

AGENDA

Regular Meeting of the Bedford City Council
Tuesday, September 9, 2014
Bedford City Hall Building A
2000 Forest Ridge Drive
Bedford, Texas 76021

Council Chamber Work Session 4:00 p.m.
Council Chamber Regular Session 6:30 p.m.

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

WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Discussion of various implementation strategies for the Central Bedford Development Zone (Bedford Commons).

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 551.087, deliberation regarding economic development negotiations relative to "Project Flamingo."
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1RB, Bedford Meadows Shopping Center.

REGULAR SESSION 6:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Dr. Timothy Pierce, Woodland Heights Baptist Church)

PLEDGE OF ALLEGIANCE (Cub Scout Pack #407)

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. Proclamation declaring September 2014 as Blood Cancer Awareness Month in the City of Bedford.

APPROVAL OF THE MINUTES

2. Consider approval of the following City Council minutes:
 - a) August 26, 2014 regular meeting

b) September 2, 2014 special meeting

NEW BUSINESS

3. Consider an ordinance adopting 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; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.
4. Consider a resolution to ratify the property tax increase as reflected in the 2014/2015 City of Bedford Program of Services (Budget).
5. Consider an ordinance amending the City of Bedford Code of Ordinances by amending Chapter 58 "Fire Prevention and Protection," by deleting Sections 58-97 and 58-99 through 58-104 and adding new Sections 58-97 and 58-99 through 58-104, thereby adopting the International Fire Code, 2009 Edition, and providing certain amendments and deletions thereto; providing for an effective date; providing for a penalty clause; providing a repealer clause; and providing a severability clause.
6. Consider an ordinance amending Chapter 82 – "Offenses and Miscellaneous Provisions," Article III "Smoking," Section 82-71 "Definitions" and Section 82-73 "Food Products Establishment" of the City of Bedford Code of Ordinances; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; and providing an effective date.
7. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and Bluebonnet Contractors, LLC (BBC) for acceptance of payments related to water and sewer facilities located within the North Tarrant Express Project (NTE).
8. Consider a resolution authorizing the City Manager to enter into a contract with Vann/Elli, Inc. for the replacement of 58 linear feet of bridge railing on the west side of the bridge located at 2200 Forest Ridge Drive in the amount of \$14,345.
9. Consider a resolution approving the City of Bedford Investment Policy.
10. Presentation on the Block Party scheduled for September 25 sponsored by the Community Affairs Commission.
11. 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
 - ✓ Teen Court Advisory Board - Councilmember Farco
12. Council member Reports
13. City Manager/Staff Reports

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 551.087, deliberation regarding economic development negotiations relative to "Project Flamingo."
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1RB, Bedford Meadows Shopping Center.

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

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

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Friday, September 5, 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: William Syblon, Development Director
Jayashree Narayana, Gateway Planning

DATE: 09/09/14

Work Session

ITEM:

Discussion of various implementation strategies for the Central Bedford Development Zone (Bedford Commons).

City Manager Review: _____

DISCUSSION:

The design standards and zoning documentation for Bedford Commons is in the final drafting stages. A discussion is needed to assess the potential next steps, and various tools available to implement the Bedford Commons vision.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Jim Griffin, Mayor

DATE: 09/09/14

Council Recognition

ITEM:

Proclamation declaring September 2014 as Blood Cancer Awareness Month in the City of Bedford.

City Manager Review: _____

DISCUSSION:

A representative from the Leukemia and Lymphoma Society will be on hand to accept the proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, blood cancers currently afflict more than one million people in the United States, with an estimated 149,990 new cases diagnosed each year; and

WHEREAS, leukemia, lymphoma and myeloma will kill an estimated 54,630 people in the United States this year; and

WHEREAS, The Leukemia & Lymphoma Society (LLS), through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support for those that suffer from them; and

WHEREAS, LLS maintains offices in Dallas and Fort Worth to support patients with these diseases and their family members in the State of Texas.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the month of September, 2014 as:

Blood Cancer Awareness Month

in the City of Bedford and we ask our residents to join with LLS to enhance the understanding of blood related cancers and to encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this 9th day of September, 2014.

JIM GRIFFIN, MAYOR





Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 09/09/14

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) August 26, 2014 regular meeting
- b) September 2, 2014 special meeting

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

August 26, 2014 regular meeting
September 2, 2014 special meeting

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 26th day of August, 2014 with the following members present:

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

Mayor
Council Members

constituting a quorum.

Councilmember Fisher arrived at 5:37 p.m.

Staff present included:

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

City Manager
Deputy City Manager
City Attorney
City Secretary
Administrative Services Director
Deputy Director of Information Services
Marketing Specialist
Police Chief
Public Works Director
Assistant to the City Manager
Managing Director
Library Director
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: 2, 5, 6 and 7.

Public Works Director Tom Hoover presented information regarding Item #5. The State requires that municipalities have a water conservation and a drought contingency plan on file with the Texas Commission on Environmental Quality (TCEQ) and that they be updated every five years. The City's water conservation plan was last updated in 2011 and the drought contingency plan was last updated in 2009. Both plans have been reviewed and approved by the TCEQ, the Trinity River Authority and the Texas Water Development Board. There are a few changes to get current with distribution system improvements. In answer to questions from Council, Mr. Hoover stated that the plans were done in-house and that there are no changes to the plans that affect residents.

- **Presentation of monument sign options for Central Drive.**

Managing Director Mirenda McQuagge-Walden presented options for the monument signs at Central Drive and requested feedback and direction from Council. As part of the construction of the North Tarrant Expressway (NTE), Bluebonnet Contractors had to remove the monument signs. They have offered to replace them with something that mirrors what was there previously and matches the sign at Murphy Drive in Euless. They have offered to pay up to \$9,000 for each sign; if the City goes over that amount, it would have to make up the difference. Quotes were received in the amount of \$23,000 for a monochromatic sign and \$32,000 for a full color sign. She displayed examples of signage with brick and a capstone that matches the Old Bedford School and the Library. Such signage would operate off of data so there would be an ongoing cost.

In answer to questions from Council, Ms. McQuagge-Walden stated that the medians will have electricity established by Bluebonnet as well as water for irrigation. There was discussion on having the electronics on one side of the signs; funding for the signs; other locations to put signage, including Fire Station 3; installing signage at Murphy Drive and phasing in the rest of the City; getting information out through other means; the signs being lighted at night; and that \$9,000 was the cost of the sign in Euless. In answer to questions from Council, Deputy City Manager David Miller stated that signs could be designed close to the \$9,000 budget and presented to Bluebonnet to see if more money could be made available; and that the traffic count shows 35,000 to 40,000 vehicles a day go through the intersection. There was discussion on signage similar to Coppell and seeing if other cities had similar costs for signs. In answer to questions from Council, Police Chief Roger Gibson stated that he agrees with the concerns of Council regarding electronic signs being a distraction to drivers and discussed the possibility of the signage being sequenced with the traffic lights. There was discussion on incorporating landscaping with the sign and getting recommendations from landscapers and architects.

- **Presentation on Public Funds Investment Act and Investment Policy.**

Administrative Services Director Cliff Blackwell stated that each year, staff presents the Investment Policy, which determines how the City invests its funds, for Council's review. The Investment Committee recently met and Councilmember Turner asked that a presentation be made to Council with an overview of the Public Funds Investment Act and how it relates to the Policy. Dick Long with Valley View Consulting presented an overview of the Act. It gives the City the authority to invest funds and engage with an investment management firm. It contains an operational component, including adopting a written policy, that emphasizes safety of principal and liquidity, and which addresses diversification, yield and maturity, and quality and capability of investment. The Act defines some of the risks, including what the City is eligible to invest in, maturity, methods to monitor market prices and issuer ratings, and delivery versus payment. It addresses strategy by fund type, which deals with operating money, debt service money and special project money and emphasizes safety of principal and investing within liquidity requirements. The Act requires an annual review of the City's policy and strategies, allows Council to delegate to one or more investment officer, and such officers are required to disclose conflicts of interest to the Texas Ethics Commission and Council. The Policy must be sent to any entity the City with whom the City is doing investments, who then must send back an acknowledgement certificate. An annual audit of the City's internal controls must be performed. In regards to standards of care, officers are not supposed to speculate and must go to training on a regular basis, with Council approving the independent sources of training. Mr. Long discussed eligible investments including obligations of or guaranteed by governmental entities; CDs or other forms of deposits; repurchasing agreements; securities lending; bankers acceptances; commercial paper; mutual funds, including money markets; guaranteed investment contracts; investment pools; municipal utilities; and mineral rights. Any investment pool must be AAA rated. He discussed internal management reports and that authorized broker dealers are voted on by the Investment Committee. He further discussed the Public Funds Collateral Act, which requires a written collateral policy.

There was discussion on the City's investments having a yield of 17 basis points and the City's prime motivation being not to lose any capital and liquidity. Mr. Long stated that as the City leaves several millions in the bank to offset service charges, the average yield is actually 33 basis points. In answer to questions from Council, Mr. Long stated that Valley View and staff collaborate on calculating whether the City leaves money in the bank or invests it; that Valley View is considered a non-discretionary investment advisor and that they do not touch any of the funds nor direct investments without the authority of the investment officers; that in regards to holding bonds to maturity or liquidating them if

interest rates change, the City is not allowed to speculate on the market; and that the City does not enter into repurchase agreements.

Mayor Griffin adjourned the Work Session at 6:18 p.m.

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.”

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with the City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road; Section 551.087, deliberation regarding economic development negotiations regarding active economic development agreements; 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; and Section 551.087, deliberation regarding economic development negotiations relative to “Project Flamingo” at 6:20 p.m.

Council reconvened from Executive Session at 6:25 p.m. Council was unable to finish the Executive Session and will convene again at the end of the Regular Session.

REGULAR SESSION 6:30 P.M.

The Regular Session began at 6:32 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Pastor Cory Kuhn, The Mission)

Pastor Cory Kuhn of The Mission gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

ANNOUNCEMENTS/UPCOMING EVENTS

Marketing Specialist Natalie Foster announced that Blues Fest begins on Friday and that tickets are still available online. “Harvey the RV” on 820 AM will be doing a live broadcast in Bedford from 5:00 a.m. to 9:00 a.m. on Friday to promote the event. On Saturday, September 5, the 2K9 run will begin at 8:30 a.m. and Dog Splash Day will begin at 10:00 a.m. Crud Day will be on Saturday, September 13 from 9:00 a.m. to 11:00 a.m. at 3200 Meadow Park Drive for the recycling of household hazardous waste and electronics.

OPEN FORUM

John DeLorme, 1129 Woodvale Drive, Bedford – Mr. DeLorme signed up to speak on the Work Session item for monument signs at Central Drive. He agreed with a majority of Council that non-electronic signs would be best due to the traffic through the intersection. He urged the City to go back to the contractor who removed the signs for the widening of the freeway and that they bear the entire cost of the signs. They should be replaced with regular brick signs, which incorporate the new logo.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilmember Champney, seconded by Councilmember Davisson, to approve the following items by consent: 2, 5, 6 and 7.

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

COUNCIL RECOGNITION

1. Employee Service Recognition

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

Leslie Preuss, Police Department - 5 years of service
Melissa Briggs, Police Department - 15 years of service

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**

This item was approved by consent.

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.

Assistant to the City Manager Meg Jakubik presented information on the annual budget. The budget strategy included Council goals; responses from the citizen satisfaction survey; fiscal responsibility and having a balanced budget; investments in infrastructure and human capital; accountability; and keeping an eye on the radar. Performance measures were revisited and are more closely related to Council goals. Assumptions include conservative sales tax growth, net of any incentives approved by Council; targeted service level increases, including a crime-free multifamily program, an improved multifamily inspection program and replacement of capital equipment; fee increases including pass-throughs for increased costs from TRA, the multifamily inspection fee and the day camp; a portion of the increase for health insurance being passed onto employees; debt service issued for Phase 1 of the Boys Ranch and capital purchases approved by Council; and maintaining the current property tax rate in order to have savings for onetime expenses and absorbing the costs for Fire Station 2. She stated that the City received the platinum level Leadership Circle Award from the Texas Comptroller.

In regards to cost of services, Ms. Jakubik stated that there are 48,271 residents and untold visitors in the City and that the operating budget is just over \$64M for services, which equates to \$2.00 a day on the property tax rate. On the average home value, holding the current tax rate equates to approximately \$750 a year. In the General Fund, there are \$500,000 in expenses that were either mandated or contractually obligated, and were then either absorbed in the budget or came from reallocated funds. There is an \$118,000 difference in the Fund to build the contingency for Fire Station 2. In the Tourism Fund, there are savings of \$11,000 and supplementals for a special events coordinator and facility repairs at the Old Bedford School. In the Water Fund, expenditures exceed revenues due to the

purchase of capital equipment. The Stormwater Fund is coming back in line due to a decrease in legal fees and includes a supplemental for a hydroseeder. The 4B Fund has unusual expenditures for the design and reconstruction of Bedford Road and the design of Harwood Road. She discussed the Consumer Price and Municipal Cost Indexes and stated there have been average increases of two percent a year, with an increase the previous year of 1.4 percent. Revenue by source shows that the largest portion being the General Fund followed by the Water Sewer Fund. Expenditure by function shows the largest portion being Public Services followed by Public Safety. Expenditures by classification show personnel being the largest portion and she explained that water purchases and sewer treatment have been separated from contractual services.

Ms. Jakubik stated that the City's taxable value is \$3.12B, an increase of 3.8 percent from the previous year. Changes in appraised values include a \$4M increase from new construction. She discussed the history of the City's tax rate and that the maximum rate being considered is the current rate of \$0.494830 per \$100 valuation. Overlapping tax rates show the City's portion being approximately 20 percent, with the largest portion being HEB ISD. She discussed the proposed tax rates of neighboring cities. The effective tax rate is \$0.479538 per \$100 valuation and the proposed rate used for revenue calculation is the current tax rate. With the current tax rate, the impact to the average home is approximately \$20 a year. A tax rate comparison shows an increase on the Debt portion of 6.9 percent and a decrease on Maintenance and Operations portion of 4.4 percent. A per capita comparison, net of capital, shows that that the City spends approximately \$1,200 per capita.

Ms. Jakubik discussed the annual funding requirements for the Debt Service Fund and stated that there is a downward trend and that the City retires approximately \$5M of debt per year. There is an ncrease of \$492,000 from the GO bonds for the Boys Ranch and PFCOs for capital items. She discussed the current water and sewer rates, and projected cost increases from TRA. The previous year, Council decided to pass through such increases to residents. A proposed rate increase equivalent to the increase from the TRA will be presented to Council in September.

Ms. Jakubik discussed supplemental, including Municipal Court, records management, and GIS software; facility improvements at Public Works and the OBS, as well as signage at Splash; and vehicle replacements including a remount for a medic unit, trucks for Code Compliance and Parks, and a camera van.

Mayor Griffin opened the public hearing at 6:59 p.m.

John DeLorme, 1129 Woodvale Drive, Bedford - Mr. DeLorme stated that between 2009 and 2012, the City's tax rate increased 30 percent during the recession because commercial values were down 20 percent. Instead of cutting the budget, the Council just raised the tax rate. Now that values have increased, there is the capacity to bring the tax rate back down. He urged Council to adopt the effective tax rate because of the improving economic picture on values and taxes. He asked why Harwood Road and Bedford Road are being reconstructed as they only need to be repaved. In regards to having a lower number of employees, he stated that the City is built out and not growing and there is no need for additional staff. The Council needs to look at funding priorities for basic City services and not get-rich-quick-schemes. The citizen survey showed the worst ratings being on streets, water and sewer, and money needs to be put towards those items. He stated that the 4B tax was not designed to be a fix-all for the roads and that money needs to be put in for streets. In regards to water and sewer lines, 80 percent are over 30 years old and should be on a schedule for replacement.

Patricia Nolan, 1005 Carousel Drive, Bedford – Ms. Nolan stated that in 2013, there was an incident on Forest Ridge Drive that led to the replacement of a bridge railing and Council agreed to replace the railing on the other side. She does not see it in the budget for this year. She wants to ensure that the City's aesthetics looks like they have done their job and that Council should be concerned about how the City looks to visitors. She stated that the City has extra money and she would like to see more items purchased with cash as not to burden taxpayers with bonds. In regards to employee merit raises, she is glad to see them but asked if school crossing guards were due a raise this year. It was stated that Council had discussed merit raises and market adjustments, and a pool of money was established. Staff is working on a market analysis, which the crossing guards are part of, and once completed, their salaries would be adjusted accordingly. Ms. Nolan stated that when she was running for re-election, she

received comments from crossing guards that raises have been given to employees the previous two years, but that they have not had raises in six years. They were considered part-time employees at one time but, unbeknownst to them, their status was changed to seasonal in October of 2013. She stated that seasonal employees work for three months, not nine to ten months like the crossing guards. They only realized the status change when they were notified their incentives or 401K had been changed. A letter was written to their immediate supervisors but there has been no reply. She stated that the City needs to realize that these people are important to the children, HEB ISD and the neighborhoods. She asked Council to revisit this particular situation and make sure the crossing guards are given due raises. They make \$9.87 an hour while some cities give up to \$14.00 an hour.

Mayor Griffin adjourned the public hearing at 7:12 p.m.

There was discussion on 64 percent of the budget being for the Police, Fire and Public Works Departments; that the value of the debt service for the Boys Ranch, at three-quarters of a penny, is included; the per capita expenses for the City being the lowest amongst the other cities benchmarked against it; looking into the crossing guard issue; and that the railing for the bridge on Forest Ridge Drive is in the budget and will be presented at the next Council meeting.

4. Public hearing to consider the proposed 2014 tax rate.

Ms. Jakubik stated that per the Tax Code, if a governmental body would consider a tax rate higher than the effective rate, then two public hearings would have to be held. The proposed tax rate is the current tax rate, which is higher than the effective tax rate.

Mayor Griffin opened the public hearing at 7:18 p.m.

John DeLorme, 1129 Woodvale Drive, Bedford – Mr. DeLorme urged the Council to lower the tax rate and that they have the ability to do so. He stated that it is unconscionable as a Council not to lower the rate. From 2009 through 2012, the rate went up 30 percent and the budget was not cut. The City has to deal with the revenue it has and not the revenue it wishes it has. He stated that it would have been fiscally responsible to cut the budget accordingly during the tougher years and deal with the revenue the City had.

Mayor Griffin adjourned the public hearing at 7:20 p.m.

- 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.**

This item was approved by consent.

- 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.**

This item was approved by consent.

- 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.**

This item was approved by consent.

8. 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 reminded everybody of the upcoming Crud Cruiser Day.

✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter acknowledged Commission member Roy Savage who was in attendance. He reported that the Commission had a frank conversation regarding misconceptions they have about Council actions to reset the particulars of the Boards and Commissions. He reminded everybody about the September 25 block party sponsored by the Commission.

✓ **Cultural Commission – Councilmember Champney**

No report was given.

✓ **Library Board - Councilmember Davisson**

No report was given.

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

No report was given.

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

No report was given.

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

Councilmember Farco reported that the Board is looking for adult volunteers and children for the Teen Court program.

9. Council member Reports

No other reports were given.

10. City Manager/Staff Reports

City Manager Beverly Griffith reminded everybody that the Senior Center would be closed for building remodeling and repairs from September 8 through September 12.

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.”

Council reconvened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with the City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road; Section 551.087, deliberation regarding economic development negotiations regarding active economic development agreements; 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; and Section 551.087, deliberation regarding economic development negotiations relative to “Project Flamingo” at 7:23 p.m.

Council reconvened from Executive Session at 8:29 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.

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

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

ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:31 p.m.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

STATE OF TEXAS §
COUNTY OF TARRANT §
CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Special Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 2nd day of September, 2014 with the following members present:

Jim Griffin	Mayor
Michael Boyter	Council Members
Ray Champney	
Jim Davisson	
Roger Fisher	
Roy W. Turner	

constituting a quorum.

Councilmember Farco was absent from the meeting.

Staff present included:

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

SPECIAL SESSION 6:30 P.M.

The Special Session began at 6:30 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order. He stated that Councilmember Farco was unable to attend the meeting.

NEW BUSINESS

1. Second public hearing to consider the proposed 2014 tax rate.

Assistant to the City Manager Meg Jakubik stated that the current tax rate is \$0.4948303 per \$100 valuation. This year's effective tax rate is \$0.479538 per \$100 valuation due to an increase in property values. The rollback rate is \$0.529670 per \$100 valuation. The maximum rate that Council will consider is the current tax rate. She displayed a historical comparison of the tax rate between 2009 and 2014

showing that it increased by a total of 6.7 percent, with an average increase of 1.75 percent per year. A comparison of tax revenue over the same period shows an increase from \$13.5M to \$15.1M, for an overall increase of 11.16 percent and an average increase of 2.5 percent per year. A comparison of the Municipal Cost Index (MCI) over the same period shows an increase of 1.4 percent this year and an average yearly increase of nearly two percent. A comparison of the tax rate from the FY 13-14 to FY 14-15 shows that though the rate itself is the same, the composition of the rate is different. There is a 6.9 percent increase in the Debt portion due to the sale of debt for the Boys Ranch Park and capital items approved by Council, and a 4.4 percent decrease in the Maintenance and Operations portion. She stated that the Council will vote on the tax rate next Tuesday during their regularly scheduled meeting. In answer to questions from Council, Ms. Jakubik stated that the average yearly increase in the tax rate is 1.75 percent and the average yearly increase in the MCI is 1.93 percent and, therefore, the change in the tax rate has been below the change in the MCI.

Mayor Griffin opened the public hearing at 6:36 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 6:37 p.m.

There was discussion on the decrease in the Maintenance and Operations portion of the tax rate; the increase in the Debt portion of the tax rate with the major contributor being that citizens voted to do Phase 1 of the Boys Ranch; the bonds for the Boys Ranch being included in the tax rate; and that the line was held on the tax rate. Councilmember Turner requested it be on the record that statements had been made during the first public hearing referring to a 30 percent tax increase from 2009 to 2014 and that tonight's presentation showed nothing near that amount with a total increase of 6.7 percent. There was further discussion on the budget and tax rate being addressed and voted on at the September 9 Council meeting.

ADJOURNMENT

Mayor Griffin adjourned the meeting at 6:39 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: 09/09/14

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

ITEM:

Consider an ordinance adopting 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; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

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.

Following this submittal, a budget work session was held on August 8, 2014 with staff and members of the City Council. In addition to the work session, a public hearing was held on the budget as presented on August 26, 2014.

The total operating expenditures as presented in the FY2014-2015 budget is \$64,316,128, while the total operating revenues are presented as \$64,333,009.

Additionally, the proposed tax rate as presented for the tax year 2014 that will generate property tax revenues for the FY2014-2015 budget year is \$0.4948303 per \$100 assessed valuation.

RECOMMENDATION:

Staff recommends the following motion:

I move that property taxes increase by the adoption of a tax rate of \$0.4948303 per \$100.00 assessed valuation; and approve an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period October 1, 2014 through September 30, 2015.

FISCAL IMPACT:

\$64,316,128 in total operating expenditures
\$64,333,009 in total operating revenues

ATTACHMENTS:

Ordinance
Exhibit A: Summary of Revenue and Expenditures by Fund – FY2014-2015 Budget

ORDINANCE NO. 14-

AN ORDINANCE ADOPTING 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; PROVIDING FOR INTRA-FUND AND/OR INTRA-DEPARTMENTAL TRANSFERS; PROVIDING FOR INVESTMENT OF IDLE FUNDS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, a notice of public hearing on the Annual Budget for the City of Bedford, Texas, for the fiscal period of October 1, 2014 through September 30, 2015, was heretofore published at least ten days in advance of said hearing; and,

WHEREAS, said public hearing on said Budget was duly held and all interested persons were given the opportunity to be heard for or against any item therein.

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 Annual Budget for the City of Bedford, Texas, for the fiscal period of October 1, 2014 through September 30, 2015 in words and figures contained therein, is hereby adopted and approved. A copy of said budget shall be maintained in the records of the City. A summary of revenues and expenditures by funds is attached hereto as Exhibit A.

SECTION 3. That there shall be and there is hereby levied the following taxes on each one hundred (\$100.00) dollars valuation on all taxable property within the City of Bedford, Texas, to be assessed and collected by the Tax Assessor-Collector for the year, and collected for the purposes herein stipulated, to-wit:

- a) For Maintenance and Operations levied on \$100.00 valuation \$0.2899073
- b) For Debt Service levied on \$100 valuation \$0.2049230

TOTAL LEVY \$0.4948303

PRESENTED AND PASSED on this 9th day of September 2014, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

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

FUND NAME	BEGINNING	REVENUE			EXPENDITURES			FY 14-15 DIFFERENCE	ENDING BALANCE
	BALANCE	PROPOSED	SUPPLEMENTAL	REVENUE	PROPOSED	SUPPLEMENTAL	EXPENDITURES		
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



Council Agenda Background

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

DATE: 09/09/14

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

ITEM:

Consider a resolution to ratify the property tax increase as reflected in the 2014/2015 City of Bedford Program of Services (Budget).

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

Pursuant to the requirements of HB 3195, it is necessary for the City Council to vote to ratify the property tax increase as reflected in the 2014/2015 Budget.

Section 102.007, Local Government Code, Subsection (c), reads as follows: "Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or vote to set the tax rate required by Chapter 26, Tax Code, or other law."

This budget will raise more total property taxes compared to last year by \$402,980 or 3.09% and, of that amount, \$20,524.30 is a result of new properties on this year's tax roll.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution to ratify the property tax increase as reflected in the 2014/2015 Program of Services (Budget).

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution

RESOLUTION NO. 14-

A RESOLUTION TO RATIFY THE PROPERTY TAX INCREASE AS REFLECTED IN THE 2014/2015 CITY OF BEDFORD PROGRAM OF SERVICES (BUDGET).

WHEREAS, the City of Bedford has adopted an annual budget that requires raising more revenue from property taxes than in the previous year; and,

WHEREAS, House Bill 3195 requires that the governing body ratify the property tax increase reflected in the budget in a separate vote.

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 of Bedford, Texas hereby ratifies the property tax increase reflected in the City of Bedford 2014/2015 Program of Services (Budget).

SECTION 3. That any prior resolutions inconsistent with this resolution are hereby repealed.

PRESENTED AND PASSED this 9th day of September 2014, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER: James Tindell, Fire Chief

DATE: 09/09/14

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

ITEM:

Consider an ordinance amending the City of Bedford Code of Ordinances by amending Chapter 58 "Fire Prevention and Protection," by deleting Sections 58-97 and 58-99 through 58-104 and adding new Sections 58-97 and 58-99 through 58-104, thereby adopting the International Fire Code, 2009 Edition, and providing certain amendments and deletions thereto; providing for an effective date; providing for a penalty clause; providing a repealer clause; and providing a severability clause.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The Fire Marshal's annual permit fee, which is currently based on a tiered rate structure according to the size of a building's area, is primarily the responsibility of the property owner; whereas, the fees associated with the storage and sale of hazardous materials is the responsibility of the occupant offering the materials for sale.

To be more consistent with the hazardous materials clause, an amendment needs to be made to the Code of Ordinances allowing the Fire Marshal to assess an annual permit fee to each occupant of a non-residential property rather than just the property owner. For example, if a commercial structure houses seven occupants, the annual Fire Marshal permit fee will be assessed for each of the seven occupants. In addition, the Fire Department will collect fire alarm and fire sprinkler permits fees based on number of devices installed or modified instead of basing the fee on the cost of construction. Typos have also been corrected.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending the City of Bedford Code of Ordinances by amending Chapter 58 "Fire Prevention and Protection," by deleting Sections 58-97 and 58-99 through 58-104 and adding new Sections 58-97 and 58-99 through 58-104, thereby adopting the International Fire Code, 2009 Edition, and providing certain amendments and deletions thereto; providing for an effective date; providing for a penalty clause; providing a repealing clause; and providing a severability clause.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Ordinance Red-line

ORDINANCE NO. 14-

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS AMENDING CHAPTER 58 "FIRE PREVENTION AND PROTECTION," OF THE CODE OF THE CITY OF BEDFORD BY DELETING SECTIONS 58-97 AND 58-99 AND ADDING NEW SECTIONS 58-97 AND 58-99 THROUGH 58-104 THEREBY ADOPTING THE INTERNATIONAL FIRE CODE, 2009 EDITION, AND PROVIDING CERTAIN AMENDMENTS AND DELETIONS THERETO; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS, the City of Bedford desires to protect the life, health and property of the citizens and businesses of the City of Bedford; and,

WHEREAS, fire prevention is important to the health, safety and welfare of the citizens, businesses and visitors of the City of Bedford.

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

SECTION 1. That all matters stated in the preamble are hereby found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the International Fire Code, a copy of which will be kept on file with the City Secretary's Office, is hereby adopted as the City of Bedford Fire Code and that Chapter 58, Section 58-97 is hereby deleted in its entirety and a new Section 58-97 is adopted to read as follows:

Section 58-97 Code Adopted.

The Code shall be known as the City of Bedford Fire Prevention Code. The articles of the International Fire Code (IFC), 2009 edition, save and accept such portions as are hereinafter deleted, modified, or added, shall be the Fire Prevention Code of the City of Bedford.

SECTION 3. That Chapter 58, Section 58-99 is hereby deleted in its entirety and a new Section 58-99 is adopted to read as follows:

Sec. 58-99 Amendments

The International Fire Code (IFC), 2009 edition, and the Bedford Fire Prevention Code are amended and changed as published in the following respects:

(1) **General Terms**

- (a) **Jurisdiction.** All references to "jurisdiction" shall mean the City of Bedford, Tarrant County, Texas
- (b) **Chief.** All references to "Chief of the Bureau of Fire Prevention" shall be replaced with "Fire Marshal."
- (c) **Fire marshal.** All references to Fire Marshal shall include the Fire Marshal's designee.

(2) **Chapter 1. Scope and Administration**

ORDINANCE NO. 14-

- (a) *Section 101.1 Title* is amended by deleting that section and replacing it with a new *Section 101.1* to read as follows:

Title. These regulations shall be known as the *Fire Code of the City of Bedford, Texas*, hereinafter referred to as “this Code.”

- (b) *Section 102.1 Construction and design provisions* is amended by adding a new *Section 102.1.1* to read as follows:

Section 102.1.1 Reconstruction and Remodel. A building that is being altered, remodeled or reconstructed where the cost of construction is equal to or greater than 50% of the appraised value of the structure, shall comply with current fire codes in regard to:

- (1) Panic hardware;
- (2) Fire alarms;
- (3) Exit lights;
- (4) Emergency lighting
- (5) Exits and exit ways;
- (6) Fire protection systems.

- (c) *Section 102.7* is amended by deleting and replacing with a new *Section 102.7* to read as follows:

Section 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 47 of the International Fire Code and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standards shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

- (d) *Section 105.1.1 Permits required* is amended by deleting that section and replacing it with a new *Section 105.1.1* with subsections, to read as follows:

105.1.1 Permits required. Permits required by this code shall be obtained from the fire code official.

105.1.1.1 Permit fees. The fire marshal’s office shall collect the approved fees for all inspections and permits as provided by the International Fire Code or Section 58-99 of the City of Bedford Code of Ordinances or other fire related permit or inspection fees. Permit fees shall be paid prior to the issuance of the permit. If work or construction occurs without obtaining the appropriate permit or permits first, the permit fee shall be doubled. In cases of emergency, the fire marshal may waive the requirement that the permit fee double.

- a. The fire marshal's office shall collect the approved fees for inspections, certificates of occupancies, annual permits, the sale and storage of hazardous materials and other permits as required by the ordinances of the City of Bedford.

ORDINANCE NO. 14-

b. The minimum cost of a permit shall be thirty dollars (\$30.00) unless otherwise indicated in the approved fee schedules adopted by the city. When a permit is required, the permit fee shall be doubled when work or construction has occurred without obtaining the appropriate permits. In those cases where the work occurs on City of Bedford property and no permit fee is required, an amount equal to the initial permit cost shall be charged for failure to obtain a permit.

c. Annual fire marshal permit fees shall be due on or before February first (1st), unless otherwise indicated on the permit.

d. Payment of annual permit fees shall be the responsibility of the property owner and business owner. Fees for the storage and sale of hazardous materials shall be the responsibility of the occupant who offers the material for sale.

e. Any occupancy hereafter opening for the purpose of doing business in Bedford, as evidenced by application to the Building Official for a Certificate of Occupancy, shall pay a fee for an initial Fire Code compliance inspection and for the establishment on an inspection file. This fee shall be collected by the Building Official at the same time that the Certificate of Occupancy fee is collected. This fee is based on square footage as indicated in the fee schedule.

f. The fire marshal may request copies of bid documents or other items to verify the estimated cost of construction when calculating permit fees.

105.1.1.2 Party responsible for payment. Payment of permit fees shall be the responsibility of the property owner and business owner.

105.1.1.3 Permits required before commencement of work. Permits must be obtained prior to taking any action requiring a permit.

105.1.1.4 Permit to be on premises. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

(e) *Section 108 Board of Appeals* is amended by adding Section 108.4 to read as follows:

108.4 Building and Standards Commission to function as Bedford Board of Appeals for International Fire Code. The Building and Standards Commission for the City of Bedford, as defined by the Code of Ordinances of the City of Bedford, Texas shall function as the Board of Appeals under Section 108 of the International Fire Code. Appeals shall be in accordance with Section 58.03 of the Code of Ordinances of the City of Bedford, Texas.

(f) *Section 109 Violations* is amended by adding Section 109.4 to read as follows:

ORDINANCE NO. 14-

109.4 Summary abatement. If the fire marshal or designee becomes aware of a condition or situation that causes or creates a hazard, the fire marshal shall have the authority to summarily abate or order the summary abatement of such hazardous condition or conditions that are in violation of the this code. If the hazard cannot be immediately corrected or abated, the fire marshal shall have the authority to assign the necessary fire protection personnel to provide as safe a situation as possible until the hazard is corrected or abated.

- (g) **Chapter 1 Scope and Administration** is amended by adding **Section 114 Compliance Certification** to read as follows:

Section 114 Compliance Certification. A certification may be required by the fire marshal to show compliance with the fire code regarding technical installations of fire related equipment and systems. Such certification shall be notarized and on company letterhead. When required, certifications shall be filed with the office of the fire marshal before final approval of the activity or installation.

Section 114.1 When certification required. Certification shall be required for the following:

1. Automatic fire alarm systems;
2. Automatic fire extinguishing systems;
3. Storage and use of explosives;
4. Storage of hazardous materials;
5. Fire appliance servicing;
6. Flame retardant application;
7. Liquefied gas installations and operations;
8. Radioactive material storage and handling;
9. Emergency lighting systems;
10. Emergency power system;
11. Security gates.
12. As otherwise indicated by a specific code section or amendment.

Section 114.2 Compliance testing. All compliance testing shall be witnessed by the fire marshal.

- (3) **Chapter 2. Definitions**

Section 202. Amend by adding new definitions to the existing list of definitions in Section 202 of the IFC, to read as follows:

Code official or fire code official. The fire chief or designee, fire marshal or designee, or member of the fire department, charged with the duties of administration and enforcement of this code, or a duly authorized representative.

Emergency access easement. An access road or fire lane located on private property dedicated by the owner(s) of the property to provide fire apparatus access.

High-rise building. Any structure used for human occupancy and/or storage more than 55 feet above the lowest level of fire department vehicle access or five (5) or more stories, excluding the basement. For the purpose of this code, building height shall be the highest point of the structure excluding penthouses.

ORDINANCE NO. 14-

Self-service/storage facility. Real property designated and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

(4) **Chapter 3 General Requirements**

- (a) **Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces, Section 307.1 General** is amended by adding 307.1.2 and 307.1.3 to read as follows:

307.1.2 Open burning prohibited. Open burning as defined in Section 302 (IFC) shall be prohibited unless permitted by the Fire Marshal.

307.1.3 Recreational fires prohibited. "Recreational fires" as defined in Section 302 (IFC) shall be prohibited unless permitted by the Fire Marshal.

Exception: Chimeneas or fire pits with a mesh screen are allowed at single family residences provided that they are at least ten (10) feet away from any structure and that they only burn wood, not yard debris, trash or any other material and only if attended at all times. Chimeneas or fire pits must be extinguished before leaving unattended. If the wind exceeds twenty (20) miles per hour, no recreational fires shall be allowed, and this prohibition includes chimeneas and fire pits.

- (b) **Section 307.4.2 Recreational fires** is amended by to read as follows:

307.4.2 Recreational fires prohibited. "Recreational fires" as defined in Section 302 (IFC) shall be prohibited unless permitted by the Fire Marshal.

- (c) **Section 308 Open Flames** is amended by adding Section 308.1.9 to read as follows:

308.1.9 Keep warm fires. Keep warm fires will be allowed at constructions sites when the temperature is below 45 degrees Fahrenheit, provided the fire is kept in a solid fireproof metal barrel or can, covered with a wire screen and attended at all times. The keep warm fires must be at least ten (10) feet from all structures. The fire marshal may prohibit keep warm fires when wind or weather conditions are such that a fire hazard will be created. Keep warm fires shall always be prohibited when wind speeds exceed twenty (20) miles per hour.

- (d) **Section 308 Open Flames** is amended by adding Section 308.5 and subsections to read as follows:

Section 308.5 Open burning. The use of open flame cooking devices shall be as follows:

Section 308.5.1. Multifamily structure. It shall be a violation of this code for any person to use, allow or permit the use of a fixed or portable grill or cooking device that uses an open flame or electrical element within ten (10) feet of any multi-family structure, under any covered portion of a multi-family structure, under any covered parking structure or portion thereof.

Section 308.5.2 Sign. It shall be a violation of this code for any person to own or manage any multi-family structure without installing and

ORDINANCE NO. 14-

maintaining on each balcony, patio, landing or similar structure of each dwelling unit an approved sign readily visible to the occupants that prohibits the use of any grill, hibachi, smoker, or similar apparatus within ten (10) feet of all apartment structures. Signs shall be at least thirty (30) square inches with the word "PROHIBITED" in one (1) inch letter, and the remaining message in at least one-fourth (1/4) inch letter, red on white, and provide the following warning:

-PROHIBITED- THE USE OF ANY GRILL, HIBACHI, OR SMOKER IN OR WITHIN TEN FEET OF ALL APARTMENT STRUCTURES, PATIOS AND CARPORTS. BEDFORD FIRE CODE - FINE UP TO \$2000.00

Section 308.5.3 Written proof. It shall be a violation for any person to own or manage any multi-family structure without providing the fire marshal, upon request, written proof that each tenant has been advised of the prohibition on cooking with grills and cooking devices. Such proof shall consist of a warning document signed by the tenant and kept in the lease files that indicates the tenant is aware of the prohibition and that the sign is in place.

- (e) *Section 313 Fueled Equipment* is amended by adding *Section 313.3 Vehicle parking and storage* to read as follows:

Section 313.3 Vehicle parking and storage. No motor vehicle shall be parked or stored, assembled or disassembled, at any time within any apartment, multi-family building, hotel, motel, or commercial building unless authorized by the fire marshal and properly zoned for such use.

Exception: Vehicles within structures properly zoned for motor vehicle sales or service that comply with all other provisions of this code.

(5) *Chapter 5 Fire Service Features*

- (a) *Section 502.1 Definitions* is amended by adding the following new definitions to the existing list of definitions in that section, to read as follows:

502.1 Definitions

Security gate shall mean any device located on private property which prohibits access of motor vehicles. It includes, but is not limited to, a metal or wood swing railing extended across a street, private drive or fire lane, which can only be opened by a human operator situated on the premises or by remote control or both.

Owner shall mean a person, corporation, partnership, association or any other similar entity.

Light duty metal chain shall mean a chain with the maximum diameter of metal in the chain links being 1/4 inch, and does not mean high-test proof, coil chain and other than tempered chain, regardless of size.

Main gate shall mean a security gate located on private property where more than one security gate exists. The owner shall designate in writing to the fire department the main gate.

- (b) *Section 503 Fire Apparatus Access Roads subsection 503.2 Specifications* is amended by deleting the subsections listed below and replacing the subsections to read as follows:

ORDINANCE NO. 14-

503.2.1 Dimensions. Fire apparatus access road and fire lanes shall have an unobstructed width of not less than 24 feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet. Fire lanes shall have a minimum centerline turning radius of 30 feet. Unless otherwise approved by the fire department fire lanes shall be installed before construction proceeds above grade (slab). Temporary fire lanes may be installed provided they have been approved by the fire department.

503.2.2 Authority. The fire marshal shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

503.2.7 Grade. The grade of the fire apparatus access road/fire lane shall be within the limits established by the fire marshal based on the fire department's apparatus. When the grade is greater than 6 percent formal approval is required. At no time shall grade be greater than 8 percent.

503.3 Marking. Approved striping shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility.

503.3.1 Striping. Fire apparatus access roads shall be marked by six (6) inch painted lines of red traffic paint to show the boundaries of the lane. The words "NO PARKING--FIRE LANE" or "FIRE LANE--NO PARKING" shall appear in four (4) inch reflective white letters at twenty-five (25) feet intervals on the red bordered marking along both sides of the fire lane. Where a curb is available, the striping shall be on the vertical face of the curb.

503.3.2 Signs. The fire marshal may allow signs instead of striping upon application of the property owner or manager and provided that said signs provide at least as much notice of the fire land as striping. Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be a minimum of 12 inches wide and 18 inches high. Signs shall be reflective, on a white background with letters and borders in red, using not less than two inch lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches above finished grade. Signs shall be spaced not more than fifty feet apart. Signs shall be installed on permanent buildings or wall or as approved by the fire marshal.

Section 503.4 Obstructions of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1, and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times. A vehicle stopped or standing in a fire lane, when attended by a licensed driver capable of relocating the vehicle on command, shall not be deemed in violation of this section, provided the vehicle does not impede the designed traffic flow.

- (c) **Section 503.6 Security gates** is amended by deleting that section and replacing it with a new Section 503.6 with subsections, to read as follows:

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503.6 Security gates.

503.6.1 Requirements

503.6.1.1 Distance from street, sidewalk, roadway or right-of-way. gates shall be located at least 30 feet back from the inside edge of the sidewalk, or 40 feet from the intersection of the private drive and the street, roadway, thoroughfare, or paved portion of the right-of-way.

503.6.1.2 Electronic operation. All main gates shall be electrically operated, with a manual disconnect in case of a power failure. The manual disconnect is to be placed in a weather tight box, with a piano-type hinge on one side and a KNOX BOX, PL-1 padlock and hasp on the other side.

503.6.1.3 Open with key operated switch. All main gates shall open with the fire department KNOX K.S. #2 key-operated switch. The KNOX key-operated switch shall be provided and installed by the owner. The key-operated switch is to be located 10 feet from the gate, on the left side of the approach, placed on a pedestal with the key switch facing the fire lane. The key switch shall be no closer than four feet six inches or no farther than five feet five inches from the ground.

503.6.1.4 Access Codes. It shall be the owner's responsibility to program the security gate with the City of Bedford's assigned access code and to maintain the Bedford Fire Department's accessibility through that assigned access code..

503.6.1.5 Medians. Where a security gate is installed with a median, the entry side of the gate shall have a minimum opening and driving surface of 20 feet.

503.6.1.6 Optically controlled emergency entry devices.

All electronic security gates commercial and residential, shall be equipped with an optically controlled emergency override device that is compatible with the optical activation devices installed on fire apparatus. The devices shall provide for the opening of the gates as fire apparatus approaches and exits the property.

The fire marshal shall approve the installation of all devices and shall inspect the installations upon completion to determine compliance.

503.6.1.7 Public access or fire lane easement. It shall be unlawful for a security gate to be placed within a public access or fire lane easement, unless such gate complies with the following:

503.6.1.7.1 Minimum requirements. The minimum fire lane width requirement of 24 feet and the minimum height requirement of 14 feet shall be maintained on the entrance side of all security gates.

503.6.1.7.2 Wooden gates – break away. Wooden security gates shall be constructed to break away at the base on minor impact or the application of manual pressure at the end most remote point from the mounting base. The side of the wooden rails shall be a maximum of five inches by 3/4 inches where attached to the mounting base. The wooden railing shall be of soft wood and mounted on the base by a knife-edge bracket or scored to create a weak point to break away.

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503.6.1.7.3 Horizontal swing gates. Horizontal swing security gates shall be so constructed, mounted and maintained whereby such gates will open fully when manual pressure is applied by an average size individual. When opened, the gates must remain open.

503.6.1.7.4 Other. Security gates other than electronic gates can be locked with a light duty chain and lock only with the approval of the fire department.

503.6.2 Application. . An application to install security gates shall be submitted to the fire marshal and must include adequate plans to indicate and ensure that code compliance shall be provided. Security gates may be installed only after receipt of a permit from the fire marshal.

503.6.3 Disclaimer of liability. Receipt of a permit from the city for the owner to restrict public access to motor vehicles does not in any way create liability for the City and the city hereby disclaims any and all liabilities resulting from damages sustained by any person or owner, either directly or indirectly, as a result of any emergency function of the city, where such damage is occasioned by the noncompliance of any owner with the provisions of this section

- (d) **Section 503.7 Dead end fire access roads** is amended by adding **Section 503.7 Dead end fire access roads** to read as follows:

Section 503.7. Dead end fire access roads. Dead end fire access roads lanes are prohibited unless an approved turnaround is installed to comply with Appendix D-103.4 of the International Fire Code. At no time shall the minimum required width of the access road/fire lane be less than 24 feet

- (e) **Section 505.1** is amended by deleting the current **Section 505.1 Address identification** and substituting the new **Section 505.1 Address identification** and by adding subsections 505.1.1 through 505.1.3 to read as follows:

Section 505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of eight inches high with a minimum stroke width of one inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument , pole or other sign or means shall be used to identify the structure. Where buildings contain multiple occupancies, the suite number or address shall appear on the front of the building and on the door of each occupancy, including front and back door.

Section 505.1.1 Multifamily Supplemental Addresses

Reflective supplemental address shall be installed in conjunction with fire lane marking at all multi-family occupancies in excess of four dwelling units, club rooms and offices where a single street address number is used to designate the buildings official address. The marking shall be a minimum of 24 inches by 12 inches red rectangle painted on the pavement, in conjunction to the red fire lane markings. The red rectangle shall have white reflective numbers that indicate the street address of the building. Numbers shall be in a bold font, measuring a minimum of ten inches in

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height, easily readable from a moving vehicle. Supplemental street numbers shall only be installed on private property, near the center of the building. Where the front and end of the building, or any part of the front or end of the building, border a fire lane the numbers shall be required on each side. Maintenance of the supplemental numbers shall be the same as required for fire lanes.

Section 505.1.2. Emergency access easements – street names. Emergency access easements and access roads, when assigned a street name for the purpose of addressing, shall have street name signs a minimum of 6.5 inches high in a format approved the City of Bedford Public Services Department Installation and maintenance of the signs shall be the responsibility of the owner/operator of the property.

- (f) *Section 507.5 Fire hydrant systems* is amended to read as follows:

Section 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Section 507.5.1 through 507.5.7.

- (g) *Section 507.5.1 Where required* is amended by deleting the *Section 507.5.1 Where required* and replacing it with *Section 507.5.1 Where required* and subsections to read as follows:

Section 507.5.1 Where required. When a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than three hundred (300) feet from a hydrant on the fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire marshal.

Exception: For Group R-3 and Group U occupancies, the distance requirement shall be five hundred (500) feet.

Exception 2 is deleted.

Section 507.5.1.1 Location. The location of fire hydrants on private property or along fire access roads shall be approved by the fire marshal.

Section 507.5.1.2 Fire system connections. Fire hydrants shall be located within a 300 foot hose lay of the fire department connections to the protection system(s). Fire department connections shall have a 42" by 42" concrete pad below each connection.

Section 507.1.3 Requirements when not on public street. Fire hydrants not installed on a public street shall be looped to provide a water supply from two (2) directions.

- (h) *Section 507.5.7 Color* is added to read as follows:

Section 507.5.7 Color All fire hydrants shall be painted an approved shade of red. This requirement applies to all fire hydrants, regardless of whether the location of the fire hydrant is on public or private property. Hydrants may be color coded to indicate the water flow or water main size as required by NFPA Standard 291 – "Fire Flow Testing and Marking of Hydrants."

- (6) *Chapter 6 – Building Services and Systems* is amended by adding the following subsections to *Section 607.1 Emergency operation*.

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Section 607.1.1 Elevator recall – fire fighter recalled. Where elevator travel is in excess of two (2) floors, the elevator shall be “fire fighter recalled” to the designated level by the initiation of any automatic fire alarm in the building.

Section 607.1.2 Elevator recall – shunt trip mechanism. Where a shunt trip mechanism is present, a smoke and heat activated device shall be provided to return the elevator car to an egress point approved by the fire marshal.

(7) **Chapter 8 – Interior Finish, Decorative Materials and Furnishings**

(a) **Section 806 Decorative Vegetation. Section 806.1 Natural Cut Trees,** is amended by deleting the section in the IFC and replacing it with the following:

Section 806.1 Natural Cut Trees. Natural cut trees, where allowed by this section, shall have the trunk bottoms cut off at least 0.5 inch (12.7 mm) above the original cut and shall be placed in a support device complying with Section 806.1.2.

Exception:

(1) Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.

(2) Trees shall not be prohibited inside private dwelling units of Group R-2 Occupancies.

(b) **Section 807.4.4.2 Artwork,** is amended by deleting the section in the IFC and replacing it with the following:

Section 807.4.4.2 Displayed combustible material. Displayed combustible material, including artwork and teaching material shall be limited on walls of corridors to not more than 20 percent of the wall area.

Exception. Corridors protected by an approved automatic sprinkler system installed in accordance with this code shall be limited to 50 percent of the wall area

(8) **Chapter 9 Fire Protection Systems**

(a) **Section 901 General** is amended by deleting **Section 901.3** and **901.5** as shown in the International Fire Code and adding **Section 901.3** and **901.5** with subsections, as shown below, and by adding **Sections 901.10 Certification, Section 901.11 Failure of System,** and **Section 901.12 Message alarms** to read as follows:

Section 901.3 Permits.

Section 901.3.1 Permit Required. Permits shall be required as set forth in Section 105.6 and 105.7 and as required by this section. A permit shall be required for the installation, reconsideration, modification, moving or alteration of any fixed system. Work shall not begin on any system without first obtaining a permit.

Exemption: Emergency repairs due to system malfunctions or discharging may begin, provided a permit is obtained as soon as possible, but no later than the next working day.

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Section 901.3.2 Permit application. The permit application shall be submitted to the office of the fire marshal and must have attached to the application detailed construction plans and a copy of the applicant's state license. The following will be required with the plan submission: A CD or other media as approved by the fire marshal containing state license, plan drawings, calculations, and spec sheets in PDF format.

Section 901.3.3 Permit fee. The permit fee for the construction, repair, alteration or relocation of a fixed system shall be according to the fee schedule adopted by the City of Bedford.

Section 901.5 Installation acceptance testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before any required acceptance testing. No system shall be approved until a complete inspection of materials and a functional test has been completed and witnessed by the fire marshal. The installer/technician must be present for all inspections and testing.

Section 901.10 Certification. A notarized certification indicating all work has been performed as permitted and that the work meets code requirements must be submitted at final inspection.

Section 901.11 Failure of System. All fire alarm systems shall be designed and constructed so the failure, malfunction, or removal of any single device, or failure of the wiring to a device does not interfere with the operation of other devices in the system.

Section 901.12 Message alarms. Pre-recorded or voice message fire alarms shall not be approved unless accompanied by a fire alarm signal of audio-visual devices that meet the minimum standards of the Americans with Disabilities Act (ADA).

- (b) **Section 902.1 Definitions** is amended by adding the following new definition to the existing list of definitions in that section, to read as follows:

Fire area. The aggregate area regardless of the installation of fire walls, fire barriers, fire partitions, or demising walls that is under roof or covered structure, including any outdoor area. For the purpose of calculating fire sprinkler requirements the total building will be considered one structure. For purposes of this Code, buildings must be separated by at least twenty (20) feet to be considered separate buildings.

- (c) **Section 903 Automatic Sprinkler Systems** is amended as follows:

Section 903.1.2 is amended by adding subsection **903.1.2** to read as follows:

903.1.2 Residential sprinklers. Unless specifically allowed by this Code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be granted exemptions or reductions, commonly

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known as “trade-offs” permitted by other requirements of this Code. Additionally, residential sprinkler systems installed in accordance with NFPA 13R must include attic protection.

Section 903.1.3 is amended by adding subsection *903.1.3* to read as follows:

Section 903.1.3 Buildings over 6,000 square feet. All provisions of this code are hereby amended to require an automatic sprinkler system throughout all buildings with a fire area over 6,000 square feet, including single family residences, or where the structure is three or more stories in height, excluding the penthouse.

Exception: Open parking garages in compliance with Section 406.3 of the building code, provided fire department stand pipes and connections are installed in such a way that no portion of the garage is more than a 100 ft. unobstructed hose lay from the connection.

Section 903.2.1.1 Group A-1, Section 903.2.1.3 Group A-3, and Section 903.2.1.4 Group A-4 are amended by deleting the number “12,000” in number one of each section and replacing it with the number “6,000.” The sections are also amended by adding the following exception: “Exception: Open parking garages in compliance with Section 406.3 of the building code, provided fire department stand pipes and connections are installed in such a way that no portion of the garage is more than a 100 foot unobstructed hose lay from the connection.”

Section 903.2.7.1 High piled storage is amended by deleting *Section 903.2.7.1* in the IFC and replacing it with the following:

Section 903.2.7.1 High piled combustible storage. Any building designed or used for high-piled storage, with a clear height exceeding twelve (12) feet shall be equipped throughout with an automatic fire sprinkler system meeting the requirements of NFPA Standards 13.

Section 903.2.7.2 is amended by adding *Section 903.2.7.2 Self-service storage facilities* to read as follows:

Section 903.2.7.2 Self-service storage facilities. An automatic sprinkler system meeting the requirements of NFPA 13 shall be installed throughout all self-storage facilities.

Section 903.2.8 Group R is amended to read as follows:

Section 903.2.8 Group R An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. An automatic sprinkler system shall be provided throughout all buildings with a Group R-2 occupancy where the fire area is two (2) stories in height, including basements, or where the building has more than three (3) units. Any Group R-2 occupancy two (2) or more stories in height shall be required to have a sprinkler system meeting the requirements of NFPA Standard 13.

Section 903.2.9.2 Bulk storage of tires Section is amended by deleting that section and replacing it with a new *Section 903.2.9.2*, to read as follows:

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Section 903.2.9.2 Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds ten thousand (10,000) cubic feet shall be equipped throughout with an automatic fire sprinkler system meeting the requirements of NFPA Standard 13.

Section 903.3.7 Fire department connections is amended by deleting that section and adding the following section, to read as follows:

Section 903.3.7 Fire department connections. The location of fire department connections shall be approved by the fire code official. Locking Knox caps shall be required by the fire code official. Locking Knox caps shall be installed on all new installations, as replacements for lost or damaged caps on existing locations and when and where deemed necessary by the fire code official to address tampering problems at existing facilities.

Section 903.7 Installation schedule is amended by adding **903.7 Installation schedule** to read as follows:

Installation schedule: Approved fire sprinkler systems shall be operational in a building under construction when:

- (1) The building is sufficiently constructed to the point that the exterior sheathing and roof have been installed; or
- (2) At the start of combustible interior construction; or
- (3) When there is an accumulation of combustible material within the building including, but not limited to, building supplies, rubbish and furniture, or
- (4) When the building goes under conditioned atmosphere.

Section 903.8 Wet sprinkler system is amended by adding **903.8 Wet sprinkler system** to read as follows:

Whenever the outside atmospheric temperature is predicted to be below 25 degrees Fahrenheit for six or more hours, a wet sprinkler system may be drained to prevent freeze damage, provided:

- (1) It has been determined by a fire sprinkler service technician and the fire marshal that there is not adequate freeze protection for the system.
- (2) The owner/occupant notifies the fire department that the system will be drained.
- (3) The owner/occupant provides an alternate means of early fire discovery and control by the employment of approval 24 hour security personnel, and/or an approved fire alarm and detection system to supplement the fire sprinkler systems. Alarms must be monitored twenty-four hours a day by an approved central monitoring service.
- (4) When the temperature rises above 30 degrees Fahrenheit the drained systems shall be restored. It is the intent of this section that a fire sprinkler system will be in service and operational at all times except the cases of very cold weather.

(d) **Section 905.9 Valve supervision** is amended to read as follows:

Section 905.9 Valve supervision. Valves controlling water supplies shall be supervised in the open position so that a change in the normal position of the valve will generate a supervisory signal at the supervising station

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required by Section 903.4. Where a fire alarm system is provided, a signal shall also be transmitted to the control unit.

Exceptions:

1. Valves to underground key or hub valves in roadway boxes provided by the municipality or public utility do not require supervision.
2. Valves locked in the normal position and inspected as provided in this code in buildings not equipped with a fire alarm system. Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water-flow for more than forty-five (45) seconds. All control valves in the sprinkler and standpipe systems, except for the fire department hose connection valves, shall be electrically supervised to initiate a supervisory signal at the control station upon tampering.

- (e) *Section 906* is amended by adding subsection *906.3 Special fire inspections* and *Section 906.4 State licenses* to read as follows:

Section 906.3 Special fire inspections. All fire sprinkler, stand pipe, fixed fire extinguishing systems and fire alarms shall be inspected every 12 months by a technician properly licensed by the State of Texas. The licensed technician/company making the inspection shall notify the office of the fire marshal and the owner/occupant immediately when a system fails to pass a required test and/or is found inoperative.

Section 906.4 State licenses. All repair and installation of fire alarm, fire sprinkler and fixed extinguishing systems shall require the presence of a State of Texas licensed technician on the job site. The licensed technician shall be able to present a copy of appropriate State of Texas licenses upon request.

- (f) *Section 907 Fire Alarm and Detection Systems* is amended as follows:

Section 907.1.3 Equipment is amended by deleting *Section 907.1.3 Equipment* and replacing it with *Section 903.1.3 Equipment and Design standards* to read as follows:

907.1.3 Equipment and design standards. Systems and components shall be listed and approved for the purpose for which they are installed. All new or replacement fire alarm systems serving fifty (50) or more alarm actuating devices shall be addressable fire detection systems. Fire alarm systems serving more that seventy-five (75) smoke detectors or more than two hundred (200) total alarm activating devices shall be analog intelligent addressable fire detection systems.

Exception: Systems already existing prior to August 2011 do not need to comply with this section unless there is a total building remodel or an expansion which increases the square footage of the building by 50% or more.

Section 907.1.4 Installations is amended by adding *Section 907.1.4 Installations* to read as follows:

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907.1.4. Installations. All fire alarm systems shall be installed in such a manner that the failure of any single alarm-actuating or alarm-indicating device will not interfere with the normal operation of any other such devices. All systems shall be Class "A" wired with a minimum of six (6) feet of separation between supply and return loops. All underground wiring shall use listed waterproof fire alarm wire and be installed in conduit. All systems and components shall be installed in accordance with NFPA 72.

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.6 shall be installed in Group A occupancies having an *occupant load* of 150 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Section 907.2.3 Group E is amended by deleting **Section 907.2.3 Group E** and replacing it with the following:

Section 907.2.3 Group E. A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems and smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detector system shall be installed in Group E day care occupancies. Unless separated by a minimum of one thousand (1,000) feet open space, all buildings, whether portable buildings or the main building, will be considered one building for occupant load considerations and the interconnection of fire alarm systems.

Section 907.3 Where required in existing buildings and structures is amended by deleting **Section 907.3 Where required in existing buildings and structures** and replacing it with the following:

Section 907.3 Where required in existing buildings and structures. All manual alarm actuating devices shall be an approved double action type.

(9) **Chapter 10 Means of Egress**

- (a) **Section 1003.6 Means of egress continuity** is amended by adding **Section 1003.6.1 Vehicle parking** to read as follows:

1003.6.1 Vehicle parking. No motor vehicle shall be parked within ten (10) feet of any patio, stairs or egress path at any apartment, multi-family building, hotel, motel, or commercial structure unless on an approved parking space.

- (b) **Section 1008.1.9.8 Electromagnetically locked egress doors** is amended by adding number five to read as follows:

Section 1008.1.9.8 electromagnetically locked egress doors.

5. Exit door and exit ways with electronic locking devices that must be released or operated to accomplish an emergency exit shall disconnect or "drop out" when the fire alarm system is activated and a Knox type key release shall be installed on the exterior of all gates and doors to allow emergency access by the fire department.

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- (c) *Section 1023 Exit Passageways* is amended by adding *Section 1023.7 Exit ways – hotels, motels and multi-family* to read as follows:

1023.7 Exit ways – hotels, motels and multi-family. All public exit ways and balconies shall be constructed of material having a minimum of a class “C” flame spread (75 to 200 flame spread). All balconies and landings utilized as exit ways shall have a minimum length or height of eight (8) feet and a minimum width of four (4) feet.

- (10) *Chapter 15 Flammable Finishes*

Section 1504.3 shall be amended, adding the following:

Section 1504.3 Design and construction. Design and construction of spray rooms, spray booths and spray spaces shall be in accordance with Sections 1504.3 through 1504.3.3.1. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

- (11) *Chapter 27 Hazardous Materials – General Provisions*

- (a) *Section 2703.3.1.4 Responsibility for cleanup* shall be amended by deleting *Section 2703.3.1.4 Responsibility for cleanup* in the IFC and replacing it with the following:

Section 2703.3.1.4 Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge or hazardous condition shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge. Any cost associated with a fire department response to accomplish control and mitigation of an unauthorized discharge may be charged back to the person, firm or corporation responsible for the release.

- (12) *Chapter 3404 Flammable and Combustible Liquids*

- (a) Amend *Section 3404.2.13, including subsections 3404.2.13.1 through 3404.2.13.4* by deleting the current *Section 3404.2.13, including subsection 3404.2.13.1 through 3404.2.13.4* and adding the following:

3404.2.13 Abandonment and status of tanks. Tanks taken out of service shall be removed in accordance with Section 3404.2.14, or safeguarded in accordance with Sections 3404.2.13.1 through 3404.2.13.2.3 and API 1604. P 332

Section 3404.2.13.1 Underground tanks. Underground tanks taken out of service shall comply with Sections 3404.2.13.1.1 through 3404.2.13.1.5.

Section 3404.2.13.1.1 Temporarily out of service. Underground tanks temporarily out of service shall have the fill line, gauge opening, vapor return and pump connection secure against tampering. Vent lines shall remain open and be maintained in accordance with Sections 3404.2.7.3 and 3404.2.7.4.

Section 3404.2.13.1.2 Out of service for less than 90 days. Underground tanks not used for a period of 89 days or less shall be safeguarded in accordance with all the following or be removed in accordance with Section 3404.2.14:

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1. Flammable or *combustible liquids* shall be removed from the tank.
2. All piping, including fill line, gauge opening, vapor return and pump connection, shall be capped or plugged and secured from tampering.
3. Vent lines shall remain open and be maintained in accordance with Sections 3404.2.7.3 and 3404.2.7.4.

Section 3404.2.13.1.3 Out of service for 90 days or more. Underground tanks that have been out of service for a period of 90 days or more shall be removed from the ground in accordance with Section 3404.2.14.

Section 3404.2.13.1.4 Reinstallation of underground tanks. Tanks which are to be reinstalled for flammable or combustible liquid service shall be in accordance with this chapter, ASME Boiler and Pressure Vessel Code (Section VIII), API 12-P, API 1615, UL 58 and UL 1316.

- (b) **Amend Section 3406.1** by adding *subsection 3406.1.1* to read as follows:

3406.1.2 Leaving vehicle unattended. The driver, operator or attendant of a tank vehicle shall not remain in the vehicle cab and shall not leave the vehicle while it is being filled or discharged. The delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle.

- (c) **Amend Section 3406.6.2.3** by deleting *subsection 3406.6.2.3* as shown in the IFC and adding *subsection 3406.2.3* to read as follows:

3406.6.2.3 Duration exceeding 1 hour. Tank vehicles shall not be parked at one point for longer than 1 hour. If a vehicle is to be parked in one location for longer than fifty nine (59) minutes, it shall be located off of public streets, highways, public avenues or alleys, and:

1. Inside of a bulk plant and either 25 feet (7620 mm) or more from the nearest lot line or within a building approved for such use; or
2. At other approved locations not less than 50 feet (15 240 mm) from the buildings other than those approved for the storage or servicing of such vehicles.

SECTION 4. That Chapter 58, Section 58-100 is hereby deleted in its entirety and a new Section 58-100 is adopted to read as follows:

Sec. 58-100. Storage of Flammable or Combustible Liquids.

- (a) The storage of flammable or combustible liquids in an outside above ground storage tank is prohibited.

Exceptions:

1. An exception may be granted by the fire marshal during an emergency operation, at construction sites, and other locations where underground installations cannot be utilized. At no time will the sale or distribution of flammable or combustible liquids be allowed from above ground storage tanks by gravity, portable pump powered by vehicle batteries or pneumatic pressure.
2. Above ground fuel tanks that comply with IFC, as adopted and amended by the City of Bedford in Chapter 34 may be allowed for commercial and retail purposes when permitted by the fire marshal.

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- (b) The storage of flammable or combustible liquids at construction sites shall require a permit from the fire marshal's office. All fuel tanks shall be at least ten feet off the roadway, shall be provided with impact.

SECTION 5. That Chapter 58, Section 58-101 is hereby deleted in its entirety and a new Section 58-101 is adopted to read as follows:

Sec. 58-101. Amendments Storage and Distribution of Liquefied Petroleum Gas (LPG), Compresses Natural Gas (CNG) and Liquefied Natural Gas (LNG).

- (a) The storage, sale, and distribution of LPG, CNG and LNG shall be in compliance with the rules and regulations established by the Texas Railroad Commission or successor agency and any other state agency and the provisions of the International Fire Code.
- (b) The use of LPG, CNG or LNG as a heating or cooking fuel shall be prohibited where natural gas service is available. The fire marshal shall approve the size and location of LPG, CNG and LNG storage tanks.
- (c) LPG storage shall not exceed 250 gallons per installation unless approved by the fire marshal.
- (d) Storage tanks shall be installed a minimum of ten feet from all ignitions sources and five feet from all property lines and structures.
- (e) A permit shall be required for the installation or removal of any LPG, CNG or LNG container or equipment. The permit shall be obtained before the start of any work and the cost of the permit shall be by the City of Bedford fee schedule.
- (f) Where portable LPG containers are required for jewelry repair, dental labs, portable cookers, and other services, individual containers shall not exceed 20 pound water capacity and the aggregate capacity on premises shall not exceed 60 pounds water capacity (3 containers). Each container shall be separated from other containers by a distance of not less than 20 feet.

Exemption: Such events where commercial outdoor cooking is permitted, however, such exemption applies only when a permit is issued by the City of Bedford and the site is inspected by the fire marshal's office prior to any outdoor cooking occurring.

- (g) It shall be a violation of this code to dispense LPG, CNG or LNG from a vehicle parked on a public street or roadway.

SECTION 6. That Chapter 58, Section 58-102 is hereby deleted in its entirety and a new Section 58-102 is adopted to read as follows:

Sec. 58-102. Storage of explosives or blasting agents.

- (a) The storage or explosives or blasting agents within the city is prohibited without a permit from the fire marshal.
- (b) All use and storage of explosives and blasting agents shall be in compliance with the standards of the National Fire Code and Chapter.

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SECTION 7. That Chapter 58, Section 58-103 is hereby deleted in its entirety and a new Section 58-103 is adopted to read as follows:

Sec. 58-103. Appeal from decision of fire marshal.

- (a) Whenever the fire marshal disapproves an application, or refuses a permit applied for, or when it is claimed that the provisions of this code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire marshal to the building and standards commission.
- (b) An application for appeal shall be filed in accordance with the provisions of Section 22-35, Code of Ordinances.

SECTION 8. That Chapter 58, Section 58-104 is hereby deleted in its entirety and a new Section 58-104 is adopted to read as follows:

Sec. 58-104. Penalty.

- (a) Any person who shall violate any of the provisions of this article or shall fail to comply therewith or with any requirement thereof shall be deemed guilty of a misdemeanor and shall be liable to a fine and, upon conviction of any such violation, shall be fined up to the maximum amount allowed by law.
- (b) This provision is intended to comply the state and local law relating to penalties and the provisions of Section 109.3 (IFC)

SECTION 9. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases 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 10. That this ordinance shall become effective upon passage and publication in accordance with laws of the State of Texas and the Charter of the City of Bedford.

SECTION 11. 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 12. 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 in a sum not to exceed the two thousand dollars or the maximum permissible by state law and a separate offense shall be deemed

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committed upon each day during or on which a violation occurs or continues.

SECTION 13. 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 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 14. That the fact that the present ordinances and regulations of the City of Bedford, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage and it is accordingly so ordained.

PRESENTED AND PASSED this 9th day of September, 2014, by a vote of ___ ayes, ___ nays, ___ 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

ORDINANCE NO. 14-

AN ORDINANCE OF THE CITY OF BEDFORD, TEXAS AMENDING CHAPTER 58 "FIRE PREVENTION AND PROTECTION," OF THE CODE OF THE CITY OF BEDFORD BY DELETING SECTIONS 58-97 AND 58-99 AND ADDING NEW SECTIONS 58-97 AND 58-99 THROUGH 58-104 THEREBY ADOPTING THE INTERNATIONAL FIRE CODE, 2009 EDITION, AND PROVIDING CERTAIN AMENDMENTS AND DELETIONS THERETO; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS, the City of Bedford desires to protect the life, health and property of the citizens and businesses of the City of Bedford; and,

WHEREAS, fire prevention is important to the health, safety and welfare of the citizens, businesses and visitors of the City of Bedford.

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

SECTION 1. That all matters stated in the preamble are hereby found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the International Fire Code, a copy of which will be kept on file with the City Secretary's Office, is hereby adopted as the City of Bedford Fire Code and that Chapter 58, Section 58-97 is hereby deleted in its entirety and a new Section 58-97 is adopted to read as follows:

Section 58-97 Code Adopted.

The Code shall be known as the City of Bedford Fire Prevention Code. The articles of the International Fire Code (IFC), 2009 edition, save and accept such portions as are hereinafter deleted, modified, or added, shall be the Fire Prevention Code of the City of Bedford.

SECTION 3. That Chapter 58, Section 58-99 is hereby deleted in its entirety and a new Section 58-99 is adopted to read as follows:

Sec. 58-99 Amendments

The International Fire Code (IFC), 2009 edition, and the Bedford Fire Prevention Code are amended and changed as published in the following respects:

(1) **General Terms**

- (a) **Jurisdiction.** All references to "jurisdiction" shall mean the City of Bedford, Tarrant County, Texas
- (b) **Chief.** All references to "Chief of the Bureau of Fire Prevention" shall be replaced with "Fire Marshal."
- (c) **Fire marshal.** All references to Fire Marshal shall include the Fire Marshal's designee.

(2) **Chapter 1. Scope and Administration**

ORDINANCE NO. 14-

- (a) *Section 101.1 Title* is amended by deleting that section and replacing it with a new *Section 101.1* to read as follows:

Title. These regulations shall be known as the *Fire Code of the City of Bedford, Texas*, hereinafter referred to as “this Code.”

- (b) *Section 102.1 Construction and design provisions* is amended by adding a new *Section 102.1.1* to read as follows:

Section 102.1.1 Reconstruction and Remodel. A building that is being altered, remodeled or reconstructed where the cost of construction is **equal to or** greater than 50% of the appraised value of the structure, shall comply with current fire codes in regard to:

- | | | | | |
|-----|--------------------------|-----|-----------|-------|
| (1) | Panic | | hardware; | |
| (2) | Fire | | alarms; | |
| (3) | Exit | | lights; | |
| (4) | Emergency | | lighting | |
| (5) | Exits | and | exit | ways; |
| (6) | Fire protection systems. | | | |

- (c) *Section 102.7* is amended by deleting and replacing with a new *Section 102.7* to read as follows:

Section 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 47 of the International Fire Code and such codes, when specifically adopted, and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standards shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC Electrical Code shall mean the Electrical Code as adopted.

- (d) *Section 105.1.1 Permits required* is amended by deleting that section and replacing it with a new *Section 105.1.1* with subsections, to read as follows:

105.1.1 Permits required. Permits required by this code shall be obtained from the fire code official.

105.1.1.1 Permit fees. The fire marshal’s office shall collect the approved fees for all inspections and permits as provided by the International Fire Code or Section 58-99 of the City of Bedford Code of Ordinances or other fire related permit or inspection fees. ~~The minimum cost of a permit shall be twenty-five (\$25.00) unless otherwise indicated on the approved fee schedule adopted by the City of Bedford.~~ Permit fees shall be paid prior to the issuance of the permit. If work or construction occurs without obtaining the appropriate permit or permits first, the permit fee shall be doubled. In cases of emergency, the fire marshal may waive the requirement that the permit fee double. ~~Permit fees are annual fees, and shall be due on or before January first of each year, unless otherwise indicated on the permit.~~

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a. The fire marshal's office shall collect the approved fees for inspections, certificates of occupancies, annual permits, the sale and storage of hazardous materials and other permits as required by the ordinances of the City of Bedford.

b. The minimum cost of a permit shall be thirty dollars (\$30.00) unless otherwise indicated in the approved fee schedules adopted by the city. When a permit is required, the permit fee shall be doubled when work or construction has occurred without obtaining the appropriate permits. In those cases where the work occurs on City of Bedford property and no permit fee is required, an amount equal to the initial permit cost shall be charged for failure to obtain a permit.

c. Annual fire marshal permit fees shall be due on or before February first (1st), unless otherwise indicated on the permit.

d. Payment of annual permit fees shall be the responsibility of the property owner and business owner. Fees for the storage and sale of hazardous materials shall be the responsibility of the occupant who offers the material for sale.

e. Any occupancy hereafter opening for the purpose of doing business in Bedford, as evidenced by application to the Building Official for a Certificate of Occupancy, shall pay a fee for an initial Fire Code compliance inspection and for the establishment on an inspection file. This fee shall be collected by the Building Official at the same time that the Certificate of Occupancy fee is collected. This fee is based on square footage as indicated in the fee schedule.

f. The fire marshal may request copies of bid documents or other items to verify the estimated cost of construction when calculating permit fees.

105.1.1.2 Party responsible for payment. Payment of permit fees shall be the responsibility of the property owner **and business owner.**

105.1.1.3 Permits required before commencement of work. Permits must be obtained prior to taking any action requiring a permit.

105.1.1.4 Permit to be on premises. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official.

~~*105.1.1.5 Additional information.* The fire marshal may request copies of bid documents, construction documents or other items necessary to process the permit.~~

(e) *Section 108 Board of Appeals* is amended by adding Section 108.4 to read as follows:

108.4 Building and Standards Commission to function as Bedford Board of Appeals for International Fire Code. The Building and Standards

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Commission for the City of Bedford, as defined by the Code of Ordinances of the City of Bedford, Texas shall function as the Board of Appeals under Section 108 of the International Fire Code. Appeals shall be in accordance with Section 58.03 of the Code of Ordinances of the City of Bedford, Texas.

- (f) *Section 109 Violations* is amended by adding Section 109.4 to read as follows:

109.4 Summary abatement. If the fire marshal or designee becomes aware of a condition or situation that causes or creates a hazard, the fire marshal shall have the authority to summarily abate or order the summary abatement of such hazardous condition or conditions that are in violation of the this code. If the hazard cannot be immediately corrected or abated, the fire marshal shall have the authority to assign the necessary fire protection personnel to provide as safe a situation as possible until the hazard is corrected or abated.

- (g) *Chapter 1 Scope and Administration* is amended by adding *Section 114 Compliance Certification* to read as follows:

Section 114 Compliance Certification. A certification may be required by the fire marshal to show compliance with the fire code regarding technical installations of fire related equipment and systems. Such certification shall be notarized and on company letterhead. When required, certifications shall be filed with the office of the fire marshal before final approval of the activity or installation.

Section 114.1 When certification required. Certification shall be required for the following:

1. Automatic fire alarm systems;
2. Automatic fire extinguishing systems;
3. Storage and use of explosives;
4. Storage of hazardous materials;
5. Fire appliance servicing;
6. Flame retardant application;
7. Liquefied gas installations and operations;
8. Radioactive material storage and handling;
9. Emergency lighting systems;
10. Emergency power system;
11. Security gates.
12. As otherwise indicated by a specific code section or amendment.

Section 114.2 Compliance testing. All compliance testing shall be witnessed by the fire marshal.

- (3) *Chapter 2. Definitions*

Section 202. Amend by adding new definitions to the existing list of definitions in Section 202 of the IFC, to read as follows:

Code official or fire code official. The fire chief or designee, fire marshal or designee, or member of the fire department, charged with the duties of administration and enforcement of this code, or a duly authorized representative.

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Emergency access easement. An access road or fire lane located on private property dedicated by the owner(s) of the property to provide fire apparatus access.

High-rise building. Any structure used for human occupancy and/or storage more than 55 feet above the lowest level of fire department vehicle access or five (5) or more stories, excluding the basement. For the purpose of this code, building height shall be the highest point of the structure excluding penthouses.

Self-service/storage facility. Real property designated and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

(4) **Chapter 3 General Requirements**

- (a) **Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces, Section 307.1 General** is amended by adding 307.1.2 and 307.1.3 to read as follows:

307.1.2 Open burning prohibited. Open burning as defined in Section 302 (IFC) shall be prohibited unless permitted by the Fire Marshal.

307.1.3 Recreational fires prohibited. "Recreational fires" as defined in Section 302 (IFC) shall be prohibited unless permitted by the Fire Marshal.

Exception: Chimeneas **or fire pits with a mesh screen** are allowed at single family residences provided that they are at least ten (10) feet away from any structure and that they only burn wood, not yard debris, trash or any other material and only if attended at all times. Chimeneas **or fire pits** must be extinguished before leaving unattended. If the wind exceeds twenty (20) miles per hour, no recreational fires shall be allowed, and this prohibition includes chimeneas and **fire pits**.

- (b) **Section 307.4.2 Recreational fires** is amended by to read as follows:

307.4.2 Recreational fires prohibited. "Recreational fires" as defined in Section 302 (IFC) shall be prohibited unless permitted by the Fire Marshal.

- (c) **Section 308 Open Flames** is amended by adding Section 308.1.9 to read as follows:

308.1.9 Keep warm fires. Keep warm fires will be allowed at constructions sites when the temperature is below 45 degrees Fahrenheit, provided the fire is kept in a solid fireproof metal barrel or can, covered with a wire screen and attended at all times. The keep warm fires must be at least ten (10) feet from all structures. The fire marshal may prohibit keep warm fires when wind or weather conditions are such that a fire hazard will be created. Keep warm fires shall always be prohibited when wind speeds exceed twenty (20) miles per hour.

- (d) **Section 308 Open Flames** is amended by adding Section 308.5 and subsections to read as follows:

Section 308.5 Open burning. The use of open flame cooking devices shall be as follows:

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Section 308.5.1. Multifamily structure. It shall be a violation of this code for any person to use, allow or permit the use of a fixed or portable grill or cooking device that uses an open flame or electrical element within ten (10) feet of any multi-family structure, under any covered portion of a multi-family structure, under any covered parking structure or portion thereof.

Section 308.5.2 Sign. It shall be a violation of this code for any person to own or manage any multi-family structure without installing and maintaining on each balcony, patio, landing or similar structure of each dwelling unit an approved sign readily visible to the occupants that prohibits the use of any grill, hibachi, smoker, or similar apparatus within ten (10) feet of all apartment structures. Signs shall be at least thirty (30) square inches with the word "PROHIBITED" in one (1) inch letter, and the remaining message in at least one-fourth (1/4) inch letter, red on white, and provide the following warning:

-PROHIBITED- THE USE OF ANY GRILL, HIBACHI, OR SMOKER IN OR WITHIN TEN FEET OF ALL APARTMENT STRUCTURES, PATIOS AND CARPORTS. BEDFORD FIRE CODE - FINE UP TO \$2000.00

Section 308.5.3 Written proof. It shall be a violation for any person to own or manage any multi-family structure without providing the fire marshal, upon request, written proof that each tenant has been advised of the prohibition on cooking with grills and cooking devices. Such proof shall consist of a warning document signed by the tenant and kept in the lease files that indicates the tenant is aware of the prohibition and that the sign is in place.

- (e) **Section 313 Fueled Equipment** is amended by adding **Section 313.3 Vehicle parking and storage** to read as follows:

Section 313.3 Vehicle parking and storage. No motor vehicle shall be parked or stored, assembled or disassembled, at any time within any apartment, multi-family building, hotel, motel, or commercial building unless authorized by the fire marshal and properly zoned for such use.

Exception: Vehicles within structures properly zoned for motor vehicle sales or service that comply with all other provisions of this code.

- (5) **Chapter 5 Fire Service Features**

- (a) **Section 502.1 Definitions** is amended by adding the following new definitions to the existing list of definitions in that section, to read as follows:

502.1 Definitions

Security gate shall mean any device located on private property which prohibits access of motor vehicles. It includes, but is not limited to, a metal or wood swing railing extended across a street, private drive or fire lane, which can only be opened by a human operator situated on the premises or by remote control or both.

Owner shall mean a person, corporation, partnership, association or any other similar entity.

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Light duty metal chain shall mean a chain with the maximum diameter of metal in the chain links being 1/4 inch, and does not mean high-test proof, coil chain and other than tempered chain, regardless of size.

Main gate shall mean a security gate located on private property where more than one security gate exists. The owner shall designate in writing to the fire department the main gate.

- (b) *Section 503 Fire Apparatus Access Roads subsection 503.2 Specifications* is amended by deleting the subsections listed below and replacing the subsections to read as follows:

503.2.1 Dimensions. Fire apparatus access road and fire lanes shall have an unobstructed width of not less than 24 feet, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet. Fire lanes shall have a minimum centerline turning radius of 30 feet. Unless otherwise approved by the fire department fire lanes shall be installed before construction proceeds above grade (slab). Temporary fire lanes may be installed provided they have been approved by the fire department.

503.2.2 Authority. The fire marshal shall have the authority to require an increase in the minimum access widths and vertical clearances where they are inadequate for fire or rescue operations.

503.2.7 Grade. The grade of the fire apparatus access road/fire lane shall be within the limits established by the fire marshal based on the fire department's apparatus. When the grade is greater than 6 percent formal approval is required. At no time shall grade be greater than 8 percent.

503.3 Marking. Approved striping shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs and striping shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility.

503.3.1 Striping. Fire apparatus access roads shall be marked by six (6) inch painted lines of **reflective** red traffic paint to show the boundaries of the lane. The words "NO PARKING--FIRE LANE" or "FIRE LANE--NO PARKING" shall appear in four (4) inch **reflective** white letters at twenty-five (25) feet intervals on the red bordered marking along both sides of the fire lane. Where a curb is available, the striping shall be on the vertical face of the curb.

503.3.2 Signs. The fire marshal may allow signs instead of striping upon application of the property owner or manager and provided that said signs provide at least as much notice of the fire land as striping. Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be a minimum of 12 inches wide and 18 inches high. Signs shall be reflective, on a white background with letters and borders in red, using not less than two inch lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches above finished grade. Signs shall be spaced not more than fifty feet apart. Signs shall be installed on permanent buildings or wall or as approved by the fire marshal.

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Section 503.4 Obstructions of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1, and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times. A vehicle stopped or standing in a fire lane, when attended by a licensed driver capable of relocating the vehicle on command, shall not be deemed in violation of this section, provided the vehicle does not impede the designed traffic flow.

- (c) **Section 503.6 Security gates** is amended by deleting that section and replacing it with a new Section 503.6 with subsections, to read as follows:

503.6 Security gates.

503.6.1 Requirements

503.6.1.1 Distance from street, sidewalk, roadway or right-of-way. gates shall be located at least 30 feet back from the inside edge of the sidewalk, or 40 feet from the intersection of the private drive and the street, roadway, thoroughfare, or paved portion of the right-of-way.

503.6.1.2 Electronic operation. All main gates shall be electrically operated, with a manual disconnect in case of a power failure. The manual disconnect is to be placed in a weather tight box, with a piano-type hinge on one side and a KNOX BOX, PL-1 padlock and hasp on the other side.

503.6.1.3 Open with key operated switch. All main gates shall open with the fire department KNOX K.S. #2 key-operated switch. The KNOX key-operated switch shall be provided and installed by the owner. The key-operated switch is to be located 10 feet from the gate, on the left side of the approach, placed on a pedestal with the key switch facing the fire lane. The key switch shall be no closer than four feet six inches or no farther than five feet five inches from the ground.

503.6.1.4 Access Codes. It shall be the owner's responsibility to program the security gate with the City of Bedford's assigned access code and to maintain the Bedford Fire Department's accessibility through that assigned access code..

503.6.1.5 Medians. Where a security gate is installed with a median, the entry side of the gate shall have a minimum opening and driving surface of 20 feet.

503.6.1.6 Optically controlled emergency entry devices. All electronic security gates commercial and residential, shall be equipped with an optically controlled emergency override device that is compatible with the optical activation devices **installed** on fire apparatus. The devices shall provide for the opening of the gates as fire apparatus approaches and exits the property.

The fire marshal shall approve the installation of all devices and shall inspect the installations upon completion to determine compliance.

503.6.1.7 Public access or fire lane easement. It shall be unlawful for a security gate to be placed within a public access or fire lane easement, unless such gate complies with the following:

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503.6.1.7.1 Minimum requirements. The minimum fire lane width requirement of 24 feet and the minimum height requirement of 14 feet shall be maintained on the entrance side of all security gates.

503.6.1.7.2 Wooden gates – break away. Wooden security gates shall be constructed to break away at the base on minor impact or the application of manual pressure at the end most remote point from the mounting base. The side of the wooden rails shall be a maximum of five inches by 3/4 inches where attached to the mounting base. The wooden railing shall be of soft wood and mounted on the base by a knife-edge bracket or scored to create a weak point to break away.

503.6.1.7.3 Horizontal swing gates. Horizontal swing security gates shall be so constructed, mounted and maintained whereby such gates will open fully when manual pressure is applied by an average size individual. When opened, the gates must remain open.

503.6.1.7.4 Other. Security gates other than electronic gates can be locked with a light duty chain and lock only with the approval of the fire department.

503.6.2 Application. . An application to install security gates shall be submitted to the fire marshal and must include adequate plans to indicate and ensure that code compliance shall be provided. Security gates may be installed only after receipt of a permit from the fire marshal.

503.6.3 Disclaimer of liability. Receipt of a permit from the city for the owner to restrict public access to motor vehicles does not in any way create liability for the City and the city hereby disclaims any and all liabilities resulting from damages sustained by any person or owner, either directly or indirectly, as a result of any emergency function of the city, where such damage is occasioned by the noncompliance of any owner with the provisions of this section

- (d) **Section 503.7 Dead end fire access roads** is amended by adding **Section 503.7 Dead end fire access roads** to read as follows:

Section 503.7. Dead end fire access roads. Dead end fire access roads lanes are prohibited unless an approved turnaround is installed to comply with Appendix D-103.4 of the International Fire Code. At no time shall the minimum required width of the access road/fire lane be less than 24 feet

- (e) **Section 505.1** is amended by deleting the current **Section 505.1 Address identification** and substituting the new **Section 505.1 Address identification** and by adding subsections 505.1.1 through 505.1.3 to read as follows:

Section 505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of eight inches high with a minimum stroke width of one inch. Where access is by means of a private road and the building cannot be viewed from the public way, a monument , pole or other sign or means shall be used to identify the structure. Where buildings contain multiple occupancies, the suite number or address shall

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appear on the front of the building and on the door of each occupancy, including front and back door.

Section 505.1.1 Multifamily Supplemental Addresses

Reflective supplemental address shall be installed in conjunction with fire lane marking at all multi-family occupancies in excess of four dwelling units, club rooms and offices where a single street address number is used to designate the buildings official address. The marking shall be a minimum of 24 inches by 12 inches red rectangle painted on the pavement, in conjunction to the red fire lane markings. The red rectangle shall have white reflective numbers that indicate the street address of the building. Numbers shall be in a bold font, measuring a minimum of ten inches in height, easily readable from a moving vehicle. Supplemental street numbers shall only be installed on private property, near the center of the building. Where the front and end of the building, or any part of the front or end of the building, border a fire lane the numbers shall be required on each side. Maintenance of the supplemental numbers shall be the same as required for fire lanes.

Section 505.1.2. Emergency access easements – street names.

Emergency access easements and access roads, when assigned a street name for the purpose of addressing, shall have street name signs a minimum of 6.5 inches high in a format approved the City of Bedford Public Services Department Installation and maintenance of the signs shall be the responsibility of the owner/operator of the property.

- (f) **Section 507.5 Fire hydrant systems** is amended to read as follows:

Section 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Section 507.5.1 through 507.5.7.

- (g) **Section 507.5.1 Where required** is amended by deleting the **Section 507.5.1 Where required** and replacing it with **Section 507.5.1 Where required** and subsections to read as follows:

Section 507.5.1 Where required. When a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than three hundred (300) feet from a hydrant on the fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire marshal.

Exception: For Group R-3 and Group U occupancies, the distance requirement shall be five hundred (500) feet.

Exception 2 is deleted.

Section 507.5.1.1 Location. The location of fire hydrants on private property or along fire access roads shall be approved by the fire marshal.

Section 507.5.1.2 Fire system connections. Fire hydrants shall be located within a 300 foot hose lay of the fire department connections to the protection system(s). Fire department connections shall have a 42" by 42" concrete pad below each connection.

Section 507.1.3 Requirements when not on public street. Fire hydrants not installed on a public street shall be looped to provide a water supply from two (2) directions.

- (h) **Section 507.5.7 Color** is added to read as follows:

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Section 507.5.7 Color All fire hydrants shall be painted an approved shade of red. This requirement applies to all fire hydrants, regardless of whether the location of the fire hydrant is on public or private property. Hydrants may be color coded to indicate the water flow or water main size as required by NFPA Standard 291 – “Fire Flow Testing and Marking of Hydrants.”

- (6) **Chapter 6 – Building Services and Systems** is amended by adding the following subsections to **Section 607.1 Emergency operation**.

Section 607.1.1 Elevator recall – fire fighter recalled. Where elevator travel is in excess of two (2) floors, the elevator shall be “fire fighter recalled” to the designated level by the initiation of any automatic fire alarm in the building.

Section 607.1.2 Elevator recall – shunt trip mechanism. Where a shunt trip mechanism is present, a smoke and heat activated device shall be provided to return the elevator car to an egress point approved by the fire marshal.

- (7) **Chapter 8 – Interior Finish, Decorative Materials and Furnishings**

- (a) **Section ~~864~~ 806 Decorative Vegetation.** **Section 806.1 Natural Cut Trees**, is amended by deleting the section in the IFC and replacing it with the following:

Section 806.1 Natural Cut Trees. Natural cut trees, where allowed by this section, shall have the trunk bottoms cut off at least 0.5 inch (12.7 mm) above the original cut and shall be placed in a support device complying with Section 806.1.2.

Exception:

(1) Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1 and R-2.

(2) Trees shall not be prohibited inside private dwelling units of Group R-2 Occupancies.

- (b) **Section 807.4.4.2 Artwork**, is amended by deleting the section in the IFC and replacing it with the following:

Section 807.4.4.2 Displayed combustible material. Displayed combustible material, including artwork and teaching material shall be limited on walls of corridors to not more than 20 percent of the wall area.

Exception. Corridors protected by an approved automatic sprinkler system installed in accordance with this code shall be limited to 50 percent of the wall area

- (8) **Chapter 9 Fire Protection Systems**

- (a) **Section 901 General** is amended by deleting **Section 901.3** and **901.5** as shown in the International Fire Code and adding **Section 901.3** and **901.5** with subsections, as shown below, and by adding **Sections 901.10 Certification**, **Section 901.11 Failure of System**, and **Section 901.12 Message alarms** to read as follows:

Section 901.3 Permits.

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Section 901.3.1 Permit Required. Permits shall be required as set forth in Section 105.6 and 105.7 and as required by this section. A permit shall be required for the installation, reconsideration, modification, moving or alteration of any fixed system. Work shall not begin on any system without first obtaining a permit.

Exemption: Emergency repairs due to system malfunctions or discharging may begin, provided a permit is obtained as soon as possible, but no later than the next working day.

Section 901.3.2 Permit application. The permit application shall be submitted to the office of the fire marshal and must have attached to the application detailed construction plans and a copy of the applicant's state license. **The following will be required with the plan submission: A CD or other media as approved by the fire marshal containing state license, plan drawings, calculations, and spec sheets in PDF format.**

Section 901.3.3 Permit fee. The permit fee for the construction, repair, alteration or relocation of a fixed system shall be according to the fee schedule adopted by the City of Bedford.

Section 901.5 Installation acceptance testing. Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other fire protection systems and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as approved by the fire code official. The fire code official shall be notified before any required acceptance testing. No system shall be approved until a complete inspection of materials and a functional test has been completed and witnessed by the fire marshal. The installer/technician must be present for all inspections and testing.

Section 901.10 Certification. A notarized certification indicating all work has been performed as permitted and that the work meets code requirements must be submitted at final inspection.

Section 901.11 Failure of System. All fire alarm systems shall be designed and constructed so the failure, malfunction, or removal of any single device, or failure of the wiring to a device does not interfere with the operation of other devices in the system.

Section 901.12 Message alarms. Pre-recorded or voice message fire alarms shall not be approved unless accompanied by a fire alarm signal of audio-visual devices that meet the minimum standards of the Americans with Disabilities Act (ADA).

- (b) **Section 902.1 Definitions** is amended by adding the following new definition to the existing list of definitions in that section, to read as follows:

Fire area. The aggregate area regardless of the installation of fire walls, fire barriers, fire partitions, or demising walls **that is under roof or covered structure, including any outdoor area.** For the purpose of calculating fire sprinkler requirements the total building will be considered one structure.

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For purposes of this Code, buildings must be separated by at least twenty (20) feet to be considered separate buildings.

(c) *Section 903 Automatic Sprinkler Systems* is amended as follows:

Section 903.1.2 is amended by adding subsection *903.1.2* to read as follows:

903.1.2 Residential sprinklers. Unless specifically allowed by this Code, residential sprinkler systems installed in accordance with NFPA 13D or NFPA 13R shall not be granted exemptions or reductions, commonly known as “trade-offs” permitted by other requirements of this Code. Additionally, residential sprinkler systems installed in accordance with NFPA 13R must include attic protection.

Section 903.1.3 is amended by adding subsection *903.1.3* to read as follows:

Section 903.1.3 Buildings over 6,000 square feet. All provisions of this code are hereby amended to require an automatic sprinkler system throughout all buildings with a fire area over 6,000 square feet, including single family residences, or where the structure is three or more stories in height, excluding the penthouse.

Exception: Open parking garages in compliance with Section 406.3 of the building code, provided fire department stand pipes and connections are installed in such a way that no portion of the garage is more than a 100 ft. unobstructed hose lay from the connection.

Section 903.2.1.1 Group A-1, Section 903.2.1.3 Group A-3, and Section 903.2.1.4 Group A-4 are amended by deleting the number “12,000” in number one of each section and replacing it with the number “6,000.” The sections are also amended by adding the following exception: “***Exception:*** Open parking garages in compliance with Section 406.3 of the building code, provided fire department stand pipes and connections are installed in such a way that no portion of the garage is more than a 100 foot unobstructed hose lay from the connection.”

Section 903.2.7.1 High piled storage is amended by deleting *Section 903.2.7.1* in the IFC and replacing it with the following:

Section 903.2.7.1 High piled combustible storage. Any building designed or used for high-piled storage, with a clear height exceeding twelve (12) feet shall be equipped throughout with an automatic fire sprinkler system meeting the requirements of NFPA Standards 13.

Section 903.2.7.2 is amended by adding *Section 903.2.7.2 Self-service storage facilities* to read as follows:

Section 903.2.7.2 Self-service storage facilities. An automatic sprinkler system meeting the requirements of NFPA 13 shall be installed throughout all self-storage facilities.

Section 903.2.8 Group R is amended to read as follows:

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Section 903.2.8 Group R An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. An automatic sprinkler system shall be provided throughout all buildings with a Group R-2 occupancy where the fire area is two (2) stories in height, including basements, or where the building has more than three (3) units. Any Group R-2 occupancy ~~three (3)~~ two (2) or more stories in height shall be required to have a sprinkler system meeting the requirements of NFPA Standard 13.

Section 903.2.9.2 Bulk storage of tires Section is amended by deleting that section and replacing it with a new Section 903.2.9.2, to read as follows:

Section 903.2.9.2 Bulk storage of tires. Buildings and structures where the area for the storage of tires exceeds ten thousand (10,000) cubic feet shall be equipped throughout with an automatic fire sprinkler system meeting the requirements of NFPA Standard 13.

Section 903.3.7 Fire department connections is amended by deleting that section and adding the following section, to read as follows:

Section 903.3.7 Fire department connections. The location of fire department connections shall be approved by the fire code official. Locking Knox caps ~~may~~ shall be required by the fire code official. Locking Knox caps shall be installed on all new installations, as replacements for lost or damaged caps on existing locations and when and where deemed necessary by the fire code official to address tampering problems at existing facilities.

Section 903.7 Installation schedule is amended by adding **903.7 Installation schedule** to read as follows:

Installation schedule: Approved fire sprinkler systems shall be operational in a building under construction when:

- (1) The building is sufficiently constructed to the point that the exterior sheathing and roof have been installed; or
- (2) At the start of combustible interior construction; or
- (3) When there is an accumulation of combustible material within the building including, but not limited to, building supplies, rubbish and furniture, or
- (4) When the building goes under conditioned atmosphere.

Section 903.8 Wet sprinkler system is amended by adding **903.8 Wet sprinkler system** to read as follows:

Whenever the outside atmospheric temperature is predicted to be below 25 degrees Fahrenheit for six or more hours, a wet sprinkler system may be drained to prevent freeze damage, provided:

- (1) It has been determined by a fire sprinkler service technician and the fire marshal that there is not adequate freeze protection for the system.
- (2) The owner/occupant notifies the fire department that the system will be drained.
- (3) The owner/occupant provides an alternate means of early fire discovery and control by the employment of approval 24 hour security personnel, and/or an approved fire alarm and detection system to supplement the fire

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sprinkler systems. Alarms must be monitored twenty-four hours a day by an approved central monitoring service.

(4) When the temperature rises above 30 degrees Fahrenheit the drained systems shall be restored. It is the intent of this section that a fire sprinkler system will be in service and operational at all times except the cases of very cold weather.

(d) *Section 905.9 Valve supervision* is amended to read as follows:

Section 905.9 Valve supervision. Valves controlling water supplies shall be supervised in the open position so that a change in the normal position of the valve will generate a supervisory signal at the supervising station required by Section 903.4. Where a fire alarm system is provided, a signal shall also be transmitted to the control unit.

Exceptions:

1. Valves to underground key or hub valves in roadway boxes provided by the municipality or public utility do not require supervision.
2. Valves locked in the normal position and inspected as provided in this code in buildings not equipped with a fire alarm system. Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water-flow for more than forty-five (45) seconds. All control valves in the sprinkler and standpipe systems, except for the fire department hose connection valves, shall be electrically supervised to initiate a supervisory signal at the control station upon tampering.

(e) *Section 906* is amended by adding subsection *906.3 Special fire inspections* and *Section 906.4 State licenses* to read as follows:

Section 906.3 Special fire inspections. All fire sprinkler, stand pipe, fixed fire extinguishing systems and fire alarms shall be inspected every 12 months by a technician properly licensed by the State of Texas. The licensed technician/company making the inspection shall notify the office of the fire marshal and the owner/occupant immediately when a system fails to pass a required test and/or is found inoperative.

Section 906.4 State licenses. All repair and installation of fire alarm, fire sprinkler and fixed extinguishing systems shall require the presence of a State of Texas licensed technician on the job site. The licensed technician shall be able to present a copy of appropriate State of Texas licenses upon request.

(f) *Section 907 Fire Alarm and Detection Systems* is amended as follows:

Section 907.1.3 Equipment is amended by deleting *Section 907.1.3 Equipment* and replacing it with *Section 903.1.3 Equipment and Design standards* to read as follows:

907.1.3 Equipment and design standards. Systems and components shall be listed and approved for the purpose for which they are installed. All new or replacement fire alarm systems serving fifty (50) or more alarm actuating devices shall be addressable fire detection systems. Fire alarm systems serving more that seventy-five (75) smoke detectors or more than

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two hundred (200) total alarm activating devices shall be analog intelligent addressable fire detection systems.

Exception: Systems already existing prior to August 2011 do not need to comply with this section unless there is a total building remodel or an expansion which increases the square footage of the building by 50% or more.

Section 907.1.4 Installations is amended by adding *Section 907.1.4 Installations* to read as follows:

907.1.4. Installations. All fire alarm systems shall be installed in such a manner that the failure of any single alarm-actuating or alarm-indicating device will not interfere with the normal operation of any other such devices. All systems shall be Class "A" wired with a minimum of six (6) feet of separation between supply and return loops. All underground wiring shall use listed waterproof fire alarm wire and be installed in conduit. All systems and components shall be installed in accordance with NFPA 72.

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.6 shall be installed in Group A occupancies having an *occupant load* of 150 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Section 907.2.3 Group E is amended by deleting *Section 907.2.3 Group E* and replacing it with the following:

Section 907.2.3 Group E. A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems and smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detector system shall be installed in Group E day care occupancies. Unless separated by a minimum of one thousand (1,000) feet open space, all buildings, whether portable buildings or the main building, will be considered one building for occupant load considerations and the interconnection of fire alarm systems.

Section 907.3 Where required in existing buildings and structures is amended by deleting *Section 907.3 Where required in existing buildings and structures* and replacing it with the following:

Section 907.3 Where required in existing buildings and structures. All manual alarm actuating devices shall be an approved double action type.

(9) **Chapter 10 Means of Egress**

(a) *Section 1003.6 Means of egress continuity* is amended by adding *Section 1003.6.1 Vehicle parking* to read as follows:

1003.6.1 Vehicle parking. No motor vehicle shall be parked within ten (10) feet of any patio, stairs or egress path at any apartment, multi-family building, hotel, motel, or commercial structure unless on an approved parking space.

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- (b) *Section 1008.1.9.8 Electromagnetically locked egress doors* is amended by adding number five to read as follows:

Section 1008.1.9.8 electromagnetically locked egress doors.

5. Exit door and exit ways with electronic locking devices that must be released or operated to accomplish an emergency exit shall disconnect or “drop out” when the fire alarm system is activated and a Knox type key release shall be installed on the exterior of all gates and doors to allow emergency access by the fire department.

- (c) *Section 1023 Exit Passageways* is amended by adding *Section 1023.7 Exit ways – hotels, motels and multi-family* to read as follows:

1023.7 Exit ways – hotels, motels and multi-family. All public exit ways and balconies shall be constructed of material having a minimum of a class “C” flame spread (75 to 200 flame spread). All balconies and landings utilized as exit ways shall have a minimum length or height of eight (8) feet and a minimum width of four (4) feet.

(10) *Chapter 15 Flammable Finishes*

Section 1504.3 shall be amended, ~~by deleting *Section 806.1 Natural Cut Trees and replacing it*~~ adding the following:

Section 1504.3 Design and construction. Design and construction of spray rooms, spray booths and spray spaces shall be in accordance with Sections 1504.3 through 1504.3.3.1. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.

(11) *Chapter 27 Hazardous Materials – General Provisions*

- (a) *Section 2703.3.1.4 Responsibility for cleanup* shall be amended by deleting *Section 2703.3.1.4 Responsibility for cleanup* in the IFC and replacing it with the following:

Section 2703.3.1.4 Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge or hazardous condition shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the fire code official, cleanup may be initiated by the fire department or by an authorized individual or firm. Costs associated with such cleanup shall be borne by the owner, operator or other person responsible for the unauthorized discharge. Any cost associated with a fire department response to accomplish control and mitigation of an unauthorized discharge may be charged back to the person, firm or corporation responsible for the release.

(12) *Chapter 3404 Flammable and Combustible Liquids*

- (a) Amend *Section 3404.2.13, including subsections 3404.2.13.1 through 3404.2.13.4* by deleting the current *Section 3404.2.13, including subsection 3404.2.13.1 through 3404.2.13.4* and adding the following:

3404.2.13 Abandonment and status of tanks. Tanks taken out of service shall be removed in accordance with Section 3404.2.14, or safeguarded in accordance with Sections 3404.2.13.1 through 3404.2.13.2.3 and API 1604. P 332

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Section 3404.2.13.1 Underground tanks. Underground tanks taken out of service shall comply with Sections 3404.2.13.1.1 through 3404.2.13.1.5.

Section 3404.2.13.1.1 Temporarily out of service. Underground tanks temporarily out of service shall have the fill line, gauge opening, vapor return and pump connection secure against tampering. Vent lines shall remain open and be maintained in accordance with Sections 3404.2.7.3 and 3404.2.7.4.

Section 3404.2.13.1.2 Out of service for less than 90 days. Underground tanks not used for a period of 89 days or less shall be safeguarded in accordance with all the following or be removed in accordance with Section 3404.2.14:

1. Flammable or *combustible liquids* shall be removed from the tank.
2. All piping, including fill line, gauge opening, vapor return and pump connection, shall be capped or plugged and secured from tampering.
3. Vent lines shall remain open and be maintained in accordance with Sections 3404.2.7.3 and 3404.2.7.4.

Section 3404.2.13.1.3 Out of service for 90 days or more. Underground tanks that have been out of service for a period of 90 days or more shall be removed from the ground in accordance with Section 3404.2.14.

Section 3404.2.13.1.4 Reinstallation of underground tanks. Tanks which are to be reinstalled for flammable or combustible liquid service shall be in accordance with this chapter, ASME Boiler and Pressure Vessel Code (Section VIII), API 12-P, API 1615, UL 58 and UL 1316.

(b) **Amend Section 3406.1** by adding *subsection 3406.1.1* to read as follows:

~~3406.6.112~~ **3406.1.2 Leaving vehicle unattended.** The driver, operator or attendant of a tank vehicle shall not remain in the vehicle cab and shall not leave the vehicle while it is being filled or discharged. The delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle. ~~P-357?~~

(c) **Amend Section 3406.6.2.3** by deleting *subsection 3406.6.2.3* as shown in the IFC and adding *subsection 3406.2.3* to read as follows:

3406.6.2.3 Duration exceeding 1 hour. Tank vehicles shall not be parked at one point for longer than 1 hour. If a vehicle is to be parked in one location for longer than fifty nine (59) minutes, it shall be located off of public streets, highways, public avenues or alleys, and:

1. Inside of a bulk plant and either 25 feet (7620 mm) or more from the nearest lot line or within a building approved for such use; or
2. At other approved locations not less than 50 feet (15 240 mm) from the buildings other than those approved for the storage or servicing of such vehicles.

SECTION 4. That Chapter 58, Section 58-100 is hereby deleted in its entirety and a new Section 58-100 is adopted to read as follows:

Sec. 58-100. Storage of Flammable or Combustible Liquids.

(a) The storage of flammable or combustible liquids in an outside above ground storage tank is prohibited.

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Exceptions:

1. An exception may be granted by the fire marshal during an emergency operation, at construction sites, and other locations where underground installations cannot be utilized. At no time will the sale or distribution of flammable or combustible liquids be allowed from above ground storage tanks by gravity, portable pump powered by vehicle batteries or pneumatic pressure.

2. Above ground fuel tanks that comply with IFC, as adopted and amended by the City of Bedford in Chapter 34 may be allowed for commercial and retail purposes when permitted by the fire marshal.

- (b) The storage of flammable or combustible liquids at construction sites shall require a permit from the fire marshal's office. All fuel tanks shall be at least ten feet off the roadway, shall be provided with impact.

SECTION 5. That Chapter 58, Section 58-101 is hereby deleted in its entirety and a new Section 58-101 is adopted to read as follows:

Sec. 58-101. Amendments Storage and Distribution of Liquefied Petroleum Gas (LPG). Compresses Natural Gas (CNG) and Liquefied Natural Gas (LNG).

- (a) The storage, sale, and distribution of LPG, CNG and LNG shall be in compliance with the rules and regulations established by the Texas Railroad Commission or successor agency and any other state agency and the provisions of the International Fire Code.
- (b) The use of LPG, CNG or LNG as a heating or cooking fuel shall be prohibited where natural gas service is available. The fire marshal shall approve the size and location of LPG, CNG and LNG storage tanks.
- (c) LPG storage shall not exceed 250 gallons per installation unless approved by the fire marshal.
- (d) Storage tanks shall be installed a minimum of ten feet from all ignitions sources and five feet from all property lines and structures.
- (e) A permit shall be required for the installation or removal of any LPG, CNG or LNG container or equipment. The permit shall be obtained before the start of any work and the cost of the permit shall be by the City of Bedford fee schedule.
- (f) Where portable LPG containers are required for jewelry repair, dental labs, portable cookers, and other services, individual containers shall not exceed 20 pound water capacity and the aggregate capacity on premises shall not exceed 60 pounds water capacity (3 containers). Each container shall be separated from other containers by a distance of not less than 20 feet.

Exemption: Such events where commercial outdoor cooking is permitted, however, such exemption applies only when a permit is issued by the City of Bedford and the site is inspected by the fire marshal's office prior to any outdoor cooking occurring.

- (g) It shall be a violation of this code to dispense LPG, CNG or LNG from a vehicle parked on a public street or roadway.

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SECTION 6. That Chapter 58, Section 58-102 is hereby deleted in its entirety and a new Section 58-102 is adopted to read as follows:

Sec. 58-102. Storage of explosives or blasting agents.

- (a) The storage or explosives or blasting agents within the city is prohibited without a permit from the fire marshal.
- (b) All use and storage of explosives and blasting agents shall be in compliance with the standards of the National Fire Code and Chapter.

SECTION 7. That Chapter 58, Section 58-103 is hereby deleted in its entirety and a new Section 58-103 is adopted to read as follows:

Sec. 58-103. Appeal from decision of fire marshal.

- (a) Whenever the fire marshal disapproves an application, or refuses a permit applied for, or when it is claimed that the provisions of this code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire marshal to the building and standards commission.
- (b) An application for appeal shall be filed in accordance with the provisions of Section 22-35, Code of Ordinances.

SECTION 8. That Chapter 58, Section 58-104 is hereby deleted in its entirety and a new Section 58-104 is adopted to read as follows:

Sec. 58-104. Penalty.

- (a) Any person who shall violate any of the provisions of this article or shall fail to comply therewith or with any requirement thereof shall be deemed guilty of a misdemeanor and shall be liable to a fine and, upon conviction of any such violation, shall be fined up to the maximum amount allowed by law.
- (b) This provision is intended to comply the state and local law relating to penalties and the provisions of Section 109.3 (IFC)

SECTION 9. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases 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 10. That this ordinance shall become effective upon passage and publication in accordance with laws of the State of Texas and the Charter of the City of Bedford.

SECTION 11. 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

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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 12. 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 in a sum not to exceed the two thousand dollars or the maximum permissible by state law and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 13. 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 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 14. That the fact that the present ordinances and regulations of the City of Bedford, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage and it is accordingly so ordained.

PRESENTED AND PASSED this 9th day of September, 2014, by a vote of ___ ayes, ___ nays, ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER: Meg Jakubik, Assistant to the City Manager

DATE: 09/09/14

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

ITEM:

Consider an ordinance amending Chapter 82 – “Offenses and Miscellaneous Provisions,” Article III “Smoking,” Section 82-71 “Definitions” and Section 82-73 “Food Products Establishment” of the City of Bedford Code of Ordinances; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; and providing an effective date.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The City Council conducted a Citizen Satisfaction Survey in 2013, which included a question pertaining to the residents’ feelings towards smoking in restaurants. The results of the survey indicated that 87.1% of residents either support or strongly support a ban on smoking in restaurants. Following analysis of these results, the City Council directed staff to prepare an ordinance prohibiting smoking in restaurants.

The attached ordinance provides an updated definition for food products establishment (restaurants) and patio to accomplish these changes. Section 82-73 clearly prohibits smoking, including the use of e-cigarettes, inside restaurants and within ten feet of their primary entrance and any open windows. Following guidance from the City Council, smoking in patios will continue to be allowed, provided the patio is at least ten feet from the entrance. Patios must also be physically separated from the interior of the restaurant by a closed door.

Restaurants that derive more than 50 percent of their annual gross sales from alcoholic beverages are exempted from the smoking prohibition. This was determined by using the Texas Alcoholic Beverage Commission rules prohibiting the carrying of a weapon on those premises, even with a concealed handgun license. Also exempted are fraternal organizations and private clubs that do not serve the general public.

In order to prepare restaurants for this transition, staff will notify all restaurants no later than 60 days prior to the ordinance going into effect with a letter outlining the provisions of the ordinance. There will be further reminders 30 days and 15 days prior to the effective date of January 1, 2015. The City will also provide an informational sign to all affected restaurants to notify their patrons of the change. Additionally, the information will be posted on the City website, communicated through a press release, and posted on social networking platforms to ensure wide distribution of the information and changes.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending Chapter 82 – “Offenses and Miscellaneous Provisions,” Article III “Smoking,” Section 82-71 “Definitions” and Section 82-73 “Food Products Establishment” of the City of Bedford Code of Ordinances; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; and providing an effective date.

FISCAL IMPACT:

N/A

ATTACHMENTS:

**Ordinance
Red-line Ordinance**

ORDINANCE NO. 14-

AN ORDINANCE AMENDING CHAPTER 82 – “OFFENSES AND MISCELLANEOUS PROVISIONS,” ARTICLE III “SMOKING,” SECTION 82-71 “DEFINITIONS” AND SECTION 82-73 “FOOD PRODUCTS ESTABLISHMENT” OF THE CITY OF BEDFORD CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford is a home rule City acting under its home rule 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, it is recognized throughout the country that smoking is injurious to the health of both smokers and those who are in the presence of those who are smoking, including workplaces and locations where the public gathers, such as in restaurants, grocery stores, hospitals, schools, and retail establishments; and,

WHEREAS, current City regulations prohibit smoking in many public areas, while state law prohibits smoking on public school property and in courtrooms; and,

WHEREAS, the City Council of Bedford, Texas conducted a Citizen Satisfaction Survey that indicated 87.1 percent of residents support or strongly support banning smoking in restaurants; and,

WHEREAS, the City Council of Bedford, Texas has determined that in order to promote the public health, safety and welfare of the City and its citizens, it is in the best interest of the City and its citizens to amend the Code of Ordinances as set forth below.

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 Chapter 82 – Offenses and Miscellaneous Provisions, Article III, “Smoking,” Sec. 82-71, “Definitions” of the City’s Code of Ordinances is amended by the update and inclusion of the following terms:

Food products establishment means an establishment that primarily serves food prepared in the kitchen of the same establishment for patrons and may serve alcohol with a valid Texas Alcoholic Beverage Commission License as long as the establishment derives no more than 75 percent of its gross revenues from alcohol sales and includes all indoor and outdoor seating areas, kitchen, bar area, restrooms and lobby.

Patio means any unconditioned eating area physically adjoining an existing food products establishment with at least two sides of its perimeter open to an exterior yard, court and/or parking area. The exterior perimeter may have full or partial height walls provided at least 40 percent of the wall area is equipped with permanent openings that do not restrict ventilation or the free flow of air.

SECTION 3. That Chapter 82 – Offenses and Miscellaneous Provisions, Article III, “Smoking,” Sec. 82-73, “Food products establishments” is hereby amended in its entirety to read as follows:

Sec. 82-73. Food products establishments.

(a) It shall hereafter be unlawful for any person to smoke or use a tobacco, weed or other plant product, electronic cigarette, e-cigarette or liquid nicotine in a food products establishment, with the following exceptions:

- (1) The person was smoking in a patio, as long as the patio is physically separated from the indoor dining area by a closed door and is more than ten feet from the primary entrance of the establishment.
 - (2) The food products establishment derives more than 50 percent of its annual gross sales in alcoholic beverages.
 - (3) A fraternal organization or private club not serving the general public.
- (b) Smoking is prohibited within ten linear feet from the primary public entrance or any open windows of a food products establishment.

SECTION 4. That a person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

SECTION 5. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bedford, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby required.

SECTION 6. That if any section, subsection, sentence, clause or phrase of this ordinance is for any reasons held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. That this ordinance shall become effective on January 1, 2015.

PRESENTED AND PASSED on this 9th day of September 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

ORDINANCE NO. 14-

AN ORDINANCE AMENDING CHAPTER 82 – “OFFENSES AND MISCELLANEOUS PROVISIONS,” ARTICLE III “SMOKING,” SECTION 82-71 “DEFINITIONS” AND SECTION 82-73 “FOOD PRODUCTS ESTABLISHMENT” OF THE CITY OF BEDFORD CODE OF ORDINANCES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bedford is a home rule City acting under its home rule 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, it is recognized throughout the country that smoking is injurious to the health of both smokers and those who are in the presence of those who are smoking, including workplaces and locations where the public gathers, such as in restaurants, grocery stores, hospitals, schools, and retail establishments; and,

WHEREAS, current City regulations prohibit smoking in many public areas, while state law prohibits smoking on public school property and in courtrooms; and,

WHEREAS, the City Council of Bedford, Texas conducted a Citizen Satisfaction Survey that indicated 87.1% of residents support or strongly support banning smoking in restaurants; and,

WHEREAS, the City Council of Bedford, Texas has determined that in order to promote the public health, safety and welfare of the City and its citizens, it is in the best interest of the City and its citizens to amend the Code of Ordinances as set forth below.

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 Chapter 82 – Offenses and Miscellaneous Provisions, Article III, “Smoking,” Sec. 82-71, “Definitions” of the City’s Code of Ordinances is amended by the update and inclusion of the following terms and shall read as follows:

Food products establishment means an operation that sells food for human consumption. establishment that primarily serves food prepared in the kitchen of the same establishment for patrons and may serve alcohol with a valid Texas Alcoholic Beverage Commission License as long as the establishment derives no more than 75 percent of its gross revenues from alcohol sales and includes all indoor and outdoor seating areas, kitchen, bar area, restrooms and lobby.

Patio means any unconditioned eating area physically adjoining an existing food products establishment with at least two sides of its perimeter open to an exterior yard, court and/or parking area. The exterior perimeter may have full or partial height walls provided at least 40% of the wall area is equipped with permanent openings that do not restrict ventilation or the free flow of air.

SECTION 3. That Chapter 82 – Offenses and Miscellaneous Provisions, Article III, “Smoking,” Sec. 82-73, “Food products establishments” is hereby amended in its entirety to read as follows:

Sec. 82-73. Food products establishments.

(a) It shall hereafter be unlawful for any person to smoke or use a tobacco, weed or other plant product, electronic cigarette, e-cigarette or liquid nicotine in a food products establishment, with the following exceptions:

(1) The person was smoking in a patio, as long as the patio is physically separated from the indoor dining area by a closed door and is more than ten feet from the primary entrance of the establishment.

(2) The food products establishment derives more than 50 percent of its annual gross sales in alcoholic beverages.

(3) A fraternal organization or private club not serving the general public.

(b) Smoking is prohibited within ten linear feet from the primary public entrance or any open windows of a food products establishment.

~~(a) A food products establishment which has indoor or enclosed dining areas shall provide a separate indoor dining area for nonsmoking patrons.~~

~~(b) A nonsmoking area must:~~

~~(1) Be separated, where feasible, from smoking areas by a minimum of four feet of continuous floor space;~~

~~(2) Be ventilated, where feasible, and situated so that air from the smoking area is not drawn into or across the nonsmoking area;~~

~~(3) Be clearly designated by appropriate signs visible to patrons within the dining area indicating that the area is designated nonsmoking; and~~

~~(4) Have ash trays or other suitable containers for extinguishing smoking materials at the perimeter of the nonsmoking area.~~

~~(c) Each food products establishment which has a dining area shall have signs at the establishment's entrance indicating that nonsmoking seating is available.~~

~~(d) Nondining areas of any food products establishment affected by the section to which patrons have general access, including, but not limited to, food order areas, food service areas, restrooms, and cashier areas, shall be designated nonsmoking areas.~~

~~(e) It is a defense to prosecution under this section that the food products establishment is:~~

~~(1) An establishment which has indoor seating arrangements for less than 100 patrons and has public exterior entrances posted conspicuously thereto a sign which states "This Establishment Does Not Provide a No-Smoking Area;"~~

~~(2) An establishment which has more than 50 percent of its annual gross sales in alcoholic beverages; or~~

~~(3) A physically separated bar area of food products establishment otherwise regulated.~~

SECTION 4. That a person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

SECTION 5. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Bedford, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby required.

SECTION 6. That if any section, subsection, sentence, clause or phrase of this ordinance is for any reasons held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. That this ordinance shall become effective January 1, 2015.

PRESENTED AND PASSED on this 9th day of September 2014, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

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

DATE: 09/09/14

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

ITEM:

Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and Bluebonnet Contractors, LLC (BBC) for acceptance of payments related to water and sewer facilities located within the North Tarrant Express Project (NTE).

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

Since the freeway expansion project began in 2011, there have been four Master Utility Adjustment Agreements (MUAA) executed between the City and BBC for the relocation of water and sewer facilities. All of the water and sewer improvements are complete and the City is utilizing the facilities.

After BBC completed all of the utility work, they provided an invoice to the City dated April 21, 2014 in the amount of \$2,691,593.87. At the June 24, 2014 Council Meeting, a resolution was approved to authorize payment in the amount of \$2,460,416 to BBC, in accordance with the four authorized MUAAs, as payment for the relocation of the City's existing utilities impacted by the NTE project. Staff found potential discrepancies between the final invoice from BBC and the agreed upon MUAA cost. On August 27, 2014, the City submitted an invoice to BBC in the amount of \$180,906.51.

This MOU clarifies that the City forgoes expectation of payment in the amount of \$180,906.51 from BBC for costs associated with Administrative Assistance, Engineering Coordination, Engineering Inspection, Contractor Assistance, and Valve Crew Assistance related to the NTE project. In addition, BBC accepts the City's payment in the amount of \$2,460,416 as the final payment related to water and sewer facilities. This does not include payments related to the Quitclaim Offer Letters for Property Interest within the NTE corridor.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and Bluebonnet Contractors, LLC (BBC) for acceptance of payments related to water and sewer facilities located within the North Tarrant Express Project (NTE).

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution
Memorandum of Understanding
Invoice to BBC - \$180,906.51

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BEDFORD AND BLUEBONNET CONTRACTORS, LLC (BBC) FOR ACCEPTANCE OF PAYMENTS RELATED TO WATER AND SEWER FACILITIES LOCATED WITHIN THE NORTH TARRANT EXPRESS PROJECT (NTE).

WHEREAS, the City Council of Bedford, Texas has determined that the Memorandum of Understanding is necessary for the health and safety of its citizens; and,

WHEREAS, the City Council of Bedford, Texas desires to enter into this MOU whereby the City acknowledges the completion of water and sewer facilities included in the North Tarrant Express Project Master Utility Adjustment Agreements (MUAA) numbered 001 dated November 1, 2011, 002 dated April 10, 2012, 003A dated June 14, 2011 and 003B dated February 4, 2013; and,

WHEREAS, BBC submitted an invoice to the City on April 21, 2014 in the amount of \$2,691,593.87 as final payment for the construction of said facilities; and,

WHEREAS, the City submitted an invoice dated August 27, 2014 in the amount of \$180,906.51 to BBC for the costs associated with Administrative Assistance, Engineering Coordination, Engineering Inspection, Contractor Assistance and Valve Crew Assistance associated with this project; and,

WHEREAS, the City, in full consideration, forgoes acceptance of payment from BBC in the amount of \$180,906.51; and,

WHEREAS, BBC agrees to consider payment from the City in the amount of \$2,460,416 as the final payment for the construction of said facilities; and,

WHEREAS, BBC agrees and understands that this MOU does not include payments related to the Quitclaim Offer Letters for Property Interest within the NTE corridor (183-U0503-0002 and 183-U-503).

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 forgoes, in full consideration, expectations of a payment in the amount of \$180,906.51 from BBC for costs to the City associated with Administrative Assistance, Engineering Coordination, Engineering Inspection, Contractor Assistance, and Valve Crew Assistance related to the North Tarrant Express Project pursuant to the terms and conditions of this Agreement.

SECTION 3. That BBC accepts, in full consideration, payment in the amount of \$2,460,416 from the City of Bedford as the final payment for the water and sewer facilities contained in the Master Utility Adjustment Agreements numbered 001 dated November 1, 2011, 002 dated April 10, 2012, 003A dated June 14, 2011, and 003B dated February 4, 2013. BBC shall fully understand and agree that acceptance of the MOU does not include any payments associated with or related to the Quitclaim Offer Letters for Property Interest within the NTE corridor located in the City of Bedford.

PRESENTED AND PASSED this 9th day of September, 2014, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

RESOLUTION NO. 14-

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

MEMORANDUM OF UNDERSTANDING

**CITY OF BEDFORD
BLUEBONNET CONTRACTORS, LLC
(ACCEPTANCE OF PAYMENTS)**

This **MEMORANDUM OF UNDERSTANDING** for acceptance of payments related to the water and sewer facilities contained in the four Master Utility Adjustment Agreements with North Tarrant Express is made by and between the **City of Bedford**, Texas ("City") and **Bluebonnet Contractors, LLC** (BBC) for the North Tarrant Express Project.

The City desires to enter into this MOU whereby the City acknowledges the completion of water and sewer facilities included in the North Tarrant Express Project Master Utility Adjustment Agreements (MUAA) numbered 001 dated November 1, 2011, 002 dated April 10, 2012, 003A dated June 14, 2011, and 003B dated February 4, 2013 for the mutual promises and considerations contained herein; and,

BBC, submitted an invoice to the City on April 21, 2014 in the amount of \$2,691,593.87 as final payment for the construction of said facilities. The City submitted an invoice dated August 27, 2014 in the amount of \$180,906.51 to BBC for the costs associated with Administrative Assistance, Engineering Coordination, Engineering Inspection, Contractor Assistance and Valve Crew Assistance associated with these projects.

The results are the City, in full consideration, forgoes acceptance of payment from BBC in the amount of \$180,906.51. In return, BBC agrees to accept payment from the City in the amount of \$2,460,416 as the final payment for the construction of said facilities.

The BBC agrees and understands that this MOU does not include payments related to the Quitclaim Offer Letters for Property Interest within the NTE corridor.

BLUEBONNET CONTRACTORS, LLC:

CITY OF BEDFORD, TEXAS:

By: _____

By: _____
Beverly Griffith, City Manager

Its: _____

ATTEST:

By: _____
Michael Wells, City Secretary



Council Agenda Background

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

DATE: 09/09/14

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

ITEM:

Consider a resolution authorizing the City Manager to enter into a contract with Vann/Elli, Inc. for the replacement of 58 linear feet of bridge railing on the west side of the bridge located at 2200 Forest Ridge Drive in the amount of \$14,345.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

On June 25, 2013, a resolution was approved to replace a bridge railing that was severely damaged in May of 2013, in the amount of \$19,202.80. The bridge railing on the east side of the bridge was replaced shortly thereafter.

The existing bridge rail on the west side is not in compliance with TXDOT standards and specifications and does not match the aesthetically pleasing east rail. In addition, the City Council has authorized this project be completed in this year's budget.

Staff has requested four quotes for the installation of this bridge railing. Vann/Elli, Inc., a Historically Underutilized Business, submitted the lowest quote in the amount of \$14,345. They currently have a contract with Tarrant County and have installed guard rails in Bedford.

In addition, three quotes were requested by contractors who have done recent work for the City. Rebcon, Inc, submitted a quote in the amount of \$17,775.33, 2L Construction, LLC submitted a quote in the amount of \$20,250, and Ziegler Construction did not respond to the request for the quote.

Staff recommends Vann/Elli, Inc. for this project. Funding would come from the 2011 Stormwater CO Funds.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a contract with Vann/Elli, Inc. for the replacement of 58 linear feet of bridge railing on the west side of the bridge located at 2200 Forest Ridge Drive in the amount of \$14,345.

FISCAL IMPACT:

Bridge Railing Installation Cost:	\$14,345
2011 Stormwater CO Funds:	\$18,000
Difference:	\$3,655

ATTACHMENTS:

Resolution
Quotes
Map

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VANN/ELLI, INC. FOR THE REPLACEMENT OF 58 LINEAR FEET OF BRIDGE RAILING ON THE WEST SIDE OF THE BRIDGE LOCATED AT 2200 FOREST RIDGE DRIVE IN THE AMOUNT OF \$14,345.

WHEREAS, the City Council of Bedford, Texas determines the need to replace the existing bridge railing with a bridge railing that is in compliance with TXDOT standards and specifications, and is necessary for the health and safety of the citizens; and,

WHEREAS, the City Council of Bedford, Texas determines the necessity for Vann/Elli, Inc., to install a new bridge rail located at the bridge at 2200 Forest Ridge Drive, just north of L. Don Dodson.

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 contract with Vann/Elli, Inc. for the installation of a 58 linear foot bridge railing located at 2200 Forest Ridge Drive, on the west side of the bridge.

SECTION 3. That funding will come from the 2011 Stormwater CO Funds.

PRESENTED AND PASSED this 9th day of September, 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

Vann/Elli Inc

Quotation

1411 South Broadway
PO Box 1060, Joshua, TX 76058

(817)558-4052
(817)645-5352 Fax

TO: City of Bedford
ATTN: Kenneth Overstreet **Project** C221 Railing

Email kenneth.overstreet@bedfordtx.gov **Date** Sept 2nd, 2014

We are pleased to offer the following quote for your consideration. The price include material and labor, unless otherwise noted below.

Item No.	Description	Quantity	Unit	Unit Price	Total
	C221 Railing	63	LF	215.00	13545.00
	Terminal Anchor Section	2	EA	400.00	800.00

City to Provide top railing for the C221 Railing

Notes: Guardrail prices do not include concrete
mow strip or curb, if required. Price does not
include damage or repair after initial installation.
Vann/Elli Inc will not provide primary or non-contributory coverage
Vann/Elli Inc will not hold GC harmless of its own actions.
Quote valid for 45 days after bid

Offered by Gary Davis Total 14,345.00

REBCON, INC.
 1888 W. Northwest Highway
 Dallas, Texas 75220
 (972) 444-8230 Fax (972) 444-8234

Proposal

Project: Rail Replacement
Location: 2200 Forest Ridge Bedford, TX - Southbound Direction
Description:
Date: 7/26/2013
 updated 08/26/14

ITEM	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL
1	Rail type C221	LF	62.75		
2	Traffic Control	MO	0.25		
3	Terminal Anchor Section	EA	1		
4	Remove Existing Rail	LF	57		
5	Supply/install/Remove Water Barrier	LF	72		
		1 LS		\$19,900.00	\$19,900.00
	Credit for rail payment invoice 1308-02	1 ls		-\$2,124.67	(\$2,124.67)
					\$0.00
					\$0.00
					\$0.00
					\$0.00
Total					\$17,775.33

SPECIAL CONDITIONS:

1. This proposal excludes:

- Bond (If Required add 1.5%)
- Relocating Utilities
- Tax on Materials (Assumes tax exempt project)
- Testing of Materials
- Permit or Inspection Fees

2. This proposal includes:

- Class C Concrete per TXDOT
- Plain Rebar (Not epoxy)
- TXDOT Approved Epoxy Anchoring of Rebar
- Priced per TXDOT Standards and Specs

- 3. Terminal Anchor Section is not Approved on Approaching Section and this installation would not meet current standards
- 4. Proposal includes nothing on the Downstream end of the rail, which may not be per the standards
- 5. The first 5 feet of the C221 rail would be full height concrete for the terminal anchor to attach to, this is not per the standards
 The normal installation has the first 5 feet full height on a wingwall or traffic rail foundation, this would be on the box culvert



P.O. Box 397
 Rhome, TX 76078

Phone 940-433-2670
 Fax 940-433-2120

Attn: Kenneth Overstreet
 2L CONSTRUCTION L.L.C. will furnish all labor, materials and equipment required for the performance of the following described work in connection or improvements to: C221 Concrete Railing

Inclusions:

Quantity	Unit	Description	Price
1	LS	Remove existing railing and salvage to city	
63	LF	C221 Concrete railing on top of existing concrete	
1	EA	Terminal anchor section with wood post	
63	LF	Install top rail on concrete railing (provided by city)	
1	LS	Traffic control for construction of railing	
		TOTAL	\$ 20,250.00

Exclusions:

- More than (1) mobilization or Phasing of project
- Overtime, weekends, or night work
- All utility locations
- Utility disconnections, relocations, terminations, or other site utility work
- Responsibility for damage to private underground utilities
- Testing, permits, bonds or taxes
- SWPPP, Silt fence, or other erosion control devices, including maintenance on existing erosion control devices*unless listed in inclusions
- Landscaping backfill, including top soil, hydro-mulching, seeding, or sod

If the foregoing meets with your acceptance, kindly sign and return the attached copy of our proposal. Upon its acceptance it is understood that the foregoing, including terms and conditions set forth and attached here to and incorporated herein for all purposes will constitute the full and complete agreement between us.

Any extra work by 2L construction will be billed in the form of a change order to the owner or General Contractor.

ACCEPTED:

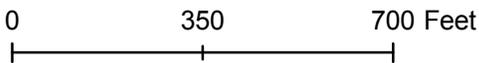
2L CONSTRUCTION L.L.C.

 Price good for 30 days

 Chip Fisher 8-29-14



Bridge Handrail Replacement



 Handrail Location



*NOTE: These datum are to be used for graphical representation only. The accuracy is not to be taken/used as data produced for engineering purposes or by a Registered Professional Land Surveyor for the State of Texas. For this level of detail, supervision and certification of the produced data by a Registered Professional Land Surveyor for the State of Texas would have to be performed. The City of Bedford assumes no responsibility for the accuracy of said data.



Council Agenda Background

PRESENTER: Clifford Blackwell, CGFO, Director of Administrative Services

DATE: 09/09/14

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

ITEM:

Consider a resolution approving the City of Bedford Investment Policy.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

The Public Funds Investment Act (PFIA) requires the City to have an Investment Policy and the City Council review and approve the policy on an annual basis. The last review and approval was done on September 10, 2013.

The Investment Policy included in the Council packet was reviewed and approved by the Investment Committee on September 2, 2014, and is now being brought to Council for its annual review and approval. The amendments were minor in nature. A summary of the changes are as follows:

- Section III-3, expanded the list of authorized investment officers to include the Managing Director.
- Section III-4, amended to include the Managing Director as an official member of the Investment Committee.
- Section IV-3, replaced the term custodian with “safekeeping agent” to be more consistent with statutory language.
- Section V-1a, clarified the intent of the section to include obligations of the FDIC.
- Section V-2, added the term “pledgeship” to include as the party(s) responsible for the collateralization of City funds.
- Section VII-3, removed the paragraph that previously referenced the Wall Street Journal as the source of pricing used to calculate the market value of the portfolio. Instead, the term “from recognized sources independent from the transaction” was added to allow other recognizable sources to be used as a reference for market value calculations no longer limited to just the Wall Street Journal.
- Minor formatting changes in spacing throughout the document.

The attached document entitled “City of Bedford Investment Policy, September 9, 2014” provides the City with a policy document that is in full compliance with the PFIA.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution accepting the City of Bedford Investment Policy.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution
Investment Policy – Clean version
Investment Policy – Bluelined version
Draft Investment Committee minutes – Sept. 2,
2014

RESOLUTION NO. 14-

A RESOLUTION ACCEPTING THE CITY OF BEDFORD INVESTMENT POLICY.

WHEREAS, the Public Funds Investment Act requires that the City have an Investment Policy and that the City Council review and approve the policy on an annual basis.

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 of Bedford Investment Policy, attached hereto, is hereby approved and adopted by the City Council. From the effective date of this resolution, all investment of public funds by the City personnel and/or agents shall be conducted in accordance with the City of Bedford Investment Policy.

SECTION 3. That the Mayor and/or the City Manager, as required by the individual agreements, are hereby authorized to enter into such agreements as may be necessary to implement this approved Investment Policy.

SECTION 4. That any prior resolutions inconsistent with this resolution are hereby repealed.

PRESENTED AND PASSED this 9th day of September 2014, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

CITY OF BEDFORD - INVESTMENT POLICY

September 9, 2014

It is the policy of the City of Bedford, Texas, which includes the City of Bedford Street Improvement Economic Development Corporation, that after allowing for anticipated cash requirements and giving due consideration to safety, liquidity and yield, all available funds will be pooled and invested in conformance with the Investment Policy which has been developed to conform to the State of Texas, Public Funds Investment Act as amended (“PFIA”). Throughout this Investment Policy the City and Corporation shall be referred to as “BEDFORD.”

In addition, applicable recommended practices published by the Government Finance Officers’ Association (GFOA) have been considered to ensure that BEDFORD’s investment activities are conducted within the framework of sound fiscal policy.

I. Scope

This Policy applies to all financial assets of BEDFORD and serves to satisfy the statutory requirements of the PFIA to define and approve a formal investment policy. These funds are accounted for in BEDFORD’s Comprehensive Annual Financial Report and include:

- General Fund
- Enterprise Funds
- Special Revenue Funds
- Debt Service Funds - including Interest & Sinking Funds & Reserve Funds
- Capital Improvement Funds
- City of Bedford Street Improvement Economic Development Corporation Fund
- Other funds established from time to time

Except for cash in certain restricted and special funds, BEDFORD may consolidate cash and investment balances to ease cash management operations and maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

II. General Objectives.

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

1. Safety. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

a. Credit Risk. BEDFORD will minimize credit risk, the risk of loss due to the failure of the investment issuer or backer, by:

- 1) Limiting investments to the safest types.
- 2) Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with whom BEDFORD will do business.
- 3) Diversifying the investment portfolio so that potential losses on individual investments will be minimized.
- 4) Establishment of procedures to monitor rating changes of investments and the liquidation of such investments as required by the PFIA.

b. Interest Rate Risk. BEDFORD will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates by:

- 1) Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- 2) Investing operating funds primarily in shorter-term securities, financial institution deposits, money market mutual funds, or local government investment pools.

2. Liquidity. The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that investments mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of investments with active secondary or resale markets (dynamic liquidity). All or a portion of the portfolio also may be placed in financial institution deposits, money market mutual funds, or local government investment pools which offer same-day liquidity for short-term funds.

3. Yield. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to safety and liquidity. Investments shall not be liquidated prior to maturity with the following exceptions:

- a. An investment with declining credit may be sold early to minimize loss of principal.
- b. An investment swap would improve the quality, yield, or target duration in the portfolio.
- c. Liquidity needs of the portfolio require that the investment be sold or redeemed.

III. Standards of Care.

1. Prudence. The standard to be used by Investment Officers shall be the “prudent person” rule, which states, “investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.” Investment Officers acting in accordance with written policies and procedures, and exercising due diligence, shall be relieved of personal responsibility for an individual investment's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion.

2. Ethics and Conflicts of Interest. Investment Officers shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Investment Officers shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Investment Officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of BEDFORD.

An Investment Officer who has a personal business relationship with a depository bank or with any entity seeking to sell an investment to BEDFORD shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to BEDFORD shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the City Council.

3. Delegation of Authority. Authority to manage and operate the investment program is granted to the Director of Administrative Services. The Director of Administrative Services shall establish written procedures and internal controls for the operation of the investment program consistent with this Investment Policy. Procedures should include, but not be limited to: account management procedures, cash flow estimation procedures, investment transaction procedures, authorized broker/dealer selection process, and investment portfolio reporting requirements. No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Director of Administrative Services. The Director of Administrative Services shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of the Authorized Investment Officers and subordinate officials.

Authorized Investment Officers

City Manager
Deputy City Manager
Managing Director
Director of Administrative Services
Accounting Manager

4. Investment Committee. There is hereby created an Investment Committee, consisting of the City Manager, Deputy City Manager, Managing Director, Director of Administrative Services, City Secretary, and one City Council member to be appointed by a majority of the City Council.

The Investment Committee shall meet at least quarterly to review general strategies and to monitor portfolio performance. The Committee shall include in its deliberations such topics as:

1. Economic outlook,
2. Portfolio diversification,
3. Maturity structure,
4. Risk considerations,
5. Authorized broker/dealers,
6. Independent investment training sources, and
7. Target rate of return on the portfolio.

The Investment Committee shall provide for minutes of its meetings.

Any two members of the Committee may request a special meeting, and three members shall constitute a quorum.

The Committee shall establish its rules of procedure.

5. Investment Training. In order to ensure the quality and capability of BEDFORD's investment personnel, BEDFORD shall provide periodic training in investments through courses and seminars offered by professional organizations and associations as required by the PFIA. The Investment Officers shall attend at least one training session accumulating at least ten (10) hours relating to the Officer's responsibility under the Act within twelve (12) months after assuming duties, and attend investment training session(s) not less than once every two years (aligned with the City's fiscal year end), receiving an additional ten (10) hours of training. The training shall be conducted by independent training sources approved by the Investment Committee.

IV. Broker/Dealers, Internal Controls and DVP.

1. Authorized Broker/Dealers. A list will be maintained of "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule). All investment providers, financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- a. Audited financial statements.
- b. Proof of Financial Industry Regulatory Authority (FINRA) certification.
- c. Proof of state registration.
- d. Completed broker/dealer questionnaire.
- e. Certification of having read, understood, and agreed to comply with the

Investment Policy in compliance with the PFIA.

The Investment Committee shall review, revise, and adopt a list of authorized broker/dealers at least annually.

2. Internal Controls. The Director of Administrative Services is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of BEDFORD are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits require estimates and judgments by management.

Accordingly, within the scope of the annual audit, the Director of Administrative Services shall establish a process for an independent review by an external auditor to assure compliance with policies and procedures. The results of this compliance audit must be reported annually to the City Council. The internal controls shall address the following points:

- a. Control of collusion
- b. Separation of transaction authority from accounting and record keeping
- c. Custodial safekeeping
- d. Avoidance of physical delivery securities
- e. Clear delegation of authority to subordinate staff members
- f. Written confirmation of transactions for investments and wire transfers

3. Delivery Versus Payment. All trades, where applicable, will be executed by delivery versus payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third-party safekeeping agent as evidenced by safekeeping receipts.

V. Suitable and Authorized Investments

1. Investment Types. The following investments will be permitted by this Policy as defined by state and local law where applicable. BEDFORD is not required to liquidate investments that were authorized at the time of purchase.

- a. U.S. government obligations, U.S. government agency obligations, and U.S. government instrumentality obligations (including obligations of the FDIC), which have a liquid market with a readily determinable market value, and exclude those prohibited by the PFIA.
- b. Certificates of deposit and other evidences of deposit at a financial institution that,
 - a) has its main office or a branch office in Texas and is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor, b) is secured by obligations in a manner and amount provided by law for deposits of BEDFORD,

or c) is placed through the Certificate of Deposit Account Registry Service (CDARS), or similar program, in a manner that meets the requirements of the PFIA.

- c. Repurchase and reverse repurchase agreements whose underlying purchased securities consist of instruments as defined in a. above and placed in compliance with the PFIA.
- d. No load money market mutual funds regulated by the Securities and Exchange Commission that meet the requirements of the PFIA.
- e. Local government investment pools, either state-administered or through joint powers statutes and other intergovernmental agreement legislation authorized in compliance with the PFIA.

2. Insurance, Pledged Collateral or Purchased Securities. With the exception of deposits secured with irrevocable letters of credit at 100% of amount, all deposits of BEDFORD funds with financial institutions shall be secured by pledged collateral with a market value equal to or greater than 102% of the deposits, less any amount insured by the FDIC. Repurchase agreements shall be documented by a specific agreement noting the “purchased securities” in each agreement; such securities shall comply with the PFIA. Collateral pledged and purchased securities shall be reviewed at least monthly to assure the market value equals or exceeds the related BEDFORD investment.

BEDFORD shall accept only the following securities as pledged collateral:

- a. U. S. Treasury securities;
- b. Obligations of U. S. Government Agencies and Instrumentalities, including letters of credit, which have a liquid market with a readily determinable market value, and exclude those prohibited by the PFCA;
- c. Federal Deposit Insurance Corporation (FDIC) coverage;
- d. Direct or unconditionally guaranteed obligations of the State of Texas;
- e. States, agencies, counties, cities, or political subdivisions naturally rated “A” or higher.

All collateral shall be subject to inspection and audit by BEDFORD or BEDFORD’s independent auditors.

Securities pledged as collateral shall be held by an independent third party with whom BEDFORD has a current custodial agreement. The agreement is to specify the acceptable investment securities as collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities. The agreement must clearly state that the custodian

bank is instructed to release purchased and collateral securities to BEDFORD in the event BEDFORD has determined that the financial institution has failed to pay on any matured investments, or has determined that the funds of BEDFORD are in jeopardy for whatever reason, including involuntary closure or change of ownership. A clearly marked evidence of ownership/pledgeship must be supplied to BEDFORD and retained by BEDFORD.

3. Repurchase Agreements. Repurchase agreements shall be consistent with the PFIA and GFOA Recommended Practices on Repurchase Agreements.

VI. Investment Parameters

1. Diversification. The investments shall be diversified by:

- a. Limiting investments to avoid over concentration in securities from a specific issuer or business sector (where appropriate),
- b. Limiting investment in securities that have higher credit risks,
- c. Investing with varying maturities, and
- d. Continuously investing a portion of the portfolio in readily available funds such as financial institution deposits, local government investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

2. Maximum Maturities. To the extent possible, BEDFORD shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, BEDFORD will not directly invest in instruments maturing more than three (3) years from the date of purchase or in accordance with state and local statutes and ordinances. BEDFORD shall adopt weighted average maturity limitations (which often range from 90 days to 3 years), consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in instruments exceeding three (3) years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of funds. The intent to invest in instruments maturing greater than three (3) years shall be disclosed in writing to the City Council.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as financial institution deposits, investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

3. Competitive Environment. In order to create a competitive pricing environment for each investment transaction, including certificates of deposit, BEDFORD shall solicit quotations from multiple providers.

VII. Reporting.

1. Methods. The Director of Administrative Services shall prepare an investment report, at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner, which will allow BEDFORD to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report shall be provided to the City Council. The report will comply with the requirements of the PFIA.

In conjunction with the annual audit, the quarterly reports shall be formally reviewed by an independent auditor, and the result of the review shall be reported to the City Council by that auditor.

2. Performance Standards. The investment portfolio will be managed in accordance with the parameters specified within this Policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis. “Weighted average yield to maturity” shall be the portfolio performance measurement standard.

3. Market Valuation. The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. The source of pricing used to calculate market value will be recognized sources independent from the transaction.

4. Credit Rating. Not less than quarterly, the Investment Officers will monitor the credit rating for each held investment that has a PFIA required minimum rating. Any Authorized Investment that requires a minimum rating does not qualify during the period the investment does not have the minimum rating. Prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

VIII. Policy Considerations

1. Exemption. Any investment currently held that does not meet the guidelines of this Policy shall be exempted from the requirements of this Policy. At maturity or liquidation, such monies shall be reinvested only as provided by this Policy.

2. Annual Review and Amendments. The City Council shall annually review this Policy and shall adopt a written instrument stating its review and recording any changes. Any changes must be approved by the Investment Committee prior to consideration by the City Council.

IX. Selection of Depositories

1. Request for Application Process. Primary Depositories shall be selected through BEDFORD’s banking services procurement process, which shall include a formal Request

for Application (RFA) issued in compliance with applicable State law. This contract can be extended as per the RFA specifications. In selecting primary depositories, the credit worthiness of institutions shall be considered, and the Director of Administrative Services shall conduct a comprehensive review of prospective primary depositories' credit characteristics and financial history.

2. Collateralized Deposits. All depository deposits shall be insured or collateralized in compliance with applicable State law. BEDFORD reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Financial institutions serving as BEDFORD Depositories will be required to sign a depository agreement with BEDFORD. The collateralized deposit portion of the agreement shall define BEDFORD's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- a. The agreement must be in writing;
- b. The agreement has to be executed by the Depository and BEDFORD contemporaneously with the acquisition of the asset;
- c. The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to BEDFORD; and
- d. The agreement must be part of the Depository's "official record" continuously since its execution.

X. Investment Strategies

In order to minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirements of the funds. Investment guidelines by fund-type are as follows:

1. General, Enterprise, or Operating-type Funds

Suitability - Any investment eligible in the Investment Policy is suitable for General, Enterprise, or Operating-type Funds.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, managing the weighted average days to maturity of each fund's portfolio to less than 270 days and restricting the maximum allowable maturity to two years will minimize the price volatility of the portfolio.

Marketability - Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market "spreads" between the bid and offer prices of a particular security-type of less than a quarter of a

percentage point will define an efficient secondary market.

Liquidity - General, Enterprise, or Operating-type Funds require the greatest short-term liquidity of any of the fund-types. Financial institution deposits, short-term investment pools and money market mutual funds will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Diversification - Investment maturities should be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of BEDFORD. Diversifying the appropriate maturity structure up to the two-year maximum will reduce interest rate risk.

Yield - Attaining a competitive market yield for comparable investment -types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio will be the minimum yield objective.

2. Special Revenue Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Special Revenue Funds.

Safety of Principal – All investments will be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Special Revenue Funds to balance the short-term and long-term anticipated cash flow requirements of the specific revenue/expense plan, the market risk of the Fund’s portfolio will be minimized. No stated final investment maturity shall exceed the shorter of the anticipated cash flow requirement or three years.

Marketability - Balancing short-term and long-term cash flow needs requires the short-term portion of the Funds portfolio to have securities with active and efficient secondary markets. Historical market “spreads” between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market. Securities with less active and efficient secondary markets are acceptable for the long-term portion of the portfolio.

Liquidity - A portion of the Special Revenue Funds are reasonably predictable. However, unanticipated needs or emergencies may arise. Selecting investment maturities that provide greater cash flow than the anticipated needs will reduce the liquidity risk of unanticipated expenditures.

Diversification - Investment maturities should blend the short-term and long-term cash flow needs to provide adequate liquidity and yield enhancement and stability. A “barbell” maturity ladder may be appropriate.

Yield - Attaining a competitive market yield for comparable investment -types and portfolio structures is the desired objective. The yield of an equally weighted, rolling six-month Treasury Bill portfolio will be the minimum yield objective.

3. Capital Improvement Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Capital Improvement Funds.

Safety of Principal - All investments will be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Capital Improvement Funds to not exceed the anticipated expenditure schedule, the market risk of the overall portfolio will be minimized. No stated final investment maturity shall exceed the shorter of the anticipated expenditure schedule or three years.

Marketability - Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market “spreads” between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity - Most capital improvements programs have reasonably predictable draw down schedules. Therefore, investment maturities should generally follow the anticipated cash flow requirements. Financial institution deposits, investment pools and money market mutual funds will provide readily available funds generally equal to one month’s anticipated cash flow needs, or a competitive yield alternative for short-term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any expenditure request. This investment structure is commonly referred to as a flexible repurchase agreement.

Diversification - Market conditions and arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for bond proceeds. Generally, if investment rates exceed the applicable cost of borrowing, BEDFORD is best served by locking in most investments. If the cost of borrowing cannot be exceeded, then current market conditions will determine the attractiveness of diversifying maturities or investing in shorter and larger amounts. At no time shall the anticipated expenditure schedule be exceeded in an attempt to bolster yield.

Yield - Achieving a positive spread to the cost of borrowing is the desired objective, within the limits of the Investment Policy’s risk constraints. The yield of an equally weighted, rolling six-month Treasury Bill portfolio will be the minimum yield objective for non-borrowed funds.

4. Interest and Sinking Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Interest and Sinking Funds.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Funds to not exceed the debt service payment schedule, the market risk of the

overall portfolio will be minimized.

Marketability - Securities with active and efficient secondary markets are not necessary as the event of an unanticipated cash flow requirement is not probable.

Liquidity - Debt Service Funds have predictable payment schedules. Therefore, investment maturities should not exceed the anticipated cash flow requirements. Financial institution deposits, investments pools and money market mutual funds may provide a competitive yield alternative for short-term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any debt service payment. This investment structure is commonly referred to as a flexible repurchase agreement.

Diversification - Market conditions influence the attractiveness of fully extending maturity to the next “unfunded” payment date. Generally, if investment rates are anticipated to decrease over time, BEDFORD is best served by locking in most investments. If the interest rates are potentially rising, then investing in shorter and larger amounts may provide advantage. At no time shall the debt service schedule be exceeded in an attempt to bolster yield.

Yield - Attaining a competitive market yield for comparable investment-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio shall be the minimum yield objective.

5. Debt Service Reserve Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Debt Service Reserve Funds. Bond resolution and loan documentation constraints and insurance company restrictions may create specific considerations in addition to the Investment Policy.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Reserve Fund maturities to not exceed the call provisions of the borrowing will reduce the investment’s market risk if BEDFORD’s debt is redeemed and the Reserve Fund liquidated. No stated final investment maturity shall exceed the shorter of the final maturity of the borrowing or three years. Annual mark-to-market requirements or specific maturity and average life limitations within the borrowing’s documentation will influence the attractiveness of market risk and influence maturity extension.

Marketability - Securities with less active and efficient secondary markets are acceptable for Debt Service Reserve Funds.

Liquidity – Debt Service Reserve Funds have no anticipated expenditures. The Funds are deposited to provide annual debt service payment protection to BEDFORD’s debt holders. The funds are “returned” to BEDFORD at the final debt service payment.

Market conditions and arbitrage regulation compliance determine the advantage of investment diversification and liquidity. Generally, if investment rates exceed the cost of borrowing, BEDFORD is best served by locking in investment maturities and reducing liquidity. If the borrowing cost cannot be exceeded, then current market conditions will determine the attractiveness of locking in maturities or investing shorter and anticipating future increased yields.

Diversification - Market conditions and the arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for Debt Service Reserve Funds. At no time shall the final debt service payment date of the bond issue be exceeded in an attempt to bolster yield.

Yield - Achieving a positive spread to the applicable borrowing cost is the desired objective. Debt Service Reserve Fund portfolio management shall operate within the limits of the Investment Policy's risk constraints.

CITY OF BEDFORD- INVESTMENT POLICY

September ~~112309~~, 201~~43~~

It is the policy of the City of Bedford, Texas, which includes the City of Bedford Street Improvement Economic Development Corporation, that after allowing for anticipated cash requirements and giving due consideration to safety, liquidity and yield, all available funds will be pooled and invested in conformance with the Investment Policy which has been developed to conform to the State of Texas, Public Funds Investment Act as amended (“PFIA”). Throughout this Investment Policy the City and Corporation shall be referred to as “BEDFORD.”

In addition, applicable recommended practices published by the Government Finance Officers’ Association (GFOA) have been considered to ensure that BEDFORD’s investment activities are conducted within the framework of sound fiscal policy.

I. Scope

This Policy applies to all financial assets of BEDFORD and serves to satisfy the statutory requirements of the PFIA to define and approve a formal investment policy. These funds are accounted for in BEDFORD’s Comprehensive Annual Financial Report and include:

- General Fund
- Enterprise Funds
- Special Revenue Funds
- Debt Service Funds - including Interest & Sinking Funds & Reserve Funds
- Capital Improvement Funds
- City of Bedford Street Improvement Economic Development Corporation Fund
- Other funds established from time to time

Except for cash in certain restricted and special funds, BEDFORD may consolidate cash and investment balances to ease cash management operations and maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

II. General Objectives.

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

1. Safety. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

a. Credit Risk. BEDFORD will minimize credit risk, the risk of loss due to the failure of the investment issuer or backer, by:

- 1) Limiting investments to the safest types.
- 2) Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with whom BEDFORD will do business.
- 3) Diversifying the investment portfolio so that potential losses on individual investments will be minimized.
- 4) Establishment of procedures to monitor rating changes of investments and the liquidation of such investments as required by the PFIA.

b. Interest Rate Risk. BEDFORD will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates by:

- 1) Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- 2) Investing operating funds primarily in shorter-term securities, financial institution deposits, money market mutual funds, or local government investment pools.

2. Liquidity. The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that investments mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of investments with active secondary or resale markets (dynamic liquidity). All or a portion of the portfolio also may be placed in financial institution deposits, money market mutual funds, or local government investment pools which offer same-day liquidity for short-term funds.

3. Yield. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to safety and liquidity. Investments shall not be liquidated prior to maturity with the following exceptions:

- a. An investment with declining credit may be sold early to minimize loss of principal.
- b. An investment swap would improve the quality, yield, or target duration in the portfolio.
- c. Liquidity needs of the portfolio require that the investment be sold or redeemed.

III. Standards of Care.

1. Prudence. The standard to be used by Investment Officers shall be the “prudent person” rule, which states, “investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.” Investment Officers acting in accordance with written policies and procedures, and exercising due diligence, shall be relieved of personal responsibility for an individual investment's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion.

2. Ethics and Conflicts of Interest. Investment Officers shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Investment Officers shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Investment Officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of BEDFORD.

An Investment Officer who has a personal business relationship with a depository bank or with any entity seeking to sell an investment to BEDFORD shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to BEDFORD shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the City Council.

3. Delegation of Authority. Authority to manage and operate the investment program is granted to the Director of Administrative Services. The Director of Administrative Services shall establish written procedures and internal controls for the operation of the investment program consistent with this Investment Policy. Procedures should include, but not be limited to: account management procedures, cash flow estimation procedures, investment transaction procedures, authorized broker/dealer selection process, and investment portfolio reporting requirements. No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Director of Administrative Services. The Director of Administrative Services shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of the Authorized Investment Officers and subordinate officials.

Authorized Investment Officers

City Manager
Deputy City Manager
Director of Administrative Services
Managing Director
Accounting Manager

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The Investment Committee shall meet at least quarterly to review general strategies and to monitor portfolio performance. The Committee shall include in its deliberations such topics as:

1. Economic outlook,
2. Portfolio diversification,
3. Maturity structure,
4. Risk considerations,
5. Authorized broker/dealers,
6. Independent investment training sources, and
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The Committee shall establish its rules of procedure.

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1. Authorized Broker/Dealers. A list will be maintained of "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule). All investment providers, financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- a. Audited financial statements.
- b. Proof of Financial Industry Regulatory Authority (FINRA) certification.
- c. Proof of state registration.
- d. Completed broker/dealer questionnaire.
- e. Certification of having read, understood, and agreed to comply with the

Investment Policy in compliance with the PFIA.

The Investment Committee shall review, revise, and adopt a list of authorized broker/dealers at least annually.

2. Internal Controls. The Director of Administrative Services is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of BEDFORD are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits require estimates and judgments by management.

Accordingly, within the scope of the annual audit, the Director of Administrative Services shall establish a process for an independent review by an external auditor to assure compliance with policies and procedures. The results of this compliance audit must be reported annually to the City Council. The internal controls shall address the following points:

- a. Control of collusion
- b. Separation of transaction authority from accounting and record keeping
- c. Custodial safekeeping
- d. Avoidance of physical delivery securities
- e. Clear delegation of authority to subordinate staff members
- f. Written confirmation of transactions for investments and wire transfers

3. Delivery Versus Payment. All trades, where applicable, will be executed by delivery versus payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third-party [safekeeping agent/ustodian](#) as evidenced by safekeeping receipts.

V. Suitable and Authorized Investments

1. Investment Types. The following investments will be permitted by this Policy as defined by state and local law where applicable. BEDFORD is not required to liquidate investments that were authorized at the time of purchase.

- a. U.S. government obligations, U.S. government agency obligations, and U.S. government instrumentality obligations [\(including obligations of the FDIC\)](#), which have a liquid market with a readily determinable market value, and exclude those prohibited by the PFIA.
- b. Certificates of deposit and other evidences of deposit at a financial institution that,
 - a) has its main office or a branch office in Texas and is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor, b) is secured by obligations in a manner and amount provided by law for deposits of BEDFORD,

or c) is placed through the Certificate of Deposit Account Registry Service (CDARS), or similar program, in a manner that meets the requirements of the PFIA.

- c. Repurchase and reverse repurchase agreements whose underlying purchased securities consist of instruments as defined in a. above and placed in compliance with the PFIA.
- d. No load money market mutual funds regulated by the Securities and Exchange Commission that meet the requirements of the PFIA.
- e. Local government investment pools, either state-administered or through joint powers statutes and other intergovernmental agreement legislation authorized in compliance with the PFIA.

2. Insurance, Pledged Collateral or Purchased Securities. With the exception of deposits secured with irrevocable letters of credit at 100% of amount, all deposits of BEDFORD funds with financial institutions shall be secured by pledged collateral with a market value equal to or greater than 102% of the deposits, less any amount insured by the FDIC. Repurchase agreements shall be documented by a specific agreement noting the “purchased securities” in each agreement; such securities shall comply with the PFIA. Collateral pledged and purchased securities shall be reviewed at least monthly to assure the market value equals or exceeds the related BEDFORD investment.

BEDFORD shall accept only the following securities as pledged collateral:

- a. U. S. Treasury securities;
- b. Obligations of U. S. Government Agencies and Instrumentalities, including letters of credit, which have a liquid market with a readily determinable market value, and exclude those prohibited by the PFCA;
- c. Federal Deposit Insurance Corporation (FDIC) coverage;
- d. Direct or unconditionally guaranteed obligations of the State of Texas;
- e. States, agencies, counties, cities, or political subdivisions naturally rated “A” or higher.

All collateral shall be subject to inspection and audit by BEDFORD or BEDFORD’s independent auditors.

Securities pledged as collateral shall be held by an independent third party with whom BEDFORD has a current custodial agreement. The agreement is to specify the acceptable investment securities as collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities. The agreement must clearly state that the custodian

bank is instructed to release purchased and collateral securities to BEDFORD in the event BEDFORD has determined that the financial institution has failed to pay on any matured investments, or has determined that the funds of BEDFORD are in jeopardy for whatever reason, including involuntary closure or change of ownership. A clearly marked evidence of ownership/[pledgeship](#) must be supplied to BEDFORD and retained by BEDFORD.

3. Repurchase Agreements. Repurchase agreements shall be consistent with the PFIA and GFOA Recommended Practices on Repurchase Agreements.

VI. Investment Parameters

1. Diversification. The investments shall be diversified by:

- a. Limiting investments to avoid over concentration in securities from a specific issuer or business sector (where appropriate),
- b. Limiting investment in securities that have higher credit risks,
- c. Investing with varying maturities, and
- d. Continuously investing a portion of the portfolio in readily available funds such as financial institution deposits, local government investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

2. Maximum Maturities. To the extent possible, BEDFORD shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, BEDFORD will not directly invest in instruments maturing more than three (3) years from the date of purchase or in accordance with state and local statutes and ordinances. BEDFORD shall adopt weighted average maturity limitations (which often range from 90 days to 3 years), consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in instruments exceeding three (3) years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of funds. The intent to invest in instruments maturing greater than three (3) years shall be disclosed in writing to the City Council.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as financial institution deposits, investment pools, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

3. Competitive Environment. In order to create a competitive pricing environment for each investment transaction, including certificates of deposit, BEDFORD shall solicit quotations from multiple providers.

VII. Reporting.

1. Methods. The Director of Administrative Services shall prepare an investment report, at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner, which will allow BEDFORD to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report shall be provided to the City Council. The report will comply with the requirements of the PFIA.

In conjunction with the annual audit, the quarterly reports shall be formally reviewed by an independent auditor, and the result of the review shall be reported to the City Council by that auditor.

2. Performance Standards. The investment portfolio will be managed in accordance with the parameters specified within this Policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis. "Weighted average yield to maturity" shall be the portfolio performance measurement standard.

3. Market Valuation. The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. The source of pricing used to calculate market value will be from recognized the values published in the financial section of the Wall Street Journal and, as necessary, a third party source with access to the pricing for securities that are not listed in the Wall Street Journal. ~~At all times, the source of the market value of held securities should be based on sources independent from the transaction.~~

4. Credit Rating. Not less than quarterly, the Investment Officers will monitor the credit rating for each held investment that has a PFIA required minimum rating. Any Authorized Investment that requires a minimum rating does not qualify during the period the investment does not have the minimum rating. Prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

VIII. Policy Considerations

1. Exemption. Any investment currently held that does not meet the guidelines of this Policy shall be exempted from the requirements of this Policy. At maturity or liquidation, such monies shall be reinvested only as provided by this Policy.

2. Annual Review and Amendments. The City Council shall annually review this Policy and shall adopt a written instrument stating its review and recording any changes. Any changes must be approved by the Investment Committee prior to consideration by the City Council.

IX. Selection of Depositories

1. Request for Application Process. Primary Depositories shall be selected through BEDFORD's banking services procurement process, which shall include a formal Request for Application (RFA) issued in compliance with applicable State law. This contract can be extended as per the RFA specifications. In selecting primary depositories, the credit worthiness of institutions shall be considered, and the Director of Administrative Services shall conduct a comprehensive review of prospective primary depositories' credit characteristics and financial history.

2. Collateralized Deposits. All depository deposits shall be insured or collateralized in compliance with applicable State law. BEDFORD reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Financial institutions serving as BEDFORD Depositories will be required to sign a depository agreement with BEDFORD. The collateralized deposit portion of the agreement shall define BEDFORD's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- a. The agreement must be in writing;
- b. The agreement has to be executed by the Depository and BEDFORD contemporaneously with the acquisition of the asset;
- c. The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to BEDFORD; and
- d. The agreement must be part of the Depository's "official record" continuously since its execution.

X. Investment Strategies

In order to minimize risk of loss due to interest rate fluctuations, investment maturities will not exceed the anticipated cash flow requirements of the funds. Investment guidelines by fund-type are as follows:

1. General, Enterprise, or Operating-type Funds

Suitability - Any investment eligible in the Investment Policy is suitable for General, Enterprise, or Operating-type Funds.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, managing the weighted average days to maturity of each fund's portfolio to less than 270 days and restricting the maximum allowable maturity to two years will minimize the price volatility of the portfolio.

Marketability - Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market “spreads” between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity - General, Enterprise, or Operating-type Funds require the greatest short-term liquidity of any of the fund-types. Financial institution deposits, short-term investment pools and money market mutual funds will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

Diversification - Investment maturities should be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of BEDFORD. Diversifying the appropriate maturity structure up to the two-year maximum will reduce interest rate risk.

Yield - Attaining a competitive market yield for comparable investment -types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio will be the minimum yield objective.

2. Special Revenue Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Special Revenue Funds.

Safety of Principal – All investments will be of high quality with no perceived default risk. -Market price fluctuations will occur. However, by managing Special Revenue Funds to balance the short-term and long-term anticipated cash flow requirements of the specific revenue/expense plan, the market risk of the Fund’s portfolio will be minimized. No stated final investment maturity shall exceed the shorter of the anticipated cash flow requirement or three years.

Marketability - Balancing short-term and long-term cash flow needs requires the short-term portion of the Funds portfolio to have securities with active and efficient secondary markets. Historical market “spreads” between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market. Securities with less active and efficient secondary markets are acceptable for the long-term portion of the portfolio.

Liquidity - A portion of the Special Revenue Funds are reasonably predictable. However, unanticipated needs or emergencies may arise. Selecting investment maturities that provide greater cash flow than the anticipated needs will reduce the liquidity risk of unanticipated expenditures.

Diversification - Investment maturities should blend the short-term and long-term cash flow needs to provide adequate liquidity and yield enhancement and stability. A “barbell” maturity ladder may be appropriate.

Yield - Attaining a competitive market yield for comparable investment -types and portfolio structures is the desired objective. The yield of an equally weighted, rolling six-month Treasury Bill portfolio will be the minimum yield objective.

3. Capital Improvement Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Capital Improvement Funds.

Safety of Principal - All investments will be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Capital Improvement Funds to not exceed the anticipated expenditure schedule, the market risk of the overall portfolio will be minimized. No stated final investment maturity shall exceed the shorter of the anticipated expenditure schedule or three years.

Marketability - Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement. Historical market “spreads” between the bid and offer prices of a particular security-type of less than a quarter of a percentage point will define an efficient secondary market.

Liquidity - Most capital improvements programs have reasonably predictable draw down schedules. Therefore, investment maturities should generally follow the anticipated cash flow requirements. Financial institution deposits, investment pools and money market mutual funds will provide readily available funds generally equal to one month’s anticipated cash flow needs, or a competitive yield alternative for short-term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any expenditure request. This investment structure is commonly referred to as a flexible repurchase agreement.

Diversification - Market conditions and arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for bond proceeds. Generally, if investment rates exceed the applicable cost of borrowing, BEDFORD is best served by locking in most investments. If the cost of borrowing cannot be exceeded, then current market conditions will determine the attractiveness of diversifying maturities or investing in shorter and larger amounts. At no time shall the anticipated expenditure schedule be exceeded in an attempt to bolster yield.

Yield - Achieving a positive spread to the cost of borrowing is the desired objective, within the limits of the Investment Policy’s risk constraints. The yield of an equally weighted, rolling six-month Treasury Bill portfolio will be the minimum yield objective for non-borrowed funds.

4. Interest and Sinking Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Interest and Sinking Funds.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Funds to not exceed the debt service payment schedule, the market risk of the overall portfolio will be minimized.

Marketability - Securities with active and efficient secondary markets are not necessary as the event of an unanticipated cash flow requirement is not probable.

Liquidity - Debt Service Funds have predictable payment schedules. Therefore, investment maturities should not exceed the anticipated cash flow requirements. Financial institution deposits, investments pools and money market mutual funds may provide a competitive yield alternative for short-term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any debt service payment. This investment structure is commonly referred to as a flexible repurchase agreement.

Diversification - Market conditions influence the attractiveness of fully extending maturity to the next “unfunded” payment date. Generally, if investment rates are anticipated to decrease over time, BEDFORD is best served by locking in most investments. If the interest rates are potentially rising, then investing in shorter and larger amounts may provide advantage. At no time shall the debt service schedule be exceeded in an attempt to bolster yield.

Yield - Attaining a competitive market yield for comparable investment-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio shall be the minimum yield objective.

5. Debt Service Reserve Funds

Suitability - Any investment eligible in the Investment Policy is suitable for Debt Service Reserve Funds. Bond resolution and loan documentation constraints and insurance company restrictions may create specific considerations in addition to the Investment Policy.

Safety of Principal - All investments shall be of high quality with no perceived default risk. Market price fluctuations will occur. However, by managing Debt Service Reserve Fund maturities to not exceed the call provisions of the borrowing will reduce the investment’s market risk if BEDFORD’s debt is redeemed and the Reserve Fund liquidated. No stated final investment maturity shall exceed the shorter of the final maturity of the borrowing or three years. Annual mark-to-market requirements or specific maturity and average life limitations within the borrowing’s documentation will influence the attractiveness of market risk and influence maturity extension.

Marketability - Securities with less active and efficient secondary markets are acceptable for Debt Service Reserve Funds.

Liquidity – Debt Service Reserve Funds have no anticipated expenditures. The Funds are deposited to provide annual debt service payment protection to BEDFORD’s debt holders. The funds are “returned” to BEDFORD at the final debt service payment. Market conditions and arbitrage regulation compliance determine the advantage of investment diversification and liquidity. Generally, if investment rates exceed the cost of borrowing, BEDFORD is best served by locking in investment maturities and reducing liquidity. If the borrowing cost cannot be exceeded, then current market conditions will determine the attractiveness of locking in maturities or investing shorter and anticipating future increased yields.

Diversification - Market conditions and the arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for Debt Service Reserve Funds. At no time shall the final debt service payment date of the bond issue be exceeded in an attempt to bolster yield.

Yield - Achieving a positive spread to the applicable borrowing cost is the desired objective. Debt Service Reserve Fund portfolio management shall operate within the limits of the Investment Policy’s risk constraints.

Special Investment Committee Minutes September 2, 2014

STATE OF TEXAS

COUNTY OF TARRANT

CITY OF BEDFORD

The Investment Committee of the City of Bedford, Texas, met at 11:00 a.m. in the conference room of Bedford City Hall, 2000 Forest Ridge Drive on September 2, 2014 with the following members present:

**Dr. Roy Turner, Council Member - Chair
Beverly Griffith, City Manager
David Miller, Deputy City Manager
Clifford W. Blackwell III, Director of Administrative Services
Michael Wells, City Secretary**

Constituting a quorum.

Also present were:

**Tom Ross, Valley View Consulting
Bill Koch, Valley View Consulting
Mirenda McQuagge-Walden, Managing Director
Paula Y. McPartlin, Accounting Manager**

Dr. Turner called the meeting to order at approximately 11:00 a.m.

NEW BUSINESS

1. APPROVAL OF MINUTES FROM MEETING OF July 29, 2014.

Mr. Wells moved to approve the minutes. Mr. Blackwell seconded the motion, and the motion passed.

NEW BUSINESS (continued)

2. REVIEW AND APPROVAL OF THE PROPOSED CHANGES IN THE INVESTMENT POLICY

Bill Koch led the discussion on the proposed changes to the investment policy. He stated the proposed changes are minor and an effort was made to make the changes more consistent with the act. The date at the top of the first page was changed to September 9 to coincide with the next council meeting. Reflected in yellow on page 3 and 4 are the Authorized Investment Officers and the composition of the Investment Committee which are the same as before. Mrs. Griffith wants to add Miranda McQuagge-Walden, Managing Director to the Investment Committee and also add her as an authorized investment officer which she will need required investment training. Mr. Koch continued with the proposed changes on page 5 under item 3 from *third-party custodian to third-party agent and under investment types*, adding the verbiage including obligations of the FDIC stating the language would be more specific instead of implied. At the top of page 7, change to the verbiage from *ownership to ownership/pledgeship*. On page 8 under market valuations, delete the excess verbiage describing sources and change the second sentence to read as: *“The source of pricing used to calculate market value will be a recognized source independent from the transaction.”* On page 10 under safety of principal, there is a spacing edit. Page 11, there is a spacing edit between topics 3 capital improvement funds and topic 4 interest and sinking funds.

Mr. Wells made the motion to approve the quarterly investment report. Mr. Miller seconded the motion. The motion to approve the report passed.

3. REVIEW AND APPROVE SUGGESTED LIST OF BROKER/DEALERS

Included in the investment policy is a list of brokers/dealers that must be approved annually by the investment committee. Bill Koch led the discussion on the changes made to the current list. He stated Bank of America/Merrill Lynch’s name should be modified to state “Bank of Texas” and change their Primary Dealer status to “Secondary Dealer”. Dr. Turner wanted to know what the difference is between primary and secondary dealer. Mr. Koch explained that a Primary Dealer is a pre-approved bank, broker/dealer or other financial institution that is able to make business deals with the U.S. Federal Reserve, such as underwriting new government debt. These dealers must meet certain liquidity and quality requirements as well as provide a valuable flow of information to the Fed about the state of the worldwide markets. A secondary dealer is not a market maker and sometimes, the best price for a security may come from a security. Mr. Ross said you have to have both. Mr. Koch said they will make that distinction on that proposed page.

Beverly moved to approve the list of broker/dealers with the deletion of First Empire Securities. Cliff Blackwell seconded the motion.

4. REVIEW AND APPROVE THE INDEPENDENT TRAINING SOURCES

Mr. Koch stated the independent training sources are the same as last year. Mr. Miller pointed out the date, and that change will be noted to read as *September 2, 2014*. Mr. Koch stated the proposed list contains all independent training sources. Mrs. Griffith noted that Texas City Managers Association should read as Texas City Management Association. Mr. Koch and Mr. Ross will make the proposed changes and resend clean versions that were approved during the committee meeting.

Mr. Miller moved to approve the list of training sources. Mr. Blackwell seconded the motion. The motion passes.

ADJOURNMENT

This will be presented to the City Council on September 9, 2014 with the proposed changes.

Motion to adjourn: Michael Wells moved to adjourn, and Mr. Blackwell seconded the motion. The meeting was adjourned at 11:33am.



Council Agenda Background

PRESENTER: Sal Caruso, Community Affairs Commission **DATE:** 09/09/14

Board and Commission Report

ITEM:

Presentation on the Block Party scheduled for September 25 sponsored by the Community Affairs Commission.

City Manager Review: _____

DISCUSSION:

Sal Caruso of the Community Affairs Commission will present an update on the Block Party scheduled for September 25.

ATTACHMENTS:

N/A