procedures for the enforcement of any mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.
- (2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.
- (3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.
- (b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.
- (c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.
-

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

APPENDIX C
LETTER TO REGION C WATER PLANNING GROUP

APPENDIX D
ORDINANCE ADOPTING DROUGHT CONTINGENCY PLAN

ORDINANCE NO. 09-2925

AN ORDINANCE AMENDING CHAPTER 118 "UTILITIES", ARTICLE IV "RESTRICTIONS ON OUTDOOR USE OF WATER" OF THE CITY OF BEDFORD CODE OF ORDINANCES, AS AMENDED IN ITS ENTIRETY BY THE ADOPTION OF THE REVISED WATER RESOURCE MANAGEMENT ORDINANCE TO PROMOTE RESPONSIBLE USE OF WATER; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE AND/OR DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER RESOURCE MANAGEMENT ORDINANCE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford, Texas (the "City"), recognizes that the amount of water available to its water customers is limited; and,

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and,

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt a Drought Contingency Plan and a Water Conservation Plan; and,

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Drought Contingency Plan and Water Conservation Plan; and,

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources.

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

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

SECTION 2. That the City of Bedford Code of Ordinances Chapter 118 "Utilities", Article IV "Restrictions on Outdoor Use of Water", is hereby amended in its entirety to read as follows:

ARTICLE IV. WATER RESOURCE MANAGEMENT

DIVISION 1. GENERAL PROVISIONS

Section 118-111. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

City is the City of Bedford.

Person is any person, firm, partnership, association, corporation, company, or organization of any kind.

TCWSP is the Tarrant County Water Supply Project.

TRA is the Trinity River Authority.

TRWD is the Tarrant Regional Water District.

Water is water from the City water system.

Section 118-112. Application of Regulations

The provisions of this article shall apply to all persons using water from the water system of the city. The provisions of this article shall not apply to those functions necessary for the public health, safety and welfare, such as emergency fire protection.

Section 118-113. General Restrictions on Water Use

- (a) All new irrigation systems must be in compliance with ordinances 08-2912 and 08-2913 of the City Code of Ordinances, as the same may be from time to time amended, including but not limited to system design and installation requirements and the prohibition of irrigation systems that spray directly onto impervious surfaces or other non-irrigated areas.
- (b) Except for hand watering and the use of soaker hoses, it shall be unlawful for any person to irrigate, water, or cause or permit the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that person between the hours of 10:00 a.m. and 6:00 p.m. It is an affirmative defense to prosecution that the irrigation or watering of any lawn or landscape during the prohibited time was done for the purpose of establishing hydromulch, grass sod, grass seed; dust control for sport fields; or for the maintenance, repair, or testing of an irrigation system. The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair, is hereby prohibited.

DIVISION 2. DROUGHT CONTINGENCY PLAN

Section 118-114. Emergency Water Restrictions

- (a) Purpose and scope. The purpose of this section is to establish the city's policy in the event of shortages or delivery limitations in the city's water supply and to establish water restrictions to be enforced in case of drought or emergency conditions.
- (b) Drought contingency plan. The drought contingency plan, as the same may be from time to time amended, is attached hereto as Exhibit A and is incorporated herein by reference.
- (c) Authority. The City Manager or official designee is authorized to implement measures prescribed when required by this section and by the drought contingency plan approved by the city council. The Public Works Director is authorized to enforce the measures implemented and to promulgate regulations, not in conflict with this section or state and federal laws, in aid of enforcement.
- (d) Initiation of plan stages. When a trigger condition has been reached, the city will notify the public through publication of articles in the Fort Worth Star Telegram and announcements on local radio and television. Signs will also be posted at public places throughout the city such as the library, post office, city hall, etc. Notices will also be posted on the city website.

- (e) Duration of stage; change. A stage will remain in effect until the conditions that triggered initiation of the stage have been eliminated. If the stage is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered unless the City Manager or official designee determines that conditions exist that will allow termination of the stage before September 30. Upon recommendation of the Public Works Director, the City Manager or official designee may terminate, upgrade or downgrade the stage. Any such change must be made in the same manner prescribed in subsection (d).

DIVISION 3. WATER CONSERVATION PLAN

Section 118-115 Adoption of Water Conservation Plan

- (a) Purpose and scope. The purpose of this section is to establish the city's policy on water conservation measures.
- (b) Water conservation plan. The water conservation plan, as the same may be from time to time amended, is attached hereto as Exhibit B and is incorporated herein by reference.
- (c) Authority. The City Manager or official designee is authorized to implement measures prescribed when required by this section and by the water conservation plan approved by the city council. The Public Works Director is authorized to enforce the measures implemented and to promulgate regulations, not in conflict with this section or state and federal laws, in aid of enforcement.

DIVISION 4. RAIN AND FREEZE SENSORS

Section 118-116. Irrigation System Rain and Freeze Sensors.

- (a) Any irrigation system installed within the City on or after August 1, 2008 must be equipped with rain and freeze sensors.
- (b) Any irrigation system installed before August 1, 2008 may not be operated after August 1, 2010 without being equipped with rain and freeze sensors. This requirement does not apply to a single family residential or duplex property, or an individual metered townhome or condominium unit.
- (c) It shall be unlawful for any person to knowingly install, or cause or permit the installation of an irrigation system that does not comply with this section.
- (d) It shall be unlawful for any person on premises owned, leased, or managed by that person to knowingly or recklessly operate, or cause or permit the operation of an irrigation system that does not comply with this section.
- (e) It shall be unlawful for any person to operate an irrigation system with broken or missing heads after receiving notification from the building official and such representative as they may designate.
- (f) It shall be unlawful for any person to operate an irrigation system which causes significant runoff.

DIVISION 5. ENFORCEMENT

Section 118-117. Criminal responsibility.

A person commits an offense of inappropriate use of water by any of the following actions:

- (a) A person may not knowingly make, cause or permit a use of an irrigation system contrary to the requirements of this article.
- (b) A person may not knowingly make, cause or permit a use of water contrary to the measures implemented by the city manager or official designee as prescribed in the water conservation plan.
- (c) A person may not knowingly make, cause or permit a use of water contrary to the measures implemented by the city manager or official designee as prescribed in the drought contingency plan. It is presumed that a person has knowingly made, caused or permitted a use of water contrary to the measures implemented if the mandatory measures have been formally ordered consistent with the terms of section 118-114(d) and:
 - (1) The manner of use has been prohibited by the drought contingency plan;
 - (2) The amount of water used exceeds that allowed by the drought contingency plan; or
 - (3) The manner or amount used violates the terms and conditions of a compliance agreement made pursuant to a variance granted by the Public Works Director pursuant to section 118-118.

Section 118-118. Variances.

Variances will be considered only under extreme circumstances for health or public safety reasons. The City Manager or official designee will be responsible for making this determination.

Sections 118-117—118-145 Reserved.

SECTION 2. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined up to \$500.00 and/or discontinuance of water service by the City. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 3. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Bedford, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto 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 ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. That this ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PRESENTED AND PASSED on this 14th day of April 2009, by a vote of 7 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



WATER CONSERVATION PLAN FOR THE CITY OF BEDFORD

**Prepared:
MAY 2009**

**Revised:
July 2014**

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

Jerry Laverty
Environmental Supervisor

ACKNOWLEDGEMENTS

This water conservation plan is based on the model water conservation plan prepared by the Tarrant Regional Water District (TRWD). The TRWD adapted the plan to maintain a consistent and regional approach to water conservation strategies. This plan was prepared pursuant to Texas Commission on Environmental Quality rules. Some material is based on the existing water conservation plans listed in Appendix A.

Questions regarding this water conservation plan should be addressed to the following:

Thomas L. Hoover, P.E.
City of Bedford
Public Works
Director
(817) 952-2200
Thomas.hoover@bedfordtx.gov

Jerry Laverty
City of Bedford
Public Works
Environmental Supervisor
(817) 952-2200
Jerry.laverty@bedfordtx.gov

CITY OF BEDFORD
PUBLIC WORKS
1813 Reliance Pkwy
Bedford, TX 76021
(817) 952-2200

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APPENDICES

APPENDIX A

List of References

APPENDIX B

Texas Commission on Environmental Quality Rules on Municipal Water Conservation Plans

- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.1 – Definitions (Page B-1)
- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.2 – Water Conservation Plans for Municipal Uses by Public Water Suppliers (Page B-4)

APPENDIX C

Water Utility Profile and Water Conservation Report

APPENDIX D

Landscape Water Management Regulations

APPENDIX E

Letter to Region C Water Planning Group

APPENDIX F

Adoption of Water Conservation Plan

- Municipal Ordinance Adopting Water Conservation Plan

APPENDIX G

Illegal Water Connections and Theft of Water

- Municipal Ordinance Pertaining to Illegal Water Connections and Theft of Water

Water Conservation Plan

City of Bedford

July 2014

1. INTRODUCTION AND OBJECTIVES

Having a dependable water supply has always been a key issue in the development of Texas. The growing population and economic expansion occurring in North Central Texas are placing increased demands on our water supplies. The latest population projections predict the number of people residing in Texas to more than double between the years 2000 and 2060, growing from about 21 million to nearly 46 million within that time span. The Texas Water Development Board predicts water demands to increase by 27 percent. In order to meet the challenge of providing for our current and future needs we must learn to use the water we already have more efficiently. By stretching our existing supplies we can delay the need for new supplies, minimize the environmental impacts associated with developing new water resources, and postpone the high cost of building the infrastructure (dams, treatment facilities, and pipelines) necessary to capture, treat, and transport the additional water into our homes and businesses.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation plans for public water suppliers¹. TCEQ guidelines and requirements are included in Appendix B.

The objectives of this water conservation plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts.
- To reduce the loss and waste of water.
- To improve efficiency in the use of water.
- To extend the life of current water supplies by reducing the rate of growth in demand.

¹ Superscripted numbers match references listed in Appendix A.

2. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as “A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water.”¹ The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans for Public Water Suppliers are covered in this report as follows:

- 288.2(a)(1)(A) – Utility Profile – Section 3 and Appendix C
- 288.2(a)(1)(C) – Specification of Goals – Section 4
- 288.2(a)(1)(D) – Accurate Metering – Sections 5.1 and 5.2
- 288.2(a)(1)(E) – Universal Metering – Section 5.2
- 288.2(a)(1)(F) – Determination and Control of Unaccounted Water – Section 5.4
- 288.2(a)(1)(G) – Public Education and Information Program – Section 6
- 288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 7
- 288.2(a)(1)(I) – Reservoir System Operation Plan – Section 8.1
- 288.2(a)(1)(J) – Means of Implementation and Enforcement – Section 9
- 288.2(a)(1)(K) – Coordination with Regional Water Planning Group – Section 8.6 and Appendix E

Conservation Additional Requirements (Population over 5,000)

The Texas Administrative Code includes additional requirements for water conservation plans for cities with a population over 5,000:

- 288.2(a)(2)(A) – Leak Detection, Repair, and Water Loss Accounting – Sections 5.4, 5.5, and 5.6
- 288.2(a)(1)(B) – Record Management System – Section 5.3
- 288.2(a)(2)(B) – Requirement for Water Conservation Plans by Wholesale Customers – Section 8.5

Additional Conservation Strategies

TCEQ rules also list additional optional but not required conservation strategies, which may be adopted by suppliers. The following optional strategies are included in this plan:

- 288.2(a)(3)(A) – Conservation Oriented Water Rates – Section 7
- 288.2(a)(3)(B) – Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures – Section 8.3
- 288.2(a)(3)(D) – Reuse and Recycling of Wastewater – Section 8.2
- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 8.4 and Appendix D
- 288.2(a)(3)(G) – Monitoring Method – Section 5.6

TCEQ rules for landscape irrigation include water conservation requirements in Title 30 Chapter 344:

- 344.6 – 344.65 – Subchapter F Standards for Designing, Installing, and Maintaining Landscape Irrigation Systems – Section 8.4

3. WATER UTILITY PROFILE

Appendix C to this water conservation plan is a modified water utility profile based on the format recommended by the TCEQ. Some additional sections were added in order to gather the information necessary to assess the effectiveness of the City water conservation plan.

4. SPECIFICATION OF WATER CONSERVATION GOALS

Current TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. As part of plan adoption, The City will develop 5-year and 10-year goals for per capita municipal use, following TCEQ procedures described in the water utility profile (Appendix C). The goals for this water conservation plan include the following:

- Keep the per capita municipal water use below the specified amount in gallons per capita per day in a dry year. Municipal use for 2008 was 156 GPDC.

Target Goal Year	2019	2029
Target Goal for Municipal Use GPCD (gallons per capita per day)	153 GPCD	140 GPCD
Target Goal for Residential Use GPCD	141 GPCD	140 GPCD

The goals are based on the recommendations of the Texas Water Conservation Implementation Task Force which suggest a 1% reduction in gallons per capita per day per year. A water consumption level of 140 gallons per person per day is the statewide recommendation of the Task Force. The Task Force was established per Senate Bill 1094 in 2004 to evaluate matters concerning water conservation.

It should be noted that all the performance indicators outlined above are developed assuming a year of average rainfall.

- Keep the level of unaccounted water in the system below 12% annually in 2008 and subsequent years, as discussed in Section 5.4.
- Implement and maintain a program of universal metering and meter replacement and repair, as discussed in Section 5.2.
- Decrease waste in lawn irrigation by implementation and enforcement of landscape water management regulations, as discussed in Section 8.4.
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 6.
- Develop a system specific strategy to conserve water during peak demands, thereby reducing the peak use.

5. METERING, WATER USE RECORDS, CONTROL OF UNACCOUNTED WATER, AND LEAK DETECTION AND REPAIR

One of the key elements in water conservation is careful tracking of water use and control of losses through illegal diversions and leaks. Careful metering of water deliveries and water use, detection and repair of leaks in the distribution system and regular monitoring of unaccounted water are important in controlling losses.

5.1 Accurate Metering of Treated Water Deliveries from the Trinity River Authority

Trinity River Authority supplies all of the water used by the City of Bedford. Water deliveries are metered by the Trinity River Authority using meters with accuracy of $\pm 2\%$. These meters are calibrated on a monthly basis by the Trinity River Authority to maintain the required accuracy.

5.2 Metering of Customer and Public Uses and Meter Testing, Repair, and Replacement

All connections to the water system are metered connections. All meters will be maintained with acceptable operating accuracy range as defined by the manufacturer or AWWA Standard for meter accuracy, whichever is more stringent. The City of Bedford changes out 100 residential meters per month. A dead meter list is maintained on a monthly basis to detect stopped meters. The City does not conduct meter testing; instead these meters are replaced on a 10 year replacement cycle.

5.3 Record Management System

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(1)(B), the City record management system allows for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories. This information is maintained and tracked by the Customer Service Department.

5.4 Determination and Control of Unaccounted Water

Unaccounted water is the difference between water delivered to customers and metered deliveries to customers plus authorized but unmetered uses. (Authorized but unmetered uses would include use for fire fighting, releases for flushing of lines, and uses associated with new construction.) Unaccounted water can include several categories:

- Inaccuracies in customer meters.
- Accounts which are being used but have not yet been added to the billing system.
- Losses due to water main breaks and leaks in the water distribution system.
- Losses due to illegal connections and theft. (Included in Appendix G.)

- Other.

Measures to control unaccounted water are part of the routine operations of the City of Bedford. Maintenance crews and personnel are asked to look for and report evidence of leaks in the water distribution system. The leak detection and repair program is described in Section 5.5 below. Meter readers are asked to watch for and report signs of illegal connections, so they can be addressed quickly.

Unaccounted water is calculated in Appendix C. With the measures described in this plan, the City intends to maintain the unaccounted water below 6% in 2013 and subsequent years. If unaccounted water exceeds this goal, The City will implement a more intensive audit to determine the source(s) of and reduce the unaccounted water. The annual conservation report described below is the primary tool used to monitor unaccounted water.

5.5 Leak Detection and Repair

As described above, City crews and personnel are asked to look for and report evidence of leaks in the water distribution system. Areas of the water distribution system in which numerous leaks and line breaks occur are targeted for replacement as funds are available.

5.6 Monitoring of Effectiveness and Efficiency - Annual Water Conservation Report

Appendix C is a Water Utility Profile form that will be used in the development of an annual water conservation report for the City. This form will be completed by May 1 of the following year and will be used to monitor the effectiveness and efficiency of the water conservation program and to plan conservation-related activities for the next year. The form records the water use by category, per capita municipal use, and unaccounted water for the current year and compares them to historical values. The Water Utility Profile and annual Water Conservation Report will also be sent to TRWD, which will monitor regional water conservation trends.

6. CONTINUING PUBLIC EDUCATION AND INFORMATION CAMPAIGN

The continuing public education and information campaign on water conservation includes the following elements:

- Insert water conservation information with water bills. Inserts will include material developed by City staff and material obtained from TRWD, TWDB, TCEQ, and other sources.
- Encourage local media coverage of water conservation issues and the importance of water conservation.
- Notify local organizations, schools, and civic groups, such as Home Owners' Associations and the Beautification Committee, that City staff and staff of the Tarrant Regional Water District are available to make presentations on the importance of water conservation and ways to save water.
- Make information on *Texas Smartscape* principles, water conservation brochures, and other water conservation materials available to the public at City Hall and other public places.
- Continue to update the information on water conservation available on the City website and include links to the *Texas Smartscape* Web site and to information on water conservation on TRWD, TWDB, and TCEQ Web sites.

7. WATER RATE STRUCTURE

The City will adopt, within five years or in conjunction with any water rate study, an increasing block rate structure. Current water rates can be found in the Schedule of Fees.

8. OTHER WATER CONSERVATION MEASURES

8.1 Reservoir System Operation Plan

The City of Bedford is a customer of the Trinity River Authority, which purchases untreated surface water from the Tarrant Regional Water District. The City of Bedford does not have surface water supplies for which to implement a reservoir system operation plan.

8.2 Reuse and Recycling of Wastewater

The City of Bedford is a customer of the Trinity River Authority, which treats the City's wastewater.

8.3 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

The State of Texas has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 3.0 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures.

The City of Bedford will collaborate with the Tarrant Regional Water District and other customer cities in exploring the possibility of a joint purchase effort to establish a regional rebate or incentive program to encourage citizens to retrofit their homes with water-conserving fixtures. The City's participation would be dependent upon available funding.

8.4 Landscape Water Management Regulations

Appendix D is a summary of landscape water management regulations adopted as part of the development of this water conservation plan. These regulations are intended to minimize waste in landscape irrigation. The regulations include the following elements:

- Prohibition of outdoor watering with sprinklers from 10:00 a.m. to 6:00 p.m. every day from June 1 through September 30. (Resetting of watering times in sprinkler systems is recommended to comply with the water schedule. Watering with hand-held hoses, soaker hoses, or dispensers is allowed.)
Requirement that all new irrigation systems include rain and freeze sensors capable of multiple programming. Any irrigation system installed before August 1, 2008 may not be operated after August 1, 2010 without being equipped with rain and freeze sensors. This requirement does not apply to a single family residential or duplex property, or an individual metered townhome or condominium unit. Existing residential irrigation systems are encouraged to be retrofitted with similar rain and freeze sensors.

- Requirement that all new irrigation systems be in compliance with state design and installation regulations (TAC Title 30, Part 1, Chapter 344).
- Prohibition of irrigation systems that spray directly onto impervious surfaces or onto other non-irrigated areas. (Wind driven water drift will be taken into consideration.)
- Prohibition of use of poorly maintained sprinkler systems that waste water.
- Prohibition of outdoor watering during any form of precipitation.
- Enforcement of the regulations by a system of warnings followed by fines for continued or repeat violations.

8.5 Coordination with Regional Water Planning Group and TRWD

Appendix E includes a letter sent to the Chair of the Region C Water Planning Group with this water conservation plan. Each customer (direct and indirect) is required to send a copy of their draft ordinance(s) or regulation(s) implementing the plan and their water utility profile to TRWD for review and comment. The adopted ordinance(s) or regulation(s) and the adopted water utility profile will also be sent to TRWD.

9. IMPLEMENTATION AND ENFORCEMENT OF THE WATER CONSERVATION PLAN

Appendix F contains a copy of the ordinance adopted by the City Council that designates responsible officials to implement and enforce the water conservation plan.

Appendix D contains copies of ordinances currently in place to enforce proper landscape water management, which also includes information about enforcement.

Appendix G contains a copy of an ordinance related to illegal connections and water theft.

APPENDIX A
LIST OF REFERENCES

Appendix A
List of References

- (1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rules 288.1 and 288.5, and Subchapter B, Rule 288.22, downloaded from <http://www.tceq.state.tx.us/assets/public/legal/rules/rules/pdflib/288a.pdf>, March 2007.
- (2) Texas Water Development Board: "Report 362 – Water Conservation Best Management Practices," prepared by Water Conservation Implementation Task Force, Austin, November 2004.

The TRWD model water conservation plan used in developing this plan was largely adapted from the following two plans:

- North Texas Municipal Water District: "Model Drought Contingency Plan for North Texas Municipal Water District Member Cities and Customers," prepared by Freese and Nichols, Inc., Fort Worth, August 2004.
- Tarrant Regional Water District: "Water Conservation and Drought Contingency Plan," adopted by the Board of Directors, Fort Worth, May 2005 with revisions in May 2007.

The following conservation and drought contingency plans and related documents were reviewed in the development of this plan. References marked with a * were used heavily in the development of this plan.

- *City of Dallas Water Utilities Department: "City of Dallas Water Management Plan," adopted by the City Council, Dallas, September 1999.
- *City of Dallas Water Utilities Department: "City of Dallas Water Conservation Plan," adopted by the City Council, Dallas, September 1999.
- *City of Fort Worth: "Water Conservation plan for the City of Fort Worth," Fort Worth, August 1999.
- *City of Fort Worth: "Emergency Water Management Plan for the City of Fort Worth," Fort Worth, August 19, 2003.
- *City of Dallas: "City of Dallas Ordinances, Chapter 49, Section 21.1," Dallas, October 1, 2001.

APPENDIX B

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON
MUNICIPAL WATER CONSERVATION PLANS**

**Texas Commission on Environmental Quality Rules on Water Conservation Plans for
Municipal Uses by Public Water Suppliers
Texas Administrative Code**

TITLE 30

PART 1

CHAPTER 288

SUBCHAPTER A

RULE §288.1

ENVIRONMENTAL QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS,
GUIDELINES AND REQUIREMENTS

WATER CONSERVATION PLANS

Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise

(1) Agricultural or Agriculture--Any of the following activities:

(A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;

(B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media by a nursery grower

(C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;

(D) raising or keeping equine animals;

(E) wildlife management; and

(F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

(2) Agricultural use--Any use or activity involving agriculture, including irrigation.

(3) Best management practices--Voluntary efficiency measures that save a quantifiable amount of water, either directly or indirectly, and that can be implemented within a specific time frame.

(4) Conservation--Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made

available for future or alternative uses.

(5) Commercial use--The use of water by a place of business, such as a hotel, restaurant, or office building. This does not include multi-family residences or agricultural, industrial, or institutional users.

(6) Drought contingency plan--A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s).

(7) Industrial use--The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, and the development of power by means other than hydroelectric, but does not include agricultural use.

(8) Institutional use--The use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home, prison or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

(9) Irrigation--The agricultural use of water for the irrigation of crops, trees, and pastureland, including, but not limited to, golf courses and parks which do not receive water from a public water supplier.

(10) Irrigation water use efficiency--The percentage of that amount of irrigation water which is beneficially used by agriculture crops or other vegetation relative to the amount of water diverted from the source(s) of supply. Beneficial uses of water for irrigation purposes include, but are not limited to, evapotranspiration needs for vegetative maintenance and growth, salinity management, and leaching requirements associated with irrigation.

(11) Mining use--The use of water for mining processes including hydraulic use, drilling, washing sand and gravel, and oil field re-pressuring.

(12) Municipal use--The use of potable water provided by a public water supplier as well as the use of sewage effluent for residential, commercial, industrial, agricultural, institutional, and wholesale uses.

(13) Nursery grower--A person engaged in the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, who grows more than 50% of the products that the person either sells or leases,

regardless of the variety sold, leased, or grown. For the purpose of this definition, grow means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item prior to sale or lease, and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.

(14) Pollution--The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(15) Public water supplier--An individual or entity that supplies water to the public for human consumption.

(16) Residential use--The use of water that is billed to single and multi-family residences, which applies to indoor and outdoor uses.

(17) Residential gallons per capita per day--The total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of days in the year.

(18) Regional water planning group--A group established by the Texas Water Development Board to prepare a regional water plan under Texas Water Code, §16.053.

(19) Retail public water supplier--An individual or entity that for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants when that water is not resold to or used by others.

(20) Reuse--The authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.

(21) Total use--The volume of raw or potable water provided by a public water supplier to billed customer sectors or nonrevenue uses and the volume lost during conveyance, treatment, or transmission of that water.

(22) Total gallons per capita per day (GPCD)--The total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in this chapter shall be credited against total diversion volumes for the purposes of calculating GPCD for targets and goals.

(23) Water conservation plan--A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s).

(24) Wholesale public water supplier--An individual or entity that for compensation supplies water to another for resale to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants as an incident of that employee service or tenancy when that water is not resold to or used by others, or an individual or entity that conveys water to another individual or entity, but does not own the right to the water which is conveyed, whether or not for a delivery fee.

(25) Wholesale use--Water sold from one entity or public water supplier to other retail water purveyors for resale to individual customers.

Source Note: The provisions of this §288.1 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective August 15, 2002, 27 TexReg 7146; amended to be effective October 7, 2004, 29 TexReg 9384; amended to be effective January 10, 2008, 33 TexReg 193; amended to be effective December 6, 2012, 37 TexReg 9515

Texas Administrative Code

TITLE 30

PART 1

CHAPTER 288

SUBCHAPTER A

RULE §288.2

ENVIRONMENTAL QUALITY

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS,
GUIDELINES AND REQUIREMENTS

WATER CONSERVATION PLANS

**Water Conservation Plans for Municipal Uses by Public Water
Suppliers**

(a) A water conservation plan for municipal water use by public water suppliers must provide information in response to the following. If the plan does not provide information for each requirement, the public water supplier shall include in the plan an explanation of why the requirement is not applicable.

(1) Minimum requirements. All water conservation plans for municipal uses by public water suppliers must include the following elements:

(A) a utility profile in accordance with the Texas Water Use Methodology, including, but not limited to, information regarding population and customer data, water use data (including total gallons per capita per day (GPCD) and residential GPCD), water supply system data, and wastewater system data;

(B) a record management system which allows for the classification of water sales and uses into the most detailed level of water use data currently available to it, including, if possible, the sectors listed in clauses

(i) - (vi) of this subparagraph. Any new billing system purchased by a public water supplier must be capable of reporting detailed water use data as described in clauses (i) - (vi) of this subparagraph:

- (i) residential;
- (I) single family;
- (II) multi-family;
- (ii) commercial;
- (iii) institutional;
- (iv) industrial;
- (v) agricultural; and,
- (vi) wholesale.

(C) specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in total GPCD and residential GPCD. The goals established by a public water supplier under this subparagraph are not enforceable;

(D) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;

(E) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;

(F) measures to determine and control water loss (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.);

(G) a program of continuing public education and information regarding water conservation;

(H) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water;

(I) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and

(J) a means of implementation and enforcement which shall be evidenced by:

(i) a copy of the ordinance, resolution, or tariff indicating official adoption of the water conservation plan by the water supplier; and

(ii) a description of the authority by which the water supplier will implement and enforce the conservation plan; and

(K) documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

(2) Additional content requirements. Water conservation plans for municipal uses by public drinking water suppliers serving a current population of 5,000 or more and/or a projected population of 5,000 or more within the next ten years subsequent to the effective date of the plan must include the following elements:

(A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system;

(B) a requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

(3) Additional conservation strategies. Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements in paragraphs (1) and (2) of this subsection, if they are necessary to achieve the stated water conservation goals of the plan. The commission may require that any of the following strategies be implemented by the water supplier if the commission determines that the strategy is necessary to achieve the goals of the water conservation plan:

(A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

(B) adoption of ordinances, plumbing codes, and/or rules requiring water-conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;

(C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;

(D) reuse and/or recycling of wastewater and/or gray water;

(E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;

(F) a program and/or ordinance(s) for landscape water management;

(G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and

(H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

(b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements in accordance with a memorandum of understanding between the commission and the Texas Water Development Board.

(c) A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan every five years to coincide with the regional water planning group.

Source Note: The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384; amended to be effective December 6, 2012, 37 TexReg 9515

APPENDIX C
2014 WATER UTILITY PROFILE

APPENDIX D

LANDSCAPE WATER MANAGEMENT REGULATIONS

ORDINANCE NO. 08-2912

ORDINANCE NO. 08-2913

ORDINANCE NO. 08-2912

2000 International Plumbing Code Amendment

AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY OF BEDFORD CODE OF ORDINANCES ENTITLED "ARTICLE IV PLUMBING; IRRIGATION", AS PREVIOUSLY ADOPTED, IN ORDER TO ESTABLISH THE MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF BEDFORD AND PERMIT FEES THEREFOR; PROVIDING FOR RECORDING OF SUCH CODE AS A PUBLIC RECORD PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City of Bedford, Texas has determined that water conservation and environmental protection are important issues and concerns affecting the City; and,

WHEREAS, properly-installed irrigation systems will conserve water, help avoid wasteful use, and improve the overall quality of life for the citizens of Bedford, Texas; and,

WHEREAS, during the 2007 legislative session, the Texas Legislature adopted House Bill 1656; and,

WHEREAS, House Bill 1656 amended Chapter 401 of the Texas Local Government Code to require a city with a population of 20,000 or more to regulate the installation of irrigation systems within the corporate limits of the city as well as the city's extraterritorial jurisdiction; and,

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is protective of the city's water supply and provides an enhanced quality of life for the citizens of the City of Bedford.

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

SECTION 1. That the International Plumbing Code, 2000 Edition, published by the International Code Council, is hereby amended by adding section 315 as follows:

315. Landscape Irrigation. Minimum Standards for Landscape Irrigation Systems.

The landscape irrigation rules promulgated by the Texas Commission on Environmental Quality and contained in Chapter 344, Subchapters E and F, §§344.50-344.65 TEXAS ADMINISTRATIVE CODE, as the same may be from time to time amended, are hereby adopted by reference as the landscape irrigation rules of the City.

SECTION 2. That this ordinance shall be cumulative of all provisions of ordinances of the City of Bedford, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3. 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.** That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than five hundred dollars (\$500) for each day that a violation is permitted to exist. Each day that a violation is permitted to exist shall constitute a separate offense.
- SECTION 5.** That all rights and remedies of the City of Bedford are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation and control of the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings and structures within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.
- SECTION 6.** That this ordinance shall be in full force and effect from and after its passage as required by law but not before January 1, 2009, and is so ordained.

PASSED AND APPROVED this 9th day of December 2008, by a vote of 6 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

ORDINANCE NO. 08-2913

2000 International Residential Code Amendment

AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY OF BEDFORD CODE OF ORDINANCES ENTITLED "ARTICLE IIIa INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS", AS PREVIOUSLY ADOPTED, IN ORDER TO ESTABLISH THE MINIMUM STANDARDS FOR INSTALLATION OF IRRIGATION SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF BEDFORD AND PERMIT FEES THEREFOR; PROVIDING FOR RECORDING OF SUCH CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City of Bedford, Texas has determined that water conservation and environmental protection are important issues and concerns affecting the City; and,

WHEREAS, properly-installed irrigation systems will conserve water, help avoid wasteful use, and improve the overall quality of life for the citizens of Bedford, Texas; and,

WHEREAS, during the 2007 legislative session the Texas Legislature adopted House Bill 1656; and,

WHEREAS, House Bill 1656 amended Chapter 401 of the Texas Local Government Code to require a city with a population of 20,000 or more to regulate the installation of irrigation systems within the corporate limits of the city as well as the city's extraterritorial jurisdiction; and,

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is protective of the City's water supply and provide an enhanced quality of life for the citizens of the City of Bedford.

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

SECTION 1. That the International Plumbing Code, 2000 Edition, published by the International Code Council, is hereby amended by adding section 315 as follows:

P2609. Landscape Irrigation. Minimum Standards for Landscape Irrigation Systems.

The landscape irrigation rules promulgated by the Texas Commission on Environmental Quality and contained in Chapter 344, Subchapters E and F, §§344.50-344.65 TEXAS ADMINISTRATIVE CODE, as the same may be from time to time amended, are hereby adopted by reference as the landscape irrigation rules of the City.

SECTION 2. That this ordinance shall be cumulative of all provisions of ordinances of the City of Bedford, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3. 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. That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than five hundred dollars (\$500) for each day that a violation is permitted to exist. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5. That all rights and remedies of the City of Bedford are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation and control of the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings and structures within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage as required by law but not before January 1, 2009, and is so ordained.

PASSED AND APPROVED this 9th day of December 2008, by a vote of 6 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

APPENDIX E
LETTER TO REGION C
WATER PLANNING GROUP

APPENDIX F

ORDINANCE NO. 09-2925

ADOPTION OF WATER CONSERVATION PLAN

ORDINANCE NO. 09-2925

AN ORDINANCE AMENDING CHAPTER 118 "UTILITIES", ARTICLE IV "RESTRICTIONS ON OUTDOOR USE OF WATER" OF THE CITY OF BEDFORD CODE OF ORDINANCES, AS AMENDED IN ITS ENTIRETY BY THE ADOPTION OF THE REVISED WATER RESOURCE MANAGEMENT ORDINANCE TO PROMOTE RESPONSIBLE USE OF WATER; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE AND/OR DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER RESOURCE MANAGEMENT ORDINANCE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford, Texas (the "City"), recognizes that the amount of water available to its water customers is limited; and,

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and,

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt a Drought Contingency Plan and a Water Conservation Plan; and,

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Drought Contingency Plan and Water Conservation Plan; and,

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources.

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

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.

SECTION 2. That the City of Bedford Code of Ordinances Chapter 118 "Utilities", Article IV "Restrictions on Outdoor Use of Water", is hereby amended in its entirety to read as follows:

ARTICLE IV. WATER RESOURCE MANAGEMENT

DIVISION 1. GENERAL PROVISIONS

Section 118-111. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

City is the City of Bedford.

Person is any person, firm, partnership, association, corporation, company, or organization of any kind.

TCWSP is the Tarrant County Water Supply Project.

TRA is the Trinity River Authority.

TRWD is the Tarrant Regional Water District.

Water is water from the City water system.

Section 118-112. Application of Regulations

The provisions of this article shall apply to all persons using water from the water system of the city. The provisions of this article shall not apply to those functions necessary for the public health, safety and welfare, such as emergency fire protection.

Section 118-113. General Restrictions on Water Use

- (a) All new irrigation systems must be in compliance with ordinances 08-2912 and 08-2913 of the City Code of Ordinances, as the same may be from time to time amended, including but not limited to system design and installation requirements and the prohibition of irrigation systems that spray directly onto impervious surfaces or other non-irrigated areas.
- (b) Except for hand watering and the use of soaker hoses, it shall be unlawful for any person to irrigate, water, or cause or permit the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that person between the hours of 10:00 a.m. and 6:00 p.m. It is an affirmative defense to prosecution that the irrigation or watering of any lawn or landscape during the prohibited time was done for the purpose of establishing hydromulch, grass sod, grass seed; dust control for sport fields; or for the maintenance, repair, or testing of an irrigation system. The escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair, is hereby prohibited.

DIVISION 2. DROUGHT CONTINGENCY PLAN

Section 118-114. Emergency Water Restrictions

- (a) Purpose and scope. The purpose of this section is to establish the city's policy in the event of shortages or delivery limitations in the city's water supply and to establish water restrictions to be enforced in case of drought or emergency conditions.
- (b) Drought contingency plan. The drought contingency plan, as the same may be from time to time amended, is attached hereto as Exhibit A and is incorporated herein by reference.
- (c) Authority. The City Manager or official designee is authorized to implement measures prescribed when required by this section and by the drought contingency plan approved by the city council. The Public Works Director is authorized to enforce the measures implemented and to promulgate regulations, not in conflict with this section or state and federal laws, in aid of enforcement.
- (d) Initiation of plan stages. When a trigger condition has been reached, the city will notify the public through publication of articles in the Fort Worth Star Telegram and announcements on local radio and television. Signs will also be posted at public places throughout the city such as the library, post office, city hall, etc. Notices will also be posted on the city website.

- (e) **Duration of stage; change.** A stage will remain in effect until the conditions that triggered initiation of the stage have been eliminated. If the stage is initiated because of excessive demands, all initiated actions will remain in effect through September 30 of the year in which they were triggered unless the City Manager or official designee determines that conditions exist that will allow termination of the stage before September 30. Upon recommendation of the Public Works Director, the City Manager or official designee may terminate, upgrade or downgrade the stage. Any such change must be made in the same manner prescribed in subsection (d).

DIVISION 3. WATER CONSERVATION PLAN

Section 118-115 Adoption of Water Conservation Plan

- (a) **Purpose and scope.** The purpose of this section is to establish the city's policy on water conservation measures.
- (b) **Water conservation plan.** The water conservation plan, as the same may be from time to time amended, is attached hereto as Exhibit B and is incorporated herein by reference.
- (c) **Authority.** The City Manager or official designee is authorized to implement measures prescribed when required by this section and by the water conservation plan approved by the city council. The Public Works Director is authorized to enforce the measures implemented and to promulgate regulations, not in conflict with this section or state and federal laws, in aid of enforcement.

DIVISION 4. RAIN AND FREEZE SENSORS

Section 118-116. Irrigation System Rain and Freeze Sensors.

- (a) Any irrigation system installed within the City on or after August 1, 2008 must be equipped with rain and freeze sensors.
- (b) Any irrigation system installed before August 1, 2008 may not be operated after August 1, 2010 without being equipped with rain and freeze sensors. This requirement does not apply to a single family residential or duplex property, or an individual metered townhome or condominium unit.
- (c) It shall be unlawful for any person to knowingly install, or cause or permit the installation of an irrigation system that does not comply with this section.
- (d) It shall be unlawful for any person on premises owned, leased, or managed by that person to knowingly or recklessly operate, or cause or permit the operation of an irrigation system that does not comply with this section.
- (e) It shall be unlawful for any person to operate an irrigation system with broken or missing heads after receiving notification from the building official and such representative as they may designate.
- (f) It shall be unlawful for any person to operate an irrigation system which causes significant runoff.

DIVISION 5. ENFORCEMENT

Section 118-117. Criminal responsibility.

A person commits an offense of inappropriate use of water by any of the following actions:

- (a) A person may not knowingly make, cause or permit a use of an irrigation system contrary to the requirements of this article.
- (b) A person may not knowingly make, cause or permit a use of water contrary to the measures implemented by the city manager or official designee as prescribed in the water conservation plan.
- (c) A person may not knowingly make, cause or permit a use of water contrary to the measures implemented by the city manager or official designee as prescribed in the drought contingency plan. It is presumed that a person has knowingly made, caused or permitted a use of water contrary to the measures implemented if the mandatory measures have been formally ordered consistent with the terms of section 118-114(d) and:
 - (1) The manner of use has been prohibited by the drought contingency plan;
 - (2) The amount of water used exceeds that allowed by the drought contingency plan; or
 - (3) The manner or amount used violates the terms and conditions of a compliance agreement made pursuant to a variance granted by the Public Works Director pursuant to section 118-118.

Section 118-118. Variances.

Variances will be considered only under extreme circumstances for health or public safety reasons. The City Manager or official designee will be responsible for making this determination.

Sections 118-117—118-145 Reserved.

SECTION 2. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined up to \$500.00 and/or discontinuance of water service by the City. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 3. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Bedford, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

SECTION 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto 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 ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. That this ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PRESENTED AND PASSED on this 14th day of April 2009, by a vote of 7 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Shanae Jennings, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

APPENDIX G

**ORDINANCE NO. 05-2812
ILLEGAL WATER CONNECTIONS
AND THEFT OF WATER**

ORDINANCE NO. 05-2812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS, PERTAINING TO ILLEGAL WATER CONNECTIONS AND/OR THE THEFT OF WATER FROM THE WATER SUPPLY OF THE CITY OF BEDFORD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City of Bedford recognizes that the amount of water available to its water customers is limited; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City of Bedford is authorized to adopt such policies necessary to preserve and conserve available water supplies; and

WHEREAS, the City of Bedford seeks to minimize water losses to its supply of water from illegal connections and theft through the adoption of an ordinance pertaining to illegal water connections and theft of water.

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: A person commits an offense of theft of water by any of the following actions:

- (a) A person may not knowingly tamper, connect to, or alter any component of the City's water system including valves, meters, meter boxes, meter box lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the City.
- (b) If, without the written consent of the City Manager or the City Manager's designee, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of services(s). For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, suffered, or allowed the unlawful initiation or restoration of services(s).
- (c) A person may not knowingly make or cause a false report to be made to the City of a reading of a water meter installed for metered billing.
- (d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

Section 3: THAT, any person, firm or corporation violating any provision of this article shall be deemed guilty of a Class C misdemeanor and shall, upon final conviction thereof, be fined in an amount not to exceed \$2,000.00 (Two Thousand Dollars) and any subsequent offense shall be a minimum of \$500. and not to exceed \$2,000. and/or discontinuance of water service by the City.

Section 4: THAT, if any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or

unenforceability of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 5: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this Ordinance as an alternative method of publication provided by law.

Section 7: THAT, this Ordinance shall become effective upon its adoption and publication provided by law.

PASSED AND APPROVED this 8th day of November, 2005, by a vote of 6 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Rita Frick, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER: Eric Griffin, Deputy Police Chief

DATE: 08/26/14

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

ITEM:

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

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

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

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

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

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

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

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

The awarded contract has been reviewed and approved by the City Attorney. This contract has not changed from the original contract awarded on September 13, 2011.

RECOMMENDATION:

Staff recommends the following motion:

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

FISCAL IMPACT:

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

ATTACHMENTS:

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

RESOLUTION NO. 14-

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

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

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

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

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

SECTION 2. That the City Manager is hereby authorized to enter into the final year of a four-year contract with Scobee Foods, Inc., for the purchase of prisoner meals for the Detention Facility.

PRESENTED AND PASSED this 26th day of August, 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

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

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2014 by and between the City of Bedford (hereinafter called OWNER) and

SCOBEE FOODS, INC.

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

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

Article 1. PROJECT SCOPE

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

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

Article 2. CONTRACT TIME.

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

Article 3. CONTRACT PRICE.

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

Article 4. PAYMENT PROCEDURES.

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

Article 5. CONTRACTOR'S REPRESENTATIONS.

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

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

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

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

Article 6. MISCELLANEOUS.

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

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

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

6.4. SUBCONTRACTING:

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

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

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

Article 7. GOVERNING LAWS, VENUE.

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

Article 8. CONTRACT DOCUMENTS.

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

8.1 CONTRACTOR'S Service Quotation

Article 9. INDEMNIFICATION.

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

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

on the _____ day of _____, 2014.

OWNER:

CITY OF BEDFORD
2000 FOREST RIDGE DRIVE
BEDFORD, TEXAS 76021

By: Beverly Griffith, City Manager

CONTRACTOR:

Name: Scobee Foods, Inc.

Address: 1812 Corinth Street

City: Dallas

State & Zip: TX, 75215

By: _____

Richard Inge
(214)421-0898

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

Approved as to Form and Legality this _____ day of _____ 2014.

City Attorney

CONTRACTOR'S Seal (if incorporated)

EXHIBIT "A"

QUOTE SHEET

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

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

ITEM	ITEM DESCRIPTION	UNIT PRICE
Breakfast	SEE ATTACHMENT	
Lunch		
Dinner		

AUTHORITY TO QUOTE

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

Date: 7/26/2011

Bidder/Company Name: SCUBEE FOODS, INC.

Authorized Representative: RICHARD PGE

Signed: Richard PGE Title: VP BUSINESS DEVELOPMENT

Address: 1812 CORWATH ST.

City, State & Zip: DALLAS, TX 75215

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

NON-DISCRIMINATION

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

VENDOR COMPLIANCE WITH STATE LAW

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

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

ITEM A: ALL BIDDERS

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

ITEM B: NON-RESIDENT BIDDERS

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

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

Richard Fox
Signature

Richard WGE
Printed Name

SCOBEE FOODS, INC.
Company Name

VP BUSINESS DEVELOPMENT
Title

DALLAS, TX 75215
Company City, State Zip

AFFIDAVIT AGAINST PROHIBITED ACTS

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

SCOBBE FOODS, INC.
Signature

7/26/2011
Date

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

7/26/2011
Date



Council Agenda Background

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

DATE: 08/26/14

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

ITEM:

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

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

This item is an annual renewal of an existing contract with Planet Kidz to hold the Fun Time Live program at the Boys Ranch Activity Center. This program, for children in 1st through 6th grades, has been offered at the Boys Ranch for over 12 years. For 2014 - 2015, Planet Kidz has changed the grade level participation from 3rd through 8th grades to 1st through 6th grades. This change is being implemented due to declining program participation from 7th and 8th graders. The average attendance is about 250 per Saturday night. Participants enjoy a variety of games, contests, dancing and concessions. This is a renewal of an ongoing contract with a term of 12 months. The Planet Kidz program schedule follows the HEB ISD school calendar and only meets when school is in session.

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

RECOMMENDATION:

Staff recommends the following motion:

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

FISCAL IMPACT:

\$12,460 revenue for the General Fund

ATTACHMENTS:

Resolution Agreement

RESOLUTION NO. 14-

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

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

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

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

SECTION 1. That the findings 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 Lease Agreement for a term of one year with Planet Kidz for the purposes of holding the Fun Time Live Program for \$445 payable weekly each time that the Fun Time Live Program is held.

SECTION 3. That this resolution shall take effect from and after the date of passage.

PRESENTED AND PASSED this 26th day of August 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

LEASE AGREEMENT

THIS LEASE AGREEMENT, made as of the 26th day of August, 2014, by and between the City of Bedford, Texas (herein called "Lessor"), and PLANET KIDZ, INC., whose principal mailing address is 330 Oaks Trail Suite 118 Garland, Texas 75043 Organization, (herein called "Lessee").

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

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

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

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

WITNESSETH:

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

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

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

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

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

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

cleaning up the Leased Premises. Lessee shall have no right or access to the Leased Premises at any other time.

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

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

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

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

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

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

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

(a) All participants in the Youth Activity Program shall be in grades 1-6. **Lessee shall provide age appropriate activities for all participants.**

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

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

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

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

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

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

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

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

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

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

7. Term of Agreement. The term of this Agreement shall be from date August 26, 2014 until August 31, 2015. Lessee shall operate each **Saturday** night during the term of this lease from the hours of 7:00 p.m. to 11:00 p.m. only, commencing upon the effective date hereof.

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

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

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

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

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

13. Notices. All notices to be sent to the offices of PLANET KIDZ, INC. 330 Oaks Trail Suite 118 Garland, Texas 75043 for the duration of the lease or any extensions thereof. **All notices shall be to the City of Bedford, at the following address 2801 Forest Ridge Dr. , Bedford, Texas 76021.**

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

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

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

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

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

General Aggregate	\$2,000,000
Each Occurrence	\$1,000,000
Products – Comp/Op Agg	\$2,000,000
Personal & Adv injury	\$1,000,000
Fire Damage to rented premises	\$ 300,000
Med Exp (Any one person)	\$ 5,000

Lessee's insurance shall be primary and shall be endorsed to provide a waiver of subrogation in favor of the Lessor. The Commercial General Liability Policy should be endorsed using Endorsement No. SRPGP-101

Deductibles on each insurance policy shall no greater than \$100.00

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

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

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

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

Lessor City of Bedford

Lessee: PLANET KIDZ, INC. &
COMPANIES

By: _____
Beverly Griffith, City Manager

By: _____
Dale A. Oakes, President

Date: _____

Date: _____