

AGENDA

Regular Meeting of the Bedford City Council
Tuesday, March 8, 2011
2000 Forest Ridge Drive
Bedford, Texas

Council Chambers Work Session 6:00 p.m.
Council Chambers Regular Session 6:30 p.m.

COMPLETE COUNCIL AGENDAS AND BACKGROUND INFORMATION ARE AVAILABLE FOR REVIEW
ONLINE AT <http://www.ci.bedford.tx.us>

WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Discussion regarding the creation of a Bedford Cultural Commission. ***Item requested by Councilman Champney
- Presentation by Brenda Harris regarding the HEB Prom Closet.

EXECUTIVE SESSION:

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

- Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments.

REGULAR SESSION 6:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Pastor Kevin Smith, Faith Christian Fellowship Church)

PLEDGE OF ALLEGIANCE

OPEN FORUM

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

CONSIDER APPROVAL OF ITEMS BY CONSENT

COUNCIL RECOGNITION

1. Proclamation declaring February 19, 2011 as National AMBUCS Service Day.
2. Proclamation declaring March 2011 as Texas Smartscape® Month.

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:
 - a) February 22, 2011 regular meeting

NEW BUSINESS

4. Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 37th Year Program for the sanitary sewer improvements in Winchester Way from Schumac Lane to Savannah Way, Memphis Drive from Winchester Way to Central Drive, Central Drive from Schumac Lane to Knoxville Drive and the cul-de-sac on Savannah Way between Schumac Lane and Winchester Way.
5. Consider an ordinance amending Chapter 50, Article II "Alarm Systems;" amending definitions; providing for alarm system permits and that permit required; providing for proper alarm system operation and maintenance; providing that direct alarm reporting prohibited with certain exceptions; providing for protection of financial institutions; providing for permit; providing for appeals; providing for false alarm notification; establishing a penalty; providing for exceptions; providing a severability clause; and declaring an effective date.
6. Consider an ordinance amending Chapter 58, "Fire Prevention and Protection" by adopting provisions relating to fire alarm ordinances in the city limits of the City of Bedford.
7. Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A, Schedule of Fees by updating fees imposed by the City for Fire False Alarms; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.
8. Consider a resolution accepting the report from the independent auditor and the audited financial statements for the fiscal year ending September 30, 2010.
9. Consider a resolution authorizing the purchase of ten sets of firefighting protective clothing and five helmets from Casco Industries at a cost of \$18,666 through an Interlocal Purchasing Agreement with the City of North Richland Hills.
10. Consider a resolution authorizing the City Manager to purchase rescue equipment and related components from Advanced Rescue Systems, for TNT Rescue Tool products, in the amount of \$25,000.
11. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with Brenda Harris relative to 1725 Bedford Road.
12. Report on most recent meeting of the following Boards and Commissions:
 - ✓ Animal Control Board- Councilman Griffin
 - ✓ Animal Shelter Advisory Board- Councilman Griffin
 - ✓ Beautification Commission- Councilman Turner
 - ✓ Community Affairs Commission- Councilman Fisher
 - ✓ Library Board- Councilman Brown
 - ✓ Parks & Recreation Board- Councilman Griffin
 - ✓ Senior Citizen Advisory Board- Councilman Savage
 - ✓ Teen Court Advisory Board- Councilman Champney
13. Council member reports
 - ✓ Mayor Story- Report on the 49th Anniversary MPA Alumni-Student Conference held at the University of North Texas.
14. City Manager report
 - ✓ Report on upcoming events for the City.

15. 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, March 4, 2011 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 should be requested forty-eight (48) hours prior to the scheduled starting time of a posted council meeting by calling 817.952.2101.)



Council Work Session

PRESENTER:

Ray Champney, Councilmember

ITEM:

Discussion regarding the creation of a Bedford Cultural Commission.

DISCUSSION:

Councilman Champney requested this item be placed on the agenda for discussion.

RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

ATTACHMENTS:

Letter of Request

Wells, Michael

From: Champney, Ray
Sent: Sunday, February 27, 2011 11:33 PM
To: Griffith, Beverly
Cc: Wells, Michael

Hello Beverly:

I would like to have the Bedford Cultural Commission / Board on the agenda for the next council meeting along with a resolution authorizing the establishment. Either as a separate discussion item or, as part of the previously requested item, I want to discuss the reason for the formation of the commission and how it relates to strengthening our position for the designation. You may have been planning to do this already but I wanted to make sure we address this.

At the last executive session a request was made to have the lease of the house in front of the Old Bedford School added as an agenda item for the next meeting. I am requesting that the Cultural Commission / Board item be placed on the agenda prior to the discussion on the use of the house.

Thank you,

*Ray Champney
Place 4 Bedford City Council
817-318-1233
682-234-3444 cell*



Council Agenda Background

PRESENTER:

Jim Story, Mayor

ITEM:

Proclamation declaring February 19, 2011 as National AMBUCS Service Day.

DISCUSSION:

Ala Joy Davis and other members of Mid Cities AMBUCS will be on hand to accept this proclamation.

RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, February 19, 2011, is National AMBUCS Service Day and this occasion provides a fitting opportunity to recognize the many contributions of this fine organization; and

WHEREAS, with the Mid-Cities Chapter among the 131 chapters throughout the United States, AMBUCS is a leading nonprofit volunteer service association; since its inception, the organization has raised millions of dollars toward its mission of creating independence for people with disabilities; and

WHEREAS, National AMBUCS Service Day brings together volunteers in communities throughout the nation to participate in a host of projects, such as constructing wheelchair ramps, installing safety grab bars in bathrooms and visiting hospitals and schools; and

WHEREAS, in addition to promoting service activities, each AMBUCS chapter contributes to two national programs, the AmTryke Therapeutic Tricycle Project, which provides special cycles in the homes, schools, and rehabilitation facilities of disabled children, and AMBUCS Scholars-Scholarships for Therapists, a program that awards more than \$150,000 in scholarships each year to students in accredited therapy programs; and

WHEREAS, members of AMBUCS have demonstrated an unwavering commitment to enriching the lives of others, and for their efforts, they are truly deserving of praise.

NOW, THEREFORE, let it be known that I, Jim Story, Mayor of the City of Bedford, and the City Council do hereby proclaim February 19, 2011 as:

National AMBUCS Service Day

in the City of Bedford and be it further resolved that all those participating in the National AMBUCS Service Day be commended for their work in behalf of disabled individuals and that they be extended best wishes for a successful and memorable event.

*In witness whereof, I have hereunto set my hand and
caused the seal of the City of Bedford to be affixed this
8th day of March, 2011.*

JIM STORY MAYOR




Council Agenda Background

PRESENTER:

Jim Story, Mayor

ITEM:

Proclamation declaring March 2011 as Texas Smartscape® Month.

DISCUSSION:

This proclamation is for the purpose of promoting Texas Smartscape®, a regional effort created by a collaboration of the North Central Texas Council of Governments (NCTCOG) Storm Water Public Education Task Force and the Texas AgriLife Extension Service. Texas Smartscape® is part of the storm water program at NCTCOG, in which Bedford currently participates, to help meet the public education and outreach requirements of the City of Bedford Storm Water Management Plan. The program also serves as a public outreach tool for the City of Bedford Water Conservation Plan. Texas Smartscape® promotes the use of native and adaptive plants in landscaping and gives helpful tools such as an extensive plant database and landscape mapping tips. A smartscape reduces storm water pollution and promotes water efficiency by requiring less fertilizer, pesticides, and water use.

Stephanie Corso, Environmental Specialist for the City of Bedford, will accept the proclamation.

RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, water quality and conservation are serious issues in our State and in the City of Bedford, and the Texas Smartscape® program is designed to educate homeowners on preserving water quality and conserving water use in their home landscapes; and

WHEREAS, the Texas Smartscape® program provides instruction on how to design and maintain landscaping using less water, fertilizers and pesticides and minimizing water runoff; and

WHEREAS, the reduced use of fertilizers and pesticides through the adoption of native and adaptive plant species in Texas Smartscape® landscapes can help improve water quality by reducing the amount of these pollutants carried to local waterways by storm water runoff; and

WHEREAS, traditional home landscapes use 40 to 60 percent more water during the summer months and a Texas Smartscape® landscape can reduce water requirements by 30 percent; and

WHEREAS, the North Central Texas Council of Governments coordinated the production of the Texas Smartscape® educational website as part of the storm water program in which the City of Bedford is a partner; and

WHEREAS, the City of Bedford is committed to recommending the Texas Smartscape® program to all homeowners in our City and recommends that residents visit the Smartscape® website at www.txsmartscape.com to utilize these principles in their own backyards to help protect and conserve our water resources as part of the City's Storm Water Management Plan.

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

Texas Smartscape® Month

throughout the City of Bedford, Texas.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this 8th day of March, 2011.

JIM STORY MAYOR




Council Agenda Background

PRESENTER:

Michael Wells, City Secretary

ITEM:

Consider approval of the following City Council minutes:
a) February 22, 2011 regular session

DISCUSSION:

N/A

RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

ATTACHMENTS:

Minutes

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

The City Council of the City of Bedford, Texas, met in regular session at 6:30 p.m. in the Council Chamber of City Hall, 2000 Forest Ridge Drive on the 22nd day of February, 2011 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Jim Griffin	
Roy Savage	
Roy W. Turner	

Constituting a quorum.

Staff present included:

Beverly Queen Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
David Flory	Police Chief
John Kubala	Public Works Director
Jill McAdams	Human Resources Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Bill Syblon	Development Director

WORK SESSION

Mayor Story 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 item(s) on consent: 8, 9, 10, 11, 12 and 13.

- **Discussion on Development Activity.**

Development Director Bill Syblon presented information regarding development activity in the City for 2010. In the past, there have been separate presentations for economic development and code enforcement. This year they decided to combine them since it all falls under the Development Department. A year ago, he gave a positive report regarding the previous year. He believed it would be hard to top, especially with the economy. As it turns out, they did fairly well and he is pleased with the end results. In 2010, 24 new residential permits were issued mainly do the townhome development off of Bedford Road. The previous year they issued three. He expects to see that number diminish again as residential property is almost completely developed. 540 residential remodel permits were issued as many homeowners are reinvesting in, and fixing up their homes. Eight new commercial and 190 commercial remodel permits were issued. All other permits equaled about 3,000 for a total of for a total of about 4,000 permits.

In regards to fees, residential fees were up 47% in 2010 mainly due to the townhome development. Mr.

Syblon expects to see that number decline this year. Commercial fees were down a little bit. In 2009, a lot of these fees were from the Reliant Rehabilitation Hospital. Fees for all permits were up approximately 2%. About 2,500 building inspections were performed, which is up 15% from the previous year. 72 multifamily inspections were performed. These are performed twice a year through an inspection program approved by Council. Fire responses were down a bit this year. Certificates of Occupancy issued were up about 6%. These numbers include name and owner changes; but about 70 were for new businesses. 240 permits were obtained due to projects being performed without a permit which was an increase of 45% over the previous year. Fees obtained from pro-active code enforcement were up from \$15,000 to \$20,000 in 2010.

In 2010, sales tax was up about 1%. This fiscal year they are currently tracking it at being up 1.3% over this time last year. 24 new residential single family permits were issued which was an increase of 85%. 190 commercial permits were issued which was an increase of 15%. Finally, 143 certificates of occupancy were issued for an increase of 6%. Retail vacancy space was at 17%, which is down about 1% from the previous year. The average asking rate is about the same. Office vacancy was at 22%, which is an increase over the previous year.

Mr. Syblon then presented information regarding larger projects from 2010. Reliant Rehabilitation Hospital is a 60 bed, 60,000 sq.ft. facility that employs about 100 people. The owner has mentioned the possibility of expanding. Airport Center 121 saw new tenants move in. These included: Bell Helicopter into a 40,000 sq.ft. space and employing 160 people with the possibility of going up to 270; CGI Technology into a 20,000 sq.ft. space and employing 75 people; and Bravo Health into a 23,000 sq.ft. space and employing 100 people. Mr. Syblon also mentioned the Library project and wanted to congratulate Council and staff. Texas Health Resources has invested between \$4M to \$5M in remodeling the chapel, lobby and oncology wing of Harris Methodist HEB Hospital. Polycoat Products has invested \$1M to add new equipment. Meena Medical Supply has constructed a 12,000 sq ft. facility. There are 150 medical companies in Bedford and it is a strong sector for the City. Staff worked with the previous and current owners of the Holiday Inn to encourage them to put money back into the building and to get it back on its feet. It is now a 243 room, full-service hotel.

Mr. Syblon then presented information on new businesses in the City. These include Bataar Mongolian Barbecue, Everything German, the Bedford Bakery and Cupcake Bliss. For 2011, there are a lot of projects in the early stages. TruForm Optics is moving into a 7,000 sq.ft building along Harwood Road. They will employ about 25 people. Texas Orthopedic is in the process of a 26,000 sq.ft expansion of their existing operation. Based on a suggestion from Councilman Champney, staff made contact with Old West Café and they will be opening up a site here in the City. Novak Motors is moving in next to Grubbs Nissan. Firepit Grill and Buffet is finishing out the former Luby's building. Finally, Applebee's has purchased the old Bennigan's building. Right now, it is too early to tell how long it will take for them to move in.

In regards to code enforcement, Mr. Syblon explained that it is very much related to economic development by improving and maintaining the aesthetics of the City. In 2010, 4,200 complaints were worked compared to 3,800 the previous year. 1,140 of these complaints were received from the public while over 3,000 were as a result of proactive enforcement, up from 2,900 the previous year. Altogether, proactive enforcement accounted for 74% of complaints. High grass/weeds went from 468 to 547; substandard fences dropped from 78 to 63; illegal signs went from 1,103 to 1,677 which is an indicator of the economy in that businesses are trying to get their information out there; roofs constructed without a permit were up from 44 to 56; the numbers for unsanitary pools and nuisances remained about the same; watering outside of the permitted time went from 70 to 104; and finally brush and tree limbs were down slightly.

Multifamily inspections have been a tremendous success. The inspectors go out twice a year to investigate apartment communities. In a lot of cases, the apartment communities not only fix the code issues but also paint, fix roofs and put signage out. Reported improvements include the Courts of Bedford in the amount of \$70,000, Toscana Village in the amount of \$25,000, Cantabria Crossing in the amount of \$400,000, Forest Park in the amount of \$77,000, The Woods in the amount of \$30,000 and Point Loma Woods in the amount of \$500,000. This is very encouraging to see from a code enforcement and economic development standpoint.

Finally, Mr. Syblon listed some accomplishments for 2010. These include: revising the Comprehensive Land Use Plan; the 183 Overlay District, which died at the Planning and Zoning level; a new Fence Ordinance; revisions to the Economic Development Incentive Policy and Procedure; the Shop Bedford First program; the attempt to get a cultural district designation to include the area around the Old Bedford School, the new Library and the Bedford Boys Ranch which they hope to get this year; the new Alternative Energy Subcommittee of the Community Affairs Commission; the 2010 Census; and finally upgrading their GIS software.

- **Presentation by Michael Boyter, Chairperson of the Beautification Commission, regarding a Bedford community garden.**

Beatification Chairperson Michael Boyter presented information on a Bedford community garden. He stated he was not here to give a formal presentation. He wanted to ask for consideration, guidance and direction from Council on how they would want to proceed. 6Stones recently contacted him in regards to joining in a collaborative effort. Meetings are now progressing rapidly to a point where they are ready to give a formal presentation to Council about their vision. They want to talk about conceptualization of what they have and to discuss opportunities. 6Stones has offered 8.5 acres of property at the First Baptist Church on Industrial Boulevard if the City is willing to develop it. The property used to be part of a sports ministry and includes three elevated soccer fields and a volleyball court. The focus at this point is to phase in development over time. One soccer field could be developed into approximately 60 to 80 beds which can be leased out on an annual basis. If interest demands, there would be the opportunity to expand with a second or third phase. There could also be larger crop development such as corn. Master gardeners are very interested in this project and there may be interest from students and HEBISD for educational opportunities. It will be a fully collaborative effort to reach out to all citizens and corporate citizens for assistance with sweat or materials. It will be a great opportunity for Bedford to engage its citizens on a community effort. If engagement or effort should produce excess materials, the byproducts could be donated to a food bank or pantry. He is asking for assistance and thoughts from Council as they move towards a formal presentation.

It was explained that one of the advantages of collaborating with 6Stones is that they have insights to the corporate area. They are very well known for obtaining donations and that it would be easier to go through them for these donations. The City's contribution would be financial and staff type activity. Management of the garden would be in the form of a corporate board with people from the City, 6Stones and from the community. This would give the City a voice and the garden would be known as the "Bedford Community Garden."

Council was of the consensus to fully support looking into the project and for a more detailed proposal to be brought back before Council. Issues to be addressed in the proposal include costs; how the program would work; who would manage the program; the role of City staff; since the site is on valuable commercial property, what if the church chooses to expand or what if a developer comes along who offers to develop the land; zoning requirements; and the possible need of a specific use permit.

Mayor Story adjourned the Work Session at 6:34 p.m.

EXECUTIVE SESSION:

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

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of Landera Apartments.**
- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property - 1725 Bedford Road.**

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – The Oaks of

Landera Apartments and Section 551.072, to deliberate the purchase, exchange, lease or value of real property - 1725 Bedford Road at approximately 7:18 p.m.

Council reconvened from Executive Session at approximately 8:07 p.m.

Any necessary action to be taken as a result of the Executive Session will occur during the regular session of the Bedford City Council Meeting.

REGULAR SESSION 6:30 P.M.

Regular Session began at 6:41 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Pastor Lincoln Webber, Embracing His Grace Ministries)

Pastor Lincoln Webber of Embracing His Grace Ministries gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak under tonight's Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Champney, seconded by Councilman Turner to approve the following items by consent: 8, 9, 10, 11, 12 and 13.

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

COUNCIL RECOGNITION

1. Proclamation declaring February 2011 as Love Your Library Month.

Mayor Story read a proclamation declaring February 2011 as Love Your Library Month.

Rick Peters of the Library Advisory Board mentioned that the Seuss Festival will be Sunday March 6 from 1:00 p.m. to 4:00 p.m. He also stated that the Library Satisfaction Survey is currently on-line and will remain up for the next month.

Library Manager Maria Redburn reported that since the opening of the new Library, 850 new library cards have been issued along with 350 current cardholders that needed a replacement. Circulation has processed 26,790 items in 15 days. 18,700 people have visited the Library, which is 9,000 more than the same period last year.

2. Proclamation declaring March 4, 2011 as the City of Bedford Employee Appreciation Day.

Mayor Story read a proclamation declaring March 4, 2011 as the City of Bedford Employee Appreciation Day.

3. Employee Service Recognition

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

Bedford:

Kevin O'Dell, Public Works – 5 years of service

Rodney Dearing, Fire Department – 20 years of service

City Manager Beverly Queen Griffith also recognized Police Chief David Flory on his retirement and Mayor Story presented him with a plaque in appreciation of his 31 years of service to the City of Bedford.

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes:

a) February 8, 2011 regular meeting

Motioned by Councilman Champney, seconded by Councilman Griffin, to approve the minutes of the February 8, 2011 regular meeting.

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

Councilman Turner abstained due to not being at that meeting.

NEW BUSINESS

5. Public hearing to receive citizen comments on the City's application for the Texas Parks and Wildlife Department Local Park Grant Program.

Jeannette Cooke, Chairperson of the Parks and Recreation Board, wanted to address the Council about the public hearing. The Board is asking for support of the grant application. It is a really good, competitive application and they hope to get some money from the State as well as a match in order to make improvements to the Boys Ranch so it can be a top notch facility for years to come.

Mayor Story opened the public hearing at 7:09 p.m.

Nobody chose to speak at tonight's public hearing.

Mayor Story closed the public hearing at 7:09 p.m.

6. Consider a resolution of the City of Bedford, Tarrant County, Texas hereinafter referred to as "applicant," designating certain officials as being responsible for, acting for, and on behalf of the applicant in dealing with the Texas Parks & Wildlife Department, hereinafter referred to as "department," for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the "program"; certifying that the applicant is eligible to receive program assistance; certifying that the applicant matching share is readily available; dedicating the proposed site for permanent public park and recreational uses; and certifying that the application has been submitted to the appropriate regional council of governments for the Texas Review and Comment System (TRACS) review.

John Fain of DFL Group, the consultant on this project, stated that the winners of the grant are usually announced in July. He still has not heard what the budget is for the Texas Parks and Wildlife Department and that grants are being cut like every other department in the state. He is committed to staying with Parks and Recreation in order to resubmit the application as many times as necessary, pro bono. He explained that the Parks and Wildlife Department rank all the applications and will go down the list; when the money runs out, that is the end of it. The City could get less than what it is asking for if they are close to the bottom of the list. City Manager Beverly Queen Griffith stated that the City's match would come from certificates of obligation.

Motioned by Councilman Griffin, seconded by Councilman Champney, to approve a resolution of the City of Bedford, Tarrant County, Texas hereinafter referred to as "applicant," designating certain officials as being responsible for, acting for, and on behalf of the applicant in dealing with the Texas Parks & Wildlife

Department, hereinafter referred to as “department,” for the purpose of participating in the Local Park Grant Program, hereinafter referred to as the “program”; certifying that the applicant is eligible to receive program assistance; certifying that the applicant matching share is readily available; dedicating the proposed site for permanent public park and recreational uses; and certifying that the application has been submitted to the appropriate regional council of governments for the Texas Review and Comment System (TRACS) review.

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

7. Consider a resolution of the City Council of Bedford, Texas, authorizing the submission of the grant application for a mobile observation tower through the Office of the Governor, Criminal Justice Division.

Motioned by Councilman Brown, seconded by Councilman Champney, to approve a resolution of the City Council of Bedford, Texas, authorizing the submission of the grant application for a mobile observation tower through the Office of the Governor, Criminal Justice Division.

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

8. Consider a resolution accepting the purchase of naming rights for a four-person study room located in the Bedford Public Library by Kevin and Alicia McGlinchey in the amount of \$5,000.

This item was approved by consent.

9. Consider a resolution authorizing the City Manager to execute an agreement with Bluebonnet Contractors, LLC as it relates to the cost of relocating utilities for development of State Highway 183 as part of the North Tarrant Express Project.

This item was approved by consent.

10. Consider a resolution authorizing the City Manager to enter into Change Order #1 with Paradigm Traffic Systems, Inc. in the amount of \$65,862 for the Advanced Traffic Management System Equipment.

This item was approved by consent.

11. Consider a resolution authorizing the City Manager to enter into a Purchase Order with Tex Op Construction, LP for the milling of Shady Brook Drive from Bedford Road to just past Shady Lake Drive, Shady Brook Drive turnout and Shady Wood Drive from Shady Brook Drive to S.H. 183 Frontage Road in the amount of \$24,140.

This item was approved by consent.

12. Consider a resolution authorizing the City Manager to sign a sanitary control easement for Tract B, Block 9, of the Bedford Heights Addition.

This item was approved by consent.

13. Consider a resolution authorizing the City Manager to sign a sanitary control easement for Lot 2 and Lot 6R2, Block 3, of the Kelmont Park Addition.

This item was approved by consent.

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

- ✓ **Animal Control Board- Councilman Griffin**

No report was given.

✓ **Animal Shelter Advisory Board- Councilman Griffin**

No report was given.

✓ **Beautification Commission- Councilman Turner**

Councilman Turner stated that the Beautification Commission will have a work day on March 26.

✓ **Community Affairs Commission- Councilman Fisher**

Councilman Fisher mentioned the website for the Shop Bedford First program at www.shopbedfordfirst.com

✓ **Library Board- Councilman Brown**

No report was given.

✓ **Senior Citizen Advisory Board- Councilman Savage**

No report was given.

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

Councilman Champney attended the meeting last Thursday. The Board has selected Texas Star for their banquet in April. Tickets are \$15.00. They will finalize the details at their meeting next month.

15. Council member reports

No additional reports by Council members were given.

16. City Manager report

City Manager Beverly Queen Griffith gave no report at tonight's meeting.

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

No action was necessary as a result of Executive Session.

ADJOURNMENT

Mayor Story adjourned the meeting at 8:10 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER:

John F. Kubala, P.E., Public Works Director

ITEM:

Public hearing and consider a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 37th Year Program for the sanitary sewer improvements in Winchester Way from Schumac Lane to Savannah Way, Memphis Drive from Winchester Way to Central Drive, Central Drive from Schumac Lane to Knoxville Drive and the cul-de-sac on Savannah Way between Schumac Lane and Winchester Way.

DISCUSSION:

The Tarrant County Community Development Block Grant Program allows cities to pursue project funding for public improvements, rehabilitation of property, economic development activities, etc., in selected target areas. Four target areas were identified in the City of Bedford for consideration of block grant funding. We originally proposed milling and placing 2" asphalt overlay on Bedford Court East, Phyllis Street and Gaye Street. We were informed by Tarrant County that the work was not eligible for CDBG funding. The funding would not pay for rebuilding the streets.

We have proposed improving the sanitary sewer lines in Winchester Way from Schumac Lane to Savannah Way, Memphis Drive from Winchester Way to Central Drive, Central Drive from Schumac Lane to Knoxville Drive and the cul-de-sac on Savannah Way between Schumac Lane and Winchester Way. The sanitary sewer mains in this area have deteriorated to the point where they need to be replaced or rehabilitated. The deteriorated sewer mains require continual maintenance by Public Works wastewater crews and are susceptible to sanitary sewer backups. When the sewer mains are allowed to fully deteriorate, they cannot be repaired using cured-in-place pipe, i.e. Insituform. The cost of repairs will then be substantially higher. This project is not part of the Capital Improvement Program.

The estimated cost of the improvements is \$157,000. We do not expect to receive this amount in grant funds this year. Also, it is unknown at this time if CDBG funding is in danger of being eliminated. The project will be spread out over two grant years. The bids will be broken up into several alternates in order to structure the bids so that we can match the grant amount as close as possible. The final amount of funding will depend upon Tarrant County's CDBG allocation to Bedford. We expect to hear back from Tarrant County sometime this summer on the amount of funding we will receive. The City is contributing the cost of the engineering design for the CDBG project as it is not part of the grant. The amount is based on a percentage of the total cost of the project. The design will be performed by J. Richard Perkins, P.E., Consultant City Engineer. Funding for the design will come from the Public Works Engineering Division budget.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant (CDBG) 37th Year Program for the

sanitary sewer improvements in Winchester Way from Schumac Lane to Savannah Way, Memphis Drive from Winchester Way to Central Drive, Central Drive from Schumac Lane to Knoxville Drive and the cul-de-sac on Savannah Way between Schumac Lane and Winchester Way.

FISCAL IMPACT:

CDBG Funds (2 Years) - \$157,000
Public Works Funds - \$10,000

ATTACHMENTS:

Resolution
Project Location Map

RESOLUTION NO. 11-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURSUE GRANT FUNDING FROM THE TARRANT COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT 37TH YEAR PROGRAM FOR THE SANITARY SEWER IMPROVEMENTS IN WINCHESTER WAY FROM SCHUMAC LANE TO SAVANNAH WAY, MEMPHIS DRIVE FROM WINCHESTER WAY TO CENTRAL DRIVE, CENTRAL DRIVE FROM SCHUMAC LANE TO KNOXVILLE DRIVE AND THE CUL-DE-SAC ON SAVANNAH WAY BETWEEN SCHUMAC LANE AND WINCHESTER WAY.

WHEREAS, the City Council of Bedford, Texas desires to pursue grant funding from the Community Development Block Grant Program for the sanitary sewer improvements; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to provide for the health and safety of its citizens.

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

SECTION 1. That the City Council does hereby authorize the City Manager to pursue grant funding from the Tarrant County Community Development Block Grant 37th Year Program for the sanitary sewer improvements in Winchester Way from Schumac Lane to Savannah Way, Memphis Drive from Winchester Way to Central Drive, Central Drive from Schumac Lane to Knoxville Drive and the cul-de-sac on Savannah Way between Schumac Lane and Winchester Way.

PASSED AND APPROVED this 8th day of March, 2011, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

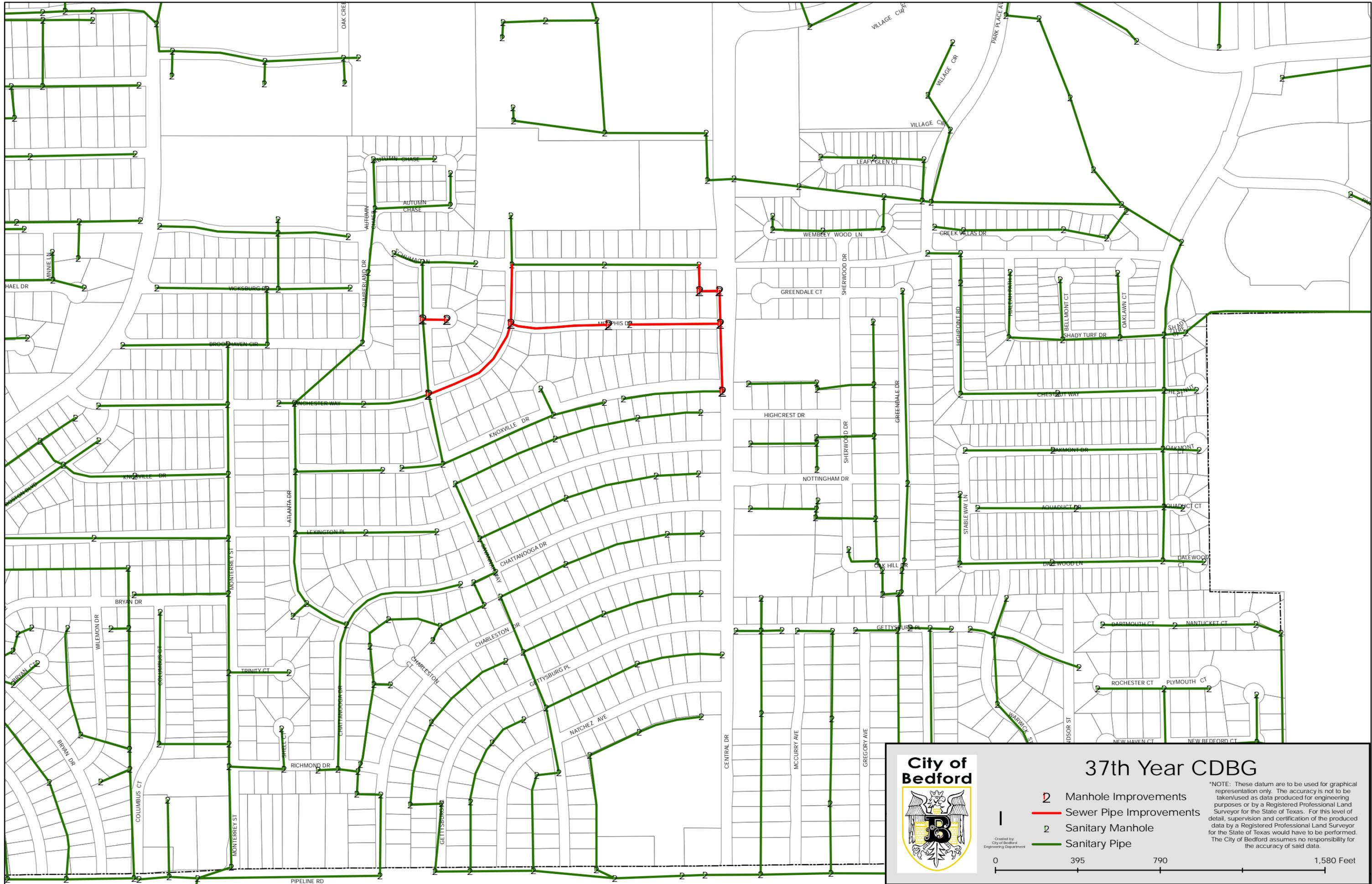
Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry City Attorney



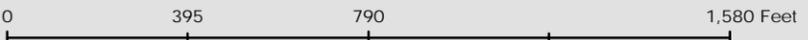
City of Bedford



37th Year CDBG

-  Sewer Pipe Improvements
-  Sanitary Pipe
-  Sanitary Manhole
-  Manhole Improvements

Created by:
City of Bedford
Engineering Department



*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:

Roger Gibson, Interim Police Chief
Les Hawkins, Deputy Police Chief

ITEM:

Consider an ordinance amending Chapter 50, Article II “Alarm Systems;” amending definitions; providing for alarm system permits and that permit required; providing for proper alarm system operation and maintenance; providing that direct alarm reporting prohibited with certain exceptions; providing for protection of financial institutions; providing for permit; providing for appeals; providing for false alarm notification; establishing a penalty; providing for exceptions; providing a severability clause; and declaring an effective date.

DISCUSSION:

The Police Department has determined a need to make revisions to the current ordinance governing alarms for purposes of removing guidelines as they relate to fire alarms. The Police Department’s alarm permitting program does not govern nor respond to fire alarms; therefore, a separate ordinance is warranted. In addition, fees associated with alarm permitting were removed and referred to the Code of Ordinances Schedule of Fees. Further, false alarm fine amounts were updated to be in line with current practice and state laws. Due to the fact that this ordinance has not been updated in several years, minor changes were also made to existing verbiage in order to make the ordinance more clear and concise.

The Fire Department will be presenting a new ordinance for Council consideration that will govern fire alarms.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending Chapter 50, Article II “Alarm Systems;” amending definitions; providing for alarm system permits and that permit required; providing for proper alarm system operation and maintenance; providing that direct alarm reporting prohibited with certain exceptions; providing for protection of financial institutions; providing for permit; providing for appeals; providing for false alarm notification; establishing a penalty; providing for exceptions; providing a severability clause; and declaring an effective date.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Red Line Ordinance

ORDINANCE NO. 11-

AN ORDINANCE AMENDING THE BEDFORD CODE OF ORDINANCES CHAPTER 50, ARTICLE II "ALARM SYSTEMS;" AMENDING DEFINITIONS; PROVIDING FOR ALARM SYSTEMS AND THAT PERMIT REQUIRED; PROVIDING FOR PROPER ALARM SYSTEM OPERATION AND MAINTENANCE; PROVIDING THAT DIRECT ALARM REPORTING PROHIBITED WITH CERTAIN EXCEPTIONS; PROVIDING FOR PROTECTION OF FINANCIAL INSTITUTIONS; PROVIDING FOR REVOCATION OR DENIAL OF PERMIT; PROVIDING FOR APPEALS; PROVIDING FOR FALSE ALARM NOTIFICATION; ESTABLISHING A PENALTY; PROVIDING FOR EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

SECTION 2. That the City of Bedford Code of Ordinances Chapter 50, Article II, "Alarm Systems" SECTIONS 50-31 through 50-40 are hereby amended in their entirety to read as follows:

Section 50-31. DEFINITIONS

- (A) ALARM SYSTEM, in this chapter, means a device or system that emits, transmits, or relays a signal that is intended to notify the police department of an unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, an attempt to take a person hostage, and is intended to summon, or that would reasonably be expected to summon, public safety services of the City, including, but not limited to, local alarms. Alarm system does not include:
- (1) An alarm installed on a vehicle unless the vehicle is permanently located at a site; or,
 - (2) An alarm designed to alert only the inhabitants of the premises having the alarm system and which does not have a broadcast alarm.
- (B) ALARM NOTIFICATION means a notification intended to summon police services, which is designed either to be initiated purposely by a person or by an alarm system that responds to an unauthorized intrusion.
- (C) ALARM SITE means a single premise or location (one street address) served by an alarm system or systems that are under the control of one owner.
- (D) BROADCAST ALARM means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.
- (E) PERMIT HOLDER OR PERSON IN CONTROL means the person designated as such in the application for an alarm permit or the person that is responsible for responding to alarms and giving access to the site and who is also responsible for proper maintenance and operation of the alarm system and payment of fees. Such person must be at least eighteen (18) years of age.
- (F) PERSON means an individual, corporation, partnership, association, organization or similar entity.

Section 50-32. ALARM SYSTEM PERMITS

- (A) Permit Required.

- (1) A person commits an offense if he operates or causes to be operated, an alarm system without an alarm system permit issued by the Police Department.
- (2) A separate permit is required for each street address.
- (3) The fee for each permit shall be as set forth in Appendix A of the City of Bedford Code of Ordinances Schedule of Fees and which shall meet any state law requirements.
- (4) A permit shall be renewed annually.

(B) Form of Application.

(1) Application

- (a) Application for licenses required by the provisions of this Chapter shall be filed with the Police Department on the appropriate application form.
 - (b) If the applicant is an individual, the application shall be submitted by such person responsible to be named as the designated permit holder. If the applicant is an individual and does not reside, operate any business or is not employed within the State, then the application must also provide information relative to the individual having authority and responsibility for the management and operations of the property for which the alarm permit is sought and the information for the owner or occupant of the property. If the applicant is an employee of the property owner, the owner or occupant must also be a permit holder.
 - (c) If the applicant is a firm or partnership, the application shall be submitted by the person who owns or is in control of the property or a general partner. If no owner or general partner resides, operates a business or is employed within the State, then the application must also be submitted by the individual having the authority and responsibility for the management and operations at the property where the alarm is located and the information for the owner or occupant of the property. If the applicant is an employee of the property owner, the owner or occupant must also be a permit holder.
 - (d) If the applicant is a corporation, and none of its principal corporate officers are responsible for the management and operations of the alarm business within the State, the application shall be submitted by the individual having the authority and responsibility for the management and operations of the alarm business within the State and the information for the owner or occupant of the property. If the applicant is an employee of the property owner, the owner or occupant must also be a permit holder.
- (2) If the applicant is a corporation, the application shall specify the location of the applicant's principal place of business, and the registered agent for service for the corporation.
 - (3) If the applicant is a partnership, the application shall specify the location of the applicant's principal place of business and must provide information for at least one local contact person. Only one member of the partnership is required to submit the permit application. The names, business addresses and residence addresses of each additional partner may be provided in the Emergency Contact section of the permit application.
 - (4) The permit application shall include the following information for each permit holder:

- (a) The individual's full name, drivers license number and residence address;
 - (b) The individual's residence and business telephone number;
 - (c) The individual's date of birth;
 - (d) The name, address, and telephone number of the alarm company, to include the business telephone number and 24-hour contact telephone number;
 - (e) The address of the location of the alarm system site;
 - (f) Classification of the alarm system site as residential or business;
 - (g) Any other information required by the Police Department, which is necessary for the enforcement of this Chapter.
- (C) **Permit Issuance or Denial.** Upon receipt of a completed application form, the Police Department shall issue an alarm system permit to an applicant unless the applicant:
- (1) Has had an alarm system permit for the alarm site revoked and the violation causing the revocation has not been corrected;
 - (2) Has made a false statement of a material matter;
 - (3) Committed any act, which, if committed by a licensee, would be grounds for the revocation of a license under this Chapter; or
 - (4) While unlicensed, knowingly and willfully committed, or aided and abetted in commission, of any act for which a license is required by this Chapter.
- (D) **Transfer and Amendments.** An alarm system permit cannot be transferred to another address location within the City. A permit holder shall inform the Police Department of any change that alters any information listed on the permit application within two (2) business days. No fee will be assessed for such changes.
- (E) **Fees Paid.** All fees owed by an applicant must be paid before a permit may be issued or renewed.
- (F) **Permit Renewal.** A permit for an alarm system is valid for one year. A permit will be revoked for non-renewal upon thirty (30) days written notice from the Police Department to the permit holder.

Section 50-33. PROPER ALARM SYSTEM OPERATION AND MAINTENANCE

- (A) A permit holder or person in control of an alarm system shall:
- (1) Maintain the premises containing an alarm system in a manner that assures proper operation of the alarm system;
 - (2) Maintain the alarm system in a manner that will minimize false alarm notification;
 - (3) Respond to or cause a representative to respond within a reasonable period of time, which period shall be designated by the City, when requested by the City to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
 - (4) Not manually activate an alarm for any reason other than the occurrence of an event that the alarm system was intended to report; and

- (5) Notify the Police Department prior to activating an alarm system or fire alarm for maintenance purposes.
- (B) A permit holder or person in control of an alarm system shall not utilize any alarm system which causes an audible signal to be emitted continuously or intermittently for more than thirty (30) minutes after being activated or which emits a subsequent alarm without being reset which would constitute a nuisance and a violation of this ordinance.
- (C) A permit holder or person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this Chapter and any other Chapter of this Code, or, for an alarm that is not licensed by the Texas Board of Private Investigators or Private Security Agencies.
- (D) A permit holder or person in control of an alarm system shall maintain a complete set of written operation instructions for each alarm system at each alarm site. Special codes, combinations, or passwords must not be included in these instructions.

Section 50-34. DIRECT ALARM REPORTING: AUTOMATIC ALARM NOTIFICATION PROHIBITED

An alarm system which transmits automatic alarm notification directly to the communication center of the Police Department is prohibited, except for such systems currently in place on date of original adoption of this section and to the original permit holder thereunder, or as authorized in Article II. Section 50-35 hereof, or under special circumstances as approved by the Police Chief.

Section 50-35. PROTECTION OF FINANCIAL INSTITUTIONS

- (A) A financial institution required to have a security/fire alarm system pursuant to the provisions of the Bank Protection Act of 1968 (12 U.S.C., Section 1882) may install, with the permission of the Police Department, a signal line directly to the Police Department for the purpose of reporting burglaries and robberies. If such an arrangement is made, all other requirements of this Chapter must be met. The financial institution shall execute a letter of agreement with the City permitting the installation of all necessary equipment on an indicator panel monitored in the Communications Division of the Police Department. The installation must be accomplished at the institution's expense.
- (B) The financial institution shall pay an annual fee to be determined for each indicator. The Police Department shall have the right, at reasonable times and upon oral notice, to inspect the alarm system at the alarm site and require necessary repairs or improvements. If the Police Department finds that the alarm system continually fails to operate properly, or to be operated improperly, the Police Department may terminate the privilege to have equipment and indicators in the Communications Division of the Police Department and require prompt removal of the equipment at the expense of the financial institution.
- (C) The financial institution, at its own expense, shall make arrangements to provide service for the alarm system on a 24-hour basis, seven days a week. In no event shall the City become liable for charges for repairs and maintenance.
- (D) The financial institution may cancel its agreement with the City at any time by giving the City written notice through the Police Department, and at its own

expense, remove its equipment and indicators from the monitor panel in the Communications Division.

- (E) The Police Department may require any change, modernization, or consolidation of alarm signaling equipment that the Police Department deems advisable. In no event shall the City become liable for charges for these changes.
- (F) Instead of a direct line, a financial institution may report burglaries and robberies by transmission through an alarm reporting service using special equipment designated by the Police Department.

Section 50-36. REVOCATION OR DENIAL OF ALARM SYSTEM PERMITS

- (A) The Police Department shall revoke or deny an alarm system permit if it is determined that:
 - (1) There is a false statement of a material matter in the application for permit; or,
 - (2) The permit holder has violated any provision of this Chapter.
- (B) A person commits an offense if he operates an alarm system during the period in which the person does not have an alarm permit.

Section 50-37. APPEALS

- (A) If the Police Department refuses to issue a permit, or revokes a permit, the Department shall notify the applicant or permit holder by any means, including hand delivery or certified mail, return receipt requested, written notice of the action taken and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the Police Department to the City Manager by filing with the City Manager a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the Police Department. The filing of a request for an appeal hearing with the City Manager stays an action of the Police Department in revoking a permit until the City Manager, or designated representative, makes a final decision. If a request for an appeal hearing is not made within the ten day period, the action of the Police Department is final.
- (B) The City Manager, or representative, shall serve as Hearing Officer at an appeal and consider evidence by an interested person. The formal rules of evidence do not apply at an appeal hearing and the Hearing Officer shall make his/her decision on the basis of a preponderance of the evidence presented at the hearing. The Hearing Officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Hearing Officer shall affirm, reverse, or modify the action of the Police Department. The decision of the Hearing Officer is final as to administrative remedies with the City.

Section 50-38. FALSE ALARM NOTIFICATION

- (A) Except as otherwise provided, each false alarm notification emitted from any alarm system after the third (3rd) false alarm that has occurred during the preceding 12-month period shall constitute a violation of this chapter.
- (B) If a person notifies the Police Department and applies for an alarm system permit before a new alarm system is put into service, false alarm notification during the first sixty (60) days after the system is put into service will not be counted in

determining when a violation exists.

- (C) If the responding officer or fire personnel determines that an alarm notification was caused by smoke or fire, unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, or an attempt to take a person hostage, that notification will not be counted as a false alarm.
- (D) A false alarm system notification will not be counted in determining when a violation exists if the permit holder can prove to the satisfaction of the City that the alarm notification was the result of a severe weather condition that caused physical damage to the alarm site, or the result of the malfunction of the telephone lines for the transmission of alarm signals, proof of the latter being documented upon the telephone company work orders or time stamped records from the alarm company showing the period of interrupted service.
- (E) Except as otherwise provided in subsections (A)(B)(C) and (D) above, the holder of an alarm permit shall pay a service fee for each false alarm notification emitted from each false alarm system for each false alarm occurring after the third (3rd) false alarm occurring within the preceding 12-month period within any 12-month period as follows:
 - (1) Not to exceed fifty dollars (\$50.00) if the location has had more than three but fewer than six other false alarms in the preceding 12-month period;
 - (2) Not to exceed seventy-five dollars (\$75.00) if the location has had more than five but fewer than eight other false alarms in the preceding 12-month period; or
 - (3) Not to exceed one hundred dollars (\$100.00) if the location has had eight or more false alarms in the preceding 12-month period.
- (F) Failure to pay the designated service fee for violation of subsection (E) above, within the allotted time frame as established by the City, may result in the revocation of the alarm permit.

Section 50-39. VIOLATION; PENALTY

- (A) A person commits an offense if he violates by commission or omission any provision of this Chapter that imposes upon him a duty or responsibility.
- (B) A person who violates a provision of this Chapter is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each violation is punishable by a fine of not more than the maximum allowed by State law.
- (C) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Chapter to hold a corporation, partnership, or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership, or other association, and within the scope of his employment.

Section 50-40. EXCEPTIONS

- (A) This Chapter shall not apply to alarm systems operated by local, state or federal government entities.
- (B) This section does not apply to conduct prohibited by the Penal Code or the Education Code or any other state law prohibiting making a false alarm.

SECTION 3. 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 4. 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 5. 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 of not guilty, nolo contendere, or dismissal.

SECTION 6. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed 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 7. 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 8. 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 on this 22nd day of February, 2011, by a vote of ___ ayes, ___ nays, ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

ORDINANCE NO. ~~241411~~

AN ORDINANCE AMENDING THE BEDFORD CODE OF ORDINANCES CHAPTER 50 , ARTICLE II "ALARM SYSTEMS"; AMENDING DEFINITIONS; ~~PROVIDING FOR ALARM SYSTEMS AND THAT PERMIT REQUIRED; PROVIDING FOR PROPER ALARM SYSTEM OPERATION AND MAINTENANCE; PROVIDING THAT DIRECT ALARM REPORTING PROHIBITED WITH CERTAIN EXCEPTIONS; PROVIDING FOR PROTECTION OF FINANCIAL INSTITUTIONS; ADDING PERMIT FEE FOR FIRE ALARM USERS; PROVIDING FOR REVOCATION OR DENIAL OF PERMIT; AND FOR APPEALS THEREFROM; PROVIDING FOR APPEALS; PROVIDING FOR FALSE ALARM NOTIFICATION; ESTABLISHING A PENALTY; PROVIDING FOR EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.~~

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

SECTION 1. ~~That the City of Bedford Code of Ordinances Chapter 50-31, Article II, "Alarm Systems," is hereby amended in its entirety to read as follows: That Aall matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.~~

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SECTION 2. That the City of Bedford Code of Ordinances Chapter 50, Article II, "Alarm Systems" SECTIONS 50-31 THROUGH 50-40 are hereby amended in its entirety to read as follows:

Section 50-31. DEFINITIONS

(A) ALARM SYSTEM, in this chapter, means a device or system that emits, transmits, or relays a signal that is intended to notify the ~~public safety~~ police department of an unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, an attempt to take a person hostage, ~~the presence of smoke, heat or fire~~, and, is intended to summon, or that would reasonably be expected to summon, public safety services of the City, including, but not limited to, local alarms. Alarm system does not include:

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- (1) An alarm installed on a vehicle unless the vehicle is permanently located at a site; or
- (2) An alarm designed to alert only the inhabitants of the premises having the alarm system and which does not have a broadcast alarm.

(B) ALARM NOTIFICATION means a notification intended to summon police/~~fire~~ services, which is designed either to be initiated purposely by a person or by an alarm system that responds to an ~~stimulus characteristic of fire or~~ unauthorized intrusion.

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(C) ALARM SITE means a single premise or location (one street address) served by an alarm system or systems that are under the control of one owner.

(D) BROADCAST ALARM means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure.

(E) ~~CHIEF means the Police Chief chief of public safety of the City or his authorized representative.~~

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~~(F) Fire alarm means any system or device that is permitted and installed to meet the minimum standards of the Bedford Fire Code and appropriate state requirements and designed as an automatic communication device giving early warning of smoke, heat, fire, suppression system activation, and trouble, including the~~

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~~notification of a U.L. listed approved central station.~~

~~(G) FIRE MARSHAL means the fire marshal of the City or his authorized representative.~~

~~(H)(EF) PERMIT HOLDER OR PERSON IN CONTROL means the person designated as such in the application for an alarm permit or the person that is responsible for responding to alarms and giving access to the site and who is also responsible for proper maintenance and operation of the alarm system and payment of fees. Such person must be at least eighteen (18) years of age.~~

~~(I)(FG) PERSON means an individual, corporation, partnership, association, organization or similar entity.~~

Section 50-35(32). ALARM SYSTEM PERMITS

(A) Permit Required.

~~(1) A person commits an offense if he operates or causes to be operated, an alarm system without an alarm system permit issued by the Chief Police Department.~~

~~(2) A separate permit is required for each street address.~~

~~(3) The fee for each permit shall be Twenty-five Dollars (\$25.00) as set forth in Appendix A of the City of Bedford Code of Ordinances Schedule of Fees and which shall meet any state law requirements.~~

~~(4) and A permit shall be renewed annually.~~

(B) Form of Application.

(1) Application.

~~(a) Application for licenses required by the provisions of this Chapter shall be filed with the Chief Police Department of Public Safety on a form provided by the Chief. the appropriate application form.~~

~~(b) If the applicant is an individual, the application shall be subscribed and sworn to submitted by such person responsible to be named as the designated permit holder. If the applicant is an individual and does not reside, operate any business or is not employed within the State, or in the event the applicant is then the application must also provide information relative to the individual having authority and responsibility for the management and operations of the property for which the alarm permit is sought and the information for the owner or occupant of the property. If the applicant is an employee of the property owner, the owner or occupant must also be a permit holder.~~

~~(c) If the applicant is a firm or partnership, the application shall be submitted by the person who owns or is in control of the property or a general partner. and If no owner or general partner resides, operates a business or is employed within the State, then the application must also be subscribed and sworn to submitted by the individual having the authority and responsibility for the management and operations of the alarm business within the State at the property where the alarm is located and the information for the owner or occupant of the property. If the applicant is an employee of the property owner, the owner or occupant must also be a permit holder.~~

~~(d) If the applicant is a corporation, and none of its principal corporate officers are responsible for the management and operations of the alarm business within the State, the application shall be submitted by the individual having the authority and responsibility for the management and~~

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operations of the alarm business within the State and the information for the owner or occupant of the property. If the applicant is an employee of the property owner, the owner or occupant must also be a permit holder, subscribed and sworn to by at least one principal corporate officer. If the applicant is a corporation and none of its principal corporate officers are responsible for the management and operations of the alarm business within the State, the application shall also be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the alarm business within the State.

(2) If the applicant is a corporation, the application shall specify the date and place of its incorporation, location of the applicant's principal place of business, and the registered agent for service for the corporation, a list of the principal corporate officers and the business address, residence address and the office or position held by each principal corporate officer.

(3) If the applicant is a partnership, the application shall specify the location of the applicant's principal place of business and must provide information for at least one local contact person. Only one member of the partnership is required to submit the permit application. The names, business addresses and residence addresses of each additional partner may be provided in the Emergency Contact section of the permit application.

(4) The permit application shall include the following information for each permit holder individual required to subscribe and swear to it:

(a) The individual's full name, business address, drivers license number and residence address;

(b) The individual's residence and business telephone number;

(c) The individual's date and place of birth;

(d) The name, address, and telephone number of the alarm company, to include the business telephone number and 24-hour contact telephone number.

(5) Each permit application must contain the following information:

(a) (e) The address of the location of the alarm system site;

(b) A description by brand and general type of the alarm system stating the manner in which the alarm will be given, and if the alarm is to be transmitted to a central office, the name, address and telephone number of the operator of the central office;

(c) (f) Classification of the alarm system site as residential or business; single family, multi-family or commercial;

(d) (g) Any other information required by the Chief Police Department, which is necessary for the enforcement of this Chapter.

(6) Owner/Operators of fire protection alarm systems, in a commercial, business, medical, institutional and multi-family occupancy, the alarm not being part of a security system, are required to hold a valid "fire marshal's

~~annual permit” instead of a permit issued by the public safety department.~~

(C) Permit Issuance or Denial. Upon receipt of a completed application form, the Chief Police Department shall issue an alarm system permit to an applicant unless the applicant:

- (1) Has had an alarm system permit for the alarm site revoked and the violation causing the revocation has not been corrected;
- (2) Has made a false statement of a material matter;
- (3) Committed any act, which, if committed by a licensee, would be grounds for the revocation of a license under this Chapter; or
- (4) While unlicensed, knowingly and willfully committed, or aided and abetted in commission, of any act for which a license is required by this Chapter.

(D) Transfer and Amendments. An alarm system permit cannot be transferred to another person at the same location another address location within the City. A permit holder shall inform the Chief Police Department of any change that alters any information listed on the permit application within two (2) business days. No fee will be assessed for such changes.

(E) Fees Paid. All fees owed by an applicant must be paid before a permit may be issued or renewed.

(F) Permit Renewal. A permit for an alarm system is valid for one year. A permit will be revoked for non-renewal upon thirty (30) days written notice from the Police ChiefDepartment to the permit holder.

Section 50-32 33. PROPER ALARM SYSTEM OPERATION AND MAINTENANCE

(A) A permit holder or person in control of an alarm system shall:

- (1) Maintain the premises containing an alarm system in a manner that assures proper operation of the alarm system;**
- (2) Maintain the alarm system in a manner that will minimize false alarm notification;**
- (3) Respond to or cause a representative to respond within a reasonable period of time, which period shall be designated by the City, when requested by the City to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;**
- (4) Not manually activate an alarm for any reason other than the occurrence of an event that the alarm system was intended to report; and**
- (5) Notify the ~~public safety~~police department prior to activating an alarm system security or fire alarm for maintenance purposes.**

~~**(6) Notify the fire department and U.L. listed central station prior to any fire drills or tests that may or may not cause the activation of a fire alarm system.**~~

(B) A permit holder or person in control of an security or fire alarm alarm system

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Comment [k1]: This is not defined... are you talking about the security company?

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shall not utilize any alarm system which causes an audible signal to be emitted continuously or intermittently for more than thirty (30) minutes after being activated or which emits a subsequent alarm without being reset which would constitute a nuisance and a violation of this ordinance.

- (C) A permit holder or person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this Chapter and any other Chapter of this Code, ~~any rules and regulations promulgated by the Chief or Fire Marshal, or, for an alarm security/fire alarm system~~, that is not licensed by the Texas Board of Private Investigators or Private Security Agencies.

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- (D) A permit holder or person in control of an ~~alarm security/fire alarm~~ system shall maintain a complete set of written operation instructions for each alarm system at each alarm site. Special codes, combinations, or passwords must not be included in these instructions.

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~~Section 50-33-34~~ DIRECT ALARM REPORTING: AUTOMATIC ALARM NOTIFICATION PROHIBITED

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An alarm system which transmits automatic alarm notification directly to the communication center of the ~~public safety~~ police department is prohibited, except for such systems currently in place on date of ~~original adoption of hereof this section~~ and to the original permit holder thereunder, or as authorized in Article II. ~~Section 50-34 35 hereof, or under special circumstances approved by the Police Chief.~~

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~~Section 50-34-~~ 35. PROTECTION OF FINANCIAL INSTITUTIONS

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- (A) A financial institution required to have a security/fire alarm system pursuant to the provisions of the Bank Protection Act of 1968 (12 U.S.C., Section 1882) may install, with the permission of the ~~Chief Police Department~~, a signal line directly to the ~~public safety~~ police department for the purpose of reporting burglaries and robberies. If such an arrangement is made, all other requirements of this chapter must be met. The financial institution shall execute a letter of agreement with the City permitting the installation of all necessary equipment on an indicator panel monitored in the ~~Communications Division~~ of the ~~Police Department~~. The installation must be accomplished at the institution's expense.

Comment [k2]: Is this something we actually practice?

- (B) The financial institution shall pay an annual fee to be determined for each indicator. The ~~Chief Police Department~~ shall have the right, at reasonable times and upon oral notice, to inspect the alarm system at the alarm site and require necessary repairs or improvements. If the ~~Chief Police Department~~ finds that the alarm system continually fails to operate properly, or to be operated improperly, ~~he the chief Police Department~~ may terminate the privilege to have equipment and indicators in the ~~Communications center Division~~ of the ~~public safety Police Department~~ and require prompt removal of the equipment at the expense of the financial institution.

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- (C) The financial institution, at its own expense, shall make arrangements to provide service for the alarm system on a 24-hour basis, seven days a week. In no event shall the City become liable for charges for repairs and maintenance.

- (D) The financial institution may cancel its agreement with the City at any time by giving the City written notice through the ~~Chief Police Department~~, and at its own expense, remove its equipment and indicators from the monitor panel in the ~~Communications Division~~ center.

(E) The ~~Chief Police Department~~ may require any change, modernization, or consolidation of alarm signaling equipment that ~~he~~ ~~the chiefPolice Department~~ deems advisable. In no event shall the City become liable for charges for these changes.

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(F) Instead of a direct line, a financial institution may report burglaries and robberies by transmission through an alarm reporting service using special equipment designated by the ~~ChiefPolice Department~~.

Section 50-35. ALARM SYSTEM PERMITS

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~~(A) Permit Required. A person commits an offense if he operates or causes to be operated, an alarm system without an alarm system permit issued by the Chief. A separate permit is required for each street address. The fee for each permit shall be Twenty-five Dollars (\$25.00) and shall be renewed annually.~~

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~~(B) Form of Application.~~

~~(1) Application for licenses required by the provisions of this Chapter shall be filed with the Chief of Public Safety on a form provided by the Chief. If the applicant is an individual, the application shall be subscribed and sworn to by such person. If the applicant is an individual and does not reside, operate any business or is not employed within the State, or in the event the applicant is a firm or partnership and no owner or general partner resides, operates a business or is employed within the State, then the application must also be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the alarm business within the State. If the applicant is a corporation, the application shall be subscribed and sworn to by at least one principal corporate officer. If the applicant is a corporation and none of its principal corporate officers are responsible for the management and operations of the alarm business within the State, the application shall also be subscribed and sworn to by the individual having the authority and responsibility for the management and operations of the alarm business within the State.~~

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~~(2) If the applicant is a corporation, the application shall specify the date and place of its incorporation, the location of the applicant's principal place of business, a list of the principal corporate officers and the business address, residence address and the office or position held by each principal corporate officer.~~

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~~(3) If the applicant is a partnership, the application shall specify the location of the applicant's principal place of business and the names, business addresses and residence addresses of each partner.~~

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~~(4) The application shall include the following information for each individual required to subscribe and swear to it:~~

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~~(a) The individual's full name, business address, and residence address;~~

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~~(b) The individual's residence and business telephone number;~~

~~(c) The individual's date and place of birth;~~

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~~(5) Each permit application must contain the following information:~~

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~~(a) The address of the location of the alarm system site;~~

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~~(b) A description by brand and general type of the alarm system stating the manner in which the alarm will be given, and if the alarm is to be transmitted to a central office, the name, address and telephone number of the operator of the central office;~~

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~~(c) Classification of the alarm system site as single family, multi-family or commercial;~~

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~~(d) Any other information required by the Chief which is necessary for the enforcement of this Chapter.~~

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~~(6) Owner/Operators of fire protection alarm systems, in a commercial, business, medical, institutional and multi-family occupancy, the alarm not being part of a security system, are required to hold a valid "fire marshal's annual permit" instead of a permit issued by the public safety department.~~

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~~(C) Permit Issuance or Denial. Upon receipt of a completed application form, the Chief shall issue an alarm system permit to an applicant unless the applicant:~~

~~(1) Has had an alarm system permit for the alarm site revoked and the violation causing the revocation has not been corrected;~~

~~(2) Has made a false statement of a material matter;~~

~~(3) Committed any act, which, if committed by a licensee, would be grounds for the revocation of a license under this Chapter; or~~

~~(4) While unlicensed, knowingly and willfully committed, or aided and abetted in commission, of any act for which a license is required by this Chapter.~~

~~(D) Transfer and Amendments. An alarm system permit cannot be transferred to another person at the same location. A permit holder shall inform the Chief of any change that alters any information listed on the permit application within two (2) business days. No fee will be assessed for such changes.~~

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~~(E) Fees Paid. All fees owed by an applicant must be paid before a permit may be issued or renewed.~~

~~(F) Permit Renewal. A permit for an alarm system is valid for one year. A permit will be revoked for non-renewal upon thirty (30) days written notice from the Chief to the permit holder.~~

Section 50-36. REVOCATION OR DENIAL OF ALARM SYSTEM PERMITS

(A) The Chief Police Department shall revoke or deny an alarm system permit if he-it is determines that:

(1) There is a false statement of a material matter in the application for permit;

(2) The permit holder has violated any provision of this Chapter;

(B) A person commits an offense if he operates an alarm system during the period in which his alarm permit is revoked. the person does not have an alarm permit.

Section 50-37. APPEALS

- (A) If the ~~Chief Police Department~~ refuses to issue a permit, or revokes a permit, ~~he the Chief Department~~ shall ~~send to~~ notify the applicant or permit holder by ~~any means, including hand delivery or~~ certified mail, return receipt requested, written notice of ~~his the~~ action taken and a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the ~~Chief Police Department~~ to the City Manager by filing with the City Manager a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the ~~Chief Police Department~~. The filing of a request for an appeal hearing with the City Manager stays an action of the ~~Chief Police Department~~ in revoking a permit until the City Manager, or ~~his~~ designated representative makes a final decision. If a request for an appeal hearing is not made within the ten day period, the action of the ~~Chief Police Department~~ is final.
- (B) The City Manager, or ~~his~~ representative, shall serve as Hearing Officer at an appeal and consider evidence by an interested person. The formal rules of evidence do not apply at an appeal hearing and the Hearing Officer shall make ~~his/her~~ decision on the basis of a preponderance of the evidence presented at the hearing. The Hearing Officer must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Hearing Officer shall affirm, reverse, or modify the action of the ~~Chief Police Department~~. The decision of the Hearing Officer is final as to administrative remedies with the City.

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Section 50-38. FALSE ALARM NOTIFICATION

- (A) Except as otherwise provided, each false alarm notification emitted from any alarm system ~~after the fifth false alarm response within any twelve (12) month period as set forth in Appendix A of the City of Bedford Code of Ordinances Schedule of Fees~~ after the third (3rd) false alarm that has occurred during the preceding 12-month period shall constitute a violation of this ordinance.
- (B) If a person notifies the ~~Chief Police Department~~ and applies for an alarm system permit before a new alarm system is put into service, false alarm notification during the first sixty (60) days after the system is put into service will not be counted in determining when a violation exists.
- (C) If the responding officer ~~or fire personnel~~ determines that an alarm notification was caused by smoke or fire, unauthorized intrusion, attempted unauthorized intrusion, robbery, attempted robbery, or an attempt to take a person hostage, that notification will not be counted as a false alarm.
- (D) A false alarm system notification will not be counted in determining when a violation exists if the permit holder can prove to the satisfaction of the City that the alarm notification was the result of a severe weather condition that caused physical damage to the alarm site, or the result of the malfunction of the telephone lines for the transmission of alarm signals, proof of the latter being documented upon the telephone company work orders or time stamped records from the alarm company showing the period of interrupted service.
- (E) ~~Except as otherwise provided in subsections (A)(B)(C) and (D) above, the holder of an security/ fire alarm alarm permit shall pay a service fee of thirty dollars (\$30.00) for each false alarm notification emitted from each false alarm system that is in excess of five (5) false alarms within any twelve (12) month period for each false alarm occurring after the third (3rd) false alarm occurring within the preceding 12-month period within any twelve (12) month period as follows.~~

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(1) Not to exceed fifty dollars (\$50.00) if the location has had more than three but fewer than six other false alarms in the preceding 12-month period;

(2) Not to exceed seventy-five dollars (\$75.00) if the location has had more than five but fewer than eight other false alarms in the preceding 12-month period; or

(3) Not to exceed one hundred dollars (\$100.00) if the location has had eight or more false alarms in the preceding 12-month period.

(F) Failure to pay the ~~thirty (\$30.00)~~ designated service fee for violation of ~~subsection subsection~~ (E) above, within the allotted time frame as established by the City, shall ~~may~~ result in the revocation of the alarm permit.

Comment [k3]: Just thinking out loud... should this info be part of the fee schedule as well??

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Section 50-39. VIOLATION; PENALTY

(A) A person commits an offense if he violates by commission or omission any provision of this Chapter that imposes upon him a duty or responsibility.

(B) A person who violates a provision of this Chapter is guilty of a separate offense for each day or portion of a day during which the violation is committed, continued or permitted, and each violation is punishable by a fine of not more than the maximum allowed by State law.

In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this Chapter to hold a corporation, partnership, or other association criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership, or other association, and within the scope of his employment.

Section 50-40. EXCEPTIONS

(A) This Chapter shall not apply to alarm systems operated by local, state or federal government entities.

~~(B) A fire alarm notification will not be counted in determining a violation when the event occurred due to an honest mistake of a reasonable person thinking that there is a fire.~~

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~~(C)(B) The criminal act of malicious false alarm as defined as in the Fire Code and Texas Penal Code will not be applied in determining a violation of this ordinance and shall be prosecuted as prescribed by law. This section does not apply to conduct prohibited by the Penal Code or the Education Code or any other state law prohibiting making a false alarm.~~

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SECTION 23. 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 34. 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.

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SECTION 45. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be hereby are deemed repealed and of no force or effect; provided, however, that

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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 of not guilty, nolo contendere, or dismissal.

SECTION 56. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed 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 67. 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 78. 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 on ~~this First Reading this 25th~~ 22nd day of ~~November, 1997~~ February, 2011, by a vote of 7 ayes, 0 nays, 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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~~R.D. Hurt~~ Jim Story, Mayor

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ATTEST:

~~Rita Frick~~ Michael Wells, City Secretary

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APPROVED AS TO FORM:

~~Stan Lowry~~, City Attorney



Council Agenda Background

PRESENTER:

James Tindell, Fire Chief

ITEM:

Consider an ordinance amending Chapter 58, "Fire Prevention and Protection" by adopting provisions relating to fire alarm ordinances in the city limits of the City of Bedford.

DISCUSSION:

The City of Bedford Fire Department responds to an average of 150 false alarms per year. To reduce false alarms, the Fire Department recommends amending its Code of Ordinances to include a section on False Fire Alarms. Reducing the number of false alarms the Fire Department responds to each year will allow the department to devote more resources to keeping the community safe. The Fire Department responds to false fire alarms on a regular basis. Many times these alarms are the result of misuse of the system or neglect of maintenance by the alarm holder. Nationally in 2009 there were 15,100 accidents involving apparatus responding to or returning to a call for service. There were 4,965 firefighters injured in accidents during that same time period. Tragically there were 14 firefighters killed in vehicle accidents responding to or returning from a call for service. An estimated 2,600 accidents were the result of false alarms. To date, the Fire Department has not been involved in any accidents responding to or returning from a false alarm. But, given the national statistics, it is prudent to provide a deterrent for false alarms.

Each commercial (Non-Residential) occupancy with a fire alarm system will be assessed the fee of \$100.00 for an annual permit. A residential occupancy with a fire alarm system would be assessed a fee of \$50.00 for an annual permit, which would be waived if they have already paid for a Burglar Alarm permit through the Police Department.

The penalties associated with a false alarm are on an escalating scale. This escalating scale is similar to the Police Department, which allows an occupancy to have three alarms in a calendar year without any enforcement action. After three alarms, a permit holder would be assessed a fee depending on the number of total alarms received in a calendar year. This is done to encourage the property owner to maintain their alarm systems, so as to not cause an unneeded response by the Fire Department.

Each time a fire alarm is reported, a minimum of two Fire Department units respond to the incident. Currently it costs the taxpayers \$862.47 for a response to a fire incident in the City. Given the average number of false alarms responded to yearly, this equates to \$129,370.50 per year in operating costs. When the department responds to calls at a same location on a repeated basis, it is necessary to increase the fine associated with each response. The increasing penalty fee is designed to have a greater impact on the alarm permit holder to ensure that the system is maintained in proper working order. The current City of Bedford Schedule of Fees is also being amended tonight to include the new fees for fire alarm permits and false alarm responses.

The Fire Department will manage the record keeping of false fire alarms upon approval of this ordinance. There will be a sixty day grace period for alarm holders to become permitted before enforcement begins. All permits will be issued through the Fire Department. The Fire Department will invoice for permit fees, on a yearly basis, each permitted site, once a data base has been established. In the event that a resident has both a fire and burglar alarms system in their residence, they only need to apply at the

Police Department. The Fire Department will coordinate with the Police Department for exchange of permitted alarm site data. If a residence only has a fire alarm system, the resident will be required to obtain their permit from the Fire Department for that system.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending Chapter 58 of the City of Bedford Code of Ordinances by adding Sections 58-11 through 58-27, "False Fire Alarms".

FISCAL IMPACT:

It is estimated that this ordinance will generate additional revenue of \$25,000 in permit fees and \$1,600 in false alarm fees for the General Fund. The estimated \$25,000 would be from permitting fees assessed to commercial (Non-Residential) occupancies.

ATTACHMENTS:

Ordinance
Penalties from other jurisdiction

ORDINANCE NO. 11-

AN ORDINANCE AMENDING CHAPTER 58 "FIRE PREVENTION AND PROTECTION" BY ADOPTING PROVISIONS RELATING TO FIRE ALARM ORDINANCES IN THE CITY LIMITS OF THE CITY OF BEDFORD; BY RENAMING ARTICLE I. "GENERAL" TO ARTICLE I. "GENERAL AND ALARM PERMIT" ENACTING FIRE ALARM REGULATIONS INCLUDING DEFINITIONS, PROVIDING PERMIT REQUIRED, PROVIDING FOR APPLICATION ISSUANCE; PERMIT DURATION AND RENEWAL; PROVIDING THAT ALL ALARM SYSTEMS BE MONITORED AND FOR PROPER ALARM SYSTEM OPERATION AND MAINTENANCE; PROVIDING FOR REPORTING ALARM SIGNALS; PROVIDING FOR FIRE ALARM REPORTING AND MONITORING REQUIREMENTS; PROVIDING FOR RECORD KEEPING AND DUTIES OF AN ALARM COMPANY; PROVIDING THAT MANUAL RESET REQUIRED; PROVIDING THAT AUTOMATIC DIALING PROHIBITED; PROVIDING FOR ALARM SYSTEM OPERATING INSTRUCTIONS REQUIRED; PROVIDING FOR SYSTEM PERFORMANCE REVIEWS; PROVIDING FOR REVOCATION OF ALARM PERMIT; PROVIDING FOR APPEAL OF DENIAL OR REVOCATION OF A PERMIT; PROVIDING FOR FORFEITURE OF APPLICATION FEE UPON REVOCATION OF PERMIT; PROVIDING FOR REAPPLICATION FOR PERMIT AFTER REVOCATION; PROVIDING FOR CONFIDENTIALITY OF INFORMATION; PROVIDING FOR EXEMPTION OF CERTAIN GOVERNMENT BODIES; PROVIDING FOR FEES FOR FALSE ALARM NOTIFICATION AND OTHER PENALTIES; PROVIDING FOR IMPLEMENTATION OF CHAPTER AND ESTABLISHING AN EFFECTIVE DATE; REPEALING ALL INCONSISTENT PROVISIONS AND PROVIDING FOR PARTIAL INVALIDITY.

WHEREAS, the City Council of Bedford, Texas has determined that there is a need for regulation of fire alarm systems; and,

WHEREAS, the City Council of Bedford, Texas has determined that there is a need to reduce false alarms from fire alarm systems; and,

WHEREAS, the City Council of Bedford, Texas has found that the following regulations will promote the health, safety and welfare of the citizens and persons within the City.

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

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

SECTION 2. The following regulations for fire alarms be and are hereby adopted by the City of Bedford and are hereinafter effective within the City limits of the City of Bedford.

SECTION 3. That Section 58-1 of the Code of Ordinances of the City of Bedford be amended by adding the following definitions:

Sec. 58-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Chief or Fire Chief means the fire chief of the Fire Department of the City of Bedford or designee or department head of the department contracted with to provide fire services to the City of Bedford.

Emergency personnel means fire personnel or fire personnel of the City of Bedford or contracted by the City of Bedford.

False alarm means the activation of an alarm system that results in notification to and response by emergency personnel at a time when the responding personnel find no evidence of fire or smoke warranting an emergency response.

Fire alarm sprinkler system is an active fire protection measure consisting of a water supply system, providing adequate pressure and flow rate to a water distribution piping system onto which fire sprinklers are connected.

Fire alarm system means a device or system that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, emergency personnel of the city, including, but not limited to, local or broadcast alarms. Alarm system does not include an alarm system designed solely to alert the occupants of a building or residence which will not emit a signal either audible or visible from outside the building or residence, such as smoke detectors with no outside notification.

Fire alarm company any company that installs, maintains, or repairs the fire alarm system. The fire alarm company that installs the system may or may not be the same company that maintains or repairs the system.

Fire alarm notification means a communication intended to summon emergency personnel, which is designed either to be initiated purposely by the person or by an alarm system that responds to a stimulus characteristic of a fire, such as excessive heat, smoke or similar stimulus.

Fire alarm permit holder means a person who has received an alarm system permit, as required by this chapter.

Fire alarm site- single- occupant means a single premise or location (one street address) served by an alarm system or systems that are under control of the owner.

Fire alarm site- multiple occupancy- means a multi-unit dwelling, premise or location that is served by an alarm system or systems where the owner of such dwelling provides or makes available an alarm system for the tenants. For the purpose of the issuance of a permit, each multi-unit building, but not each apartment if there are multiple apartments in one building, shall be considered one property requiring a permit.

Fire alarm system user means a person who owns or controls the premises upon which an alarm system is located.

Fire department master key means a limited issue key of special or controlled design to be carried by fire department officials in command of a fire or emergency situation which will open key boxes on commercial properties.

Local alarm – Commercial or Non-residential means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure at a property used for non-residential uses.

Local alarm - Residential means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure at a property used for residential uses.

Key box or Knox box means a secure device with a lock operable only by a fire department master key and containing building entry keys and other keys that may be required for access in an emergency.

Person means an individual, corporation, partnership, association, organization, or similar entity.

Special trunk line means a telephone line leading into the communications center of the fire alarm or monitoring company or fire department that is for the primary purpose of receiving alarm notifications.

SECTION 4. That Chapter 58 of the Code of Ordinance for the City of Bedford, Texas is amended by adding Sections 58-11 through 58-27 as follows:

Sec. 58-11. Permit required; application; issuance.

(a) No person shall operate, cause to be operated, or permit the operation of a fire alarm system unless a valid permit has been issued by the City of Bedford for such system. This requirement is applicable to the property owner, person in control of the property which the fire alarm system is designed to protect and the resident; if applicable.

(b) A fire alarm system user or his agent shall obtain a permit for each fire alarm site.

(c) Upon receipt of a completed application form, the chief shall issue a fire alarm permit to the applicant unless the applicant has failed to pay a service fee assessed under this chapter or has had an alarm permit for the alarm site revoked, and the violation causing the revocation has not been corrected.

(d) Application. Each permit application must contain the following information:

(1) **Form.** An application for licenses required by the provisions of this Chapter shall be filed with the Fire Department on a form provided by the Fire Department.

(2) **Individual applicant.** The property owner shall be included as an applicant on all applications. If the applicant is an individual, the application shall be submitted by such person responsible to be named as the designated permit holder. If the applicant is an individual and does not reside, operate any business or is not employed within the State, then the application must also be submitted by the individual having authority and responsibility for the management and operations of the property for which the alarm permit is sought. If the applicant is a person who is not personally liable pursuant to Section 250.003 of the Local Government Code, then the owner or occupant of the property must be the applicant and the permit holder.

(3) **Partnership.** If the applicant is a firm or partnership, the applications shall be submitted by the person in who owns or is in control of the property and a general partner. If no owner or general partner resides, operates a business or is employed within the State, then the application must also be submitted by the individual having the authority and responsibility for the management and operations at the property where the alarm is located. If the applicant is a partnership, the application shall specify the location of the applicant's principal place of business and must provide information for at least one local contact person. Only one member of the partnership is required to submit the permit application. The names, business addresses and residence addresses of each additional partner shall be provided in the Emergency Contact section of the permit application. The property owner shall be included as an applicant on all applications. If the applicant is a person who is not personally liable pursuant to Section 250.003 of the Local Government Code, then the owner or occupant of the property must be the applicant and the permit holder.

(4) **Corporation.** If the applicant is a corporation and none of its principal corporate officers are responsible for the management and operations of the alarm system within the State, the application shall be submitted by the individual having the authority and responsibility for the management and operations of the alarm system within the State. If the applicant is a corporation, the application shall specify, the location of the applicant's principal place of business, and the registered agent for service for the corporation. If the applicant is a person who is not personally liable pursuant to Section 250.003 of the Local Government Code, then the owner or occupant of the property must be the applicant and the permit holder.

(5) The permit application shall include the following information for each permit holder:

(a) The individual's full name, job title, driver's license number, and residence address;

(b) The individual's residence and business telephone number; cell phone number

(c) The individual's date of birth;

(d) The name, address, and telephone number of the alarm company and the monitoring company, if different, to include the business telephone number and 24-hour contact telephone number.

(6) Each permit application for a business must contain the following information in addition to the requirements for the permit holder as stated above.

- (a) The address of the location of the alarm system site;
 - (b) Classification of the alarm system site as residential or non-residential;
 - (c) Any other information required by the Fire Department which is necessary for the enforcement of this Chapter.
- (e) Any false statement of a material matter made by the applicant for the purpose of obtaining a fire alarm permit shall be sufficient cause for refusal to issue a permit or for revocation of a permit already issued.
- (f) A fire alarm permit cannot be transferred to another person. A permit holder shall inform the chief of any change that alters information listed on the permit application within five (5) business days of the occurrence of the change.
- (g) All fees owed by an applicant must be paid before a permit may be issued or renewed.
- (h) Permit fees.
- (1) Residential - The fee for a permit issued pursuant to this chapter for a residential property shall be as set out in the City of Bedford fee schedule.
- (2) Non-residential/Commercial – The fee for a permit for a non-residential use property shall be as set out in the City of Bedford fee schedule.
- (i) Each alarm system site shall display an emblem/decals provided by the Fire Department upon initial receipt of the permit and at each annual renewal.

Sec. 58-12 Proper alarm system operation and maintenance.

- (a) A permit holder or person in control of an alarm system shall:
- (1) Maintain the premises containing an alarm system in a manner that assures proper operation of the alarm system;
 - (2) Maintain the alarm system in a manner that will minimize false alarm notification;
 - (3) Respond to or cause a representative to respond within a reasonable period of time, which period shall be designated by the City, when requested by the City to repair or inactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises;
 - (4) Not manually activate an alarm for any reason other than the occurrence of an event that the alarm system was intended to report; and
 - (5) Notify the public safety department prior to activating a security or fire alarm for maintenance purposes; and,
 - (6) Notify the fire department and U.L. listed central station prior to any fire drills or tests that may or may not cause the activation of a fire alarm system.
- (b) A permit holder or person in control of a security or fire alarm system shall not utilize any alarm system which causes an audible signal to be emitted continuously or intermittently for more than 30 minutes after being activated or which emits a subsequent alarm without being reset which would constitute a nuisance and a violation of this article.
- (c) A permit holder or person in control of an alarm system shall not allow alarm signals to be reported through a relaying intermediary that does not comply with the requirements of this article and any other chapter of this Code, any rules and regulations promulgated by the chief or fire marshal, or, for a security/fire alarm system, that is not licensed by the state board of private investigators or private security agencies.

Sec. 58-13. Permit duration and renewal.

A permit is valid, unless revoked, from the date of issuance for one (1) year, upon receipt of the annual fee. A permit will be automatically renewed for a one-year period, unless revoked, upon receipt of the annual fee, unless canceled by the permit holder.

Sec. 58-14. Requirement that all alarm systems be monitored; Proper alarm system operation and maintenance.

- (a) All non-residential and multi-family alarm systems are required to be monitored.
- (b) A permit holder or fire alarm system user shall:
 - (1) Maintain the premises containing a fire alarm system in a manner that ensures proper operation of the alarm system;
 - (2) Maintain the fire alarm system in a manner that will minimize false alarm notifications;
 - (3) Repair or inactivate a malfunctioning alarm system within five (5) calendar days. A fire alarm system user may present extenuating circumstances regarding additional time required to repair or inactivate a system at any administrative hearing under this chapter;
 - (4) Not manually activate a fire alarm for any reason other than an occurrence of an event that the fire alarm system was intended to report; and
 - (5) Safeguard the fire alarm system controls in order to prevent others from manually activating the alarm for any reason other than an occurrence of an event that the fire alarm system was intended to report.

(c) A person in control of a residential fire alarm system shall adjust the mechanism or cause the mechanism to be adjusted so that a fire alarm signal will sound for no longer than fifteen (15) minutes after being activated. A property owner or person in control of a non-residential fire alarm system shall adjust the mechanism or cause the mechanism to be adjusted so that the fire alarm signal will sound until reset by City of Bedford fire personnel.

Sec. 58-15. Reporting of alarm signals.

A non-residential or multi-family permit holder or person in control of a fire alarm system shall require fire alarm signals to be reported through a relaying intermediary. A relaying intermediary shall comply with the requirements of this chapter and any rules and regulations promulgated by the Fire Department, and shall be licensed by the appropriate state agency.

Sec. 58-16. Fire alarm reporting and monitoring requirements.

A person who is engaged in the business of relaying alarm notifications to the City shall:

- (a) Make notification to the Fire Department immediately when an alarm is activated. After notifying the Fire Department, a human operator shall attempt to call the permit holder or person in control of premises a minimum of two times utilizing different phone numbers.
- (b) Report alarm only on special trunk lines designated by the Fire Department, if applicable;
- (c) Communicate alarm notifications to the city in a manner and form designated by the chief, including:
 - (1) Identification of the permit holder;
 - (2) Identification and address of the alarm site;

(3) Name of permit holder or permit holder's representative on the premises, if any; and,

(4) Any other applicable information.

Sec. 58-17. Record-keeping and duties of alarm company.

(a) Record-keeping.

(1) A person engaged in the business of selling, leasing, installing, or otherwise distributing fire alarm systems shall maintain records at its place of business which will show the names and addresses of persons to whom an alarm system was sold, leased, installed, or otherwise distributed, as well as the date of such transactions.

(2) All fire alarm businesses or persons shall make records available during regular business hours to the Fire Department for inspection. The express purpose of this section is to assure that alarm system users are in compliance with this chapter, and not to regulate in any manner any person engaged in the alarm business.

(3) All fire alarm businesses or persons shall maintain record of all alarm activities or transmissions in the City of Bedford for one (1) year. Duties of an alarm company include:

(a) On the installation or activation of a fire alarm system, a fire alarm system company shall distribute to the occupant the fire alarm system location information summarizing:

- (1) The applicable state law and municipal ordinance relating to false alarm, including this chapter, and the potential for penalties and revocation or suspension of a permit;
- (2) How to prevent false alarm; and
- (3) How to operate the alarm system.

(b) An alarm system company shall notify the Fire Department of an installation or activation of an alarm system not later than the thirtieth day after the date of the installation or activation. The alarm system company shall provide to the municipality:

- (1) The alarm system company name;
- (2) The alarm system company license number;
- (3) The name of the occupant and property owner of the alarm system location;
- (4) The address of the alarm system location; and
- (5) The date of installation or activation.

Sec. 58-18. Manual reset required.

A permit holder or person in control of a fire alarm system which has an automatic resetting device, and which system causes three (3) or more alarm within a twenty-four-hour period, shall manually reset the system.

Sec. 58-19. Automatic dialing prohibited.

No person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically select a telephone line leading into the Fire Department or the city and then transmit any prerecorded message or signal.

Sec. 58-20. Alarm system operating instructions.

A permit holder or person in control of an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations, or passwords need not be included in these instructions.

Sec. 58-21 No exception or defense for other fire requirements; Knox Box requirements.

- (a) Nothing in this chapter or any section concerning the requirement for a business or residence to obtain a permit shall be considered to effect or provide an exception or defense for meeting any other requirements of the adopted Fire Code or other requirements in regard to fire safety.
- (b) All Non-Residential operations in the City of Bedford where an alarm system is present are required to have a Knox Box with master keys inside to provide the Fire Department with access to the business in case of a fire or emergency.

Sec. 58-22. System performance reviews.

If there is reason to believe that an alarm system is not being used or maintained in the manner that ensures proper operation and suppresses false alarms, the fire department may require a conference with an alarm permit holder system user and the individual or association responsible for maintenance of the alarm system to review circumstances of each false alarm. Notice of the conference will be mailed to both parties at least five (5) days prior to the date of the conference.

Sec. 58-23. Revocation of alarm permit.

- (a) The fire chief may revoke an alarm permit if he determines that:
 - (1) There is any violation of this chapter;
 - (2) There is a false statement of a material matter in the application for a permit;
 - (3) A fire alarm system has generated in excess of twelve (12) false alarms during any 365 day period;
 - (4) The permit holder has failed to make payment of any fees assessed under this chapter within thirty (30) days of the assessment;
 - (5) Failure to attend the hearing as provided in the section titled "Appeal of denial or revocation of permit;" or,
 - (6) Failure to attend the conference as provided in the section titled "System performance reviews."
- (b) No person shall operate or cause to be operated, or permit the operation of an alarm system during the period in which an alarm permit is under revocation.

Sec. 58-24. Appeal of denial or revocation of a permit.

(a) If the fire chief refuses to issue or renew a permit, or revokes a permit, the applicant or permit holder shall be notified of the action and provided a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the chief to the city manager or designee by written request for a hearing setting forth the reason for the appeal, within ten (10) days after receipt of the notice of the fire chief. The filing of a request for a hearing with the city manager or designee stays the action of the fire chief as to the denial of a permit or the revocation of a permit until the city manager or designee makes a final decision. If a request for a hearing is not made within the ten day period, the action of the chief is final.

(b) The city manager or designee shall serve as hearing officer at the hearing, and consider evidence by any interested person. The formal rules of evidence do not apply at the hearing; the hearing officer shall make a decision on the basis of a preponderance of the evidence present within thirty (30) days after the request for a hearing is filed. The hearing officer shall

affirm, reverse, or modify the action of the chief. The decision of the hearing officer is final as to administrative remedies within the city.

(c) In addition to prohibiting or requiring certain conduct of individuals, it is the intent of this chapter to hold a corporation, partnership, or other associations criminally responsible for acts or omissions performed by an agent acting in behalf of the corporation, partnership, or other association, within the scope of this employment.

Sec. 58-25. Forfeiture of application fee upon revocation of permit.

When the revocation of a permit is final, all permit fees shall be forfeited.

Sec. 58-26. Reapplication for permit after revocation.

(a) Should an alarm system user or his agent, after final permit revocation, desire to reapply for a permit, he shall be required to submit a new permit application, including the required permit fees.

(b) The applicant shall also submit satisfactory proof of compliance with the chapter.

Sec. 58-27. Confidentiality of information.

All information provided by a permit holder pursuant to this chapter shall be confidential to the extent possible under state or federal law and shall be utilized solely by the City of Bedford; provided that said information shall be available to the permit holder.

Sec. 58-28. Exemption of certain government bodies.

The United States government, the State of Texas, or any county government or school district situated within the corporate city limits of the City of Bedford shall comply with the requirements of this chapter; provided however, that they shall be exempt from the payment of permit fees.

Sec. 58-29. Fees for false alarm notification; other penalties.

(a) Except as provided in subsection (b), the holder of an alarm permit shall pay a false alarm fee based upon the number of false alarms in a 365 day period in the following amounts:

(1) For alarm users in non multi-family residential units of three residential units or less:

1-3 false alarms – no false alarm fee will be charged

4-5 false alarms - \$75.00 for each false alarm in this range.

6-7 false alarms - \$250.00 for each false alarm in this range.

8 or more false alarms - \$500.00 for each false alarm in this range.

(2) For alarm users in non-residential and multi-family residential (four or more residential units):

1-3 false alarms – no false alarm fee will be charged

4-5 false alarms - \$150.00 for each false alarm in this range.

6-7 false alarms - \$500.00 for each false alarm in this range.

8 or more false alarms - \$1,000.00 for each false alarm in this range.

(b) If a person notifies the fire chief and applies for an alarm permit before the installation of a new alarm system, no service fee will be assessed during the first fifteen (15) days after installation, and false alarm notifications during that period will not be counted in determining when a service fee will be assessed.

(c) Except as provided for in subsections (a) and (b) above, any person in violation of any provision of this chapter shall be subject to a fine not to exceed two thousand dollars (\$2000.00). Each day shall constitute a separate offense.

SECTION 5. Implementation of chapter. Beginning sixty days (60) days after adoption and publication, this ordinance shall apply to all fire alarm systems in the city.

SECTION 6. 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 7. 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 8. 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 9. 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 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 10. 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 11. 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.

PASSED AND APPROVED on this 8th day of March, 2011, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

The following cities in Texas have enacted an ordinance for false fire alarms. This is only a sampling of the fees/penalties associated with their respective ordinance:

Gatesville Texas:

The first five (5) alarm notifications are free. All subsequent false alarm notifications during a 12 month period will be assessed a \$75.00 service fee.

Pearland Texas:

The first three (3) false alarms are free.

Residential false alarm fees:

Number 4 \$50.00

Number 5 \$75.00

Number 6 or more \$100.00

Commercial false alarm fees:

Number 4 \$100.00

Number 5 \$200.00

Number 6 and more \$300.00

Dallas Texas:

An alarm service fee is charged at the rate of \$50.00 residential and \$100.00 commercial for each false alarm notification in excess of one per month.

Greenville Texas:

The first five (5) alarms are free.

6-8 \$50.00 per permit required

9-10 \$100.00 per permit required

11 or more classified as unreliable and permit suspended

Rockwall Texas:

First three (3) false alarms in any category are free.

Residential

4th \$100.00

5th \$250.00

6th \$500.00

7th \$750.00

8th \$1,000.00

9th \$1,250.00

10th \$1,500.00

11th \$1,750.00

12th and subsequent false alarm \$2,000.00

Commercial

4th \$250.00

5th \$500.00

6th \$750.00

7th \$1,000.00

8th \$1,250.00

9th 1,500.00

10th \$1,750.00

11th and subsequent false alarm \$2,000.00

Flower Mound Texas:

Beginning with the fourth (4th) false alarm and continuing through the seventh (7th) such false alarm within a single calendar year, a fee of \$25.00 shall be paid by the owner/occupant. After the seventh (7th) alarm has occurred at the premises within a single calendar year, the fee shall be \$50.00 for each false alarm during the remainder of the then current calendar year.

Should any fee assessed pursuant to this section remain unpaid in excess of sixty (60) days from the date of the charge is billed, a collection fee in the amount of \$25.00 and interest in the amount of 12 percent per annum shall be assessed on outstanding balances and shall be payable by the owner/occupant of the premises in addition to the original fee.



Council Agenda Background

PRESENTER:

Clifford Blackwell, CGFO Director of Administrative Services

ITEM:

Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A, Schedule of Fees by updating fees imposed by the City for Fire False Alarms; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

DISCUSSION:

In the previous item, City Staff recommended amending Chapter 58 of the Code of Ordinances for the City of Bedford, Texas to implement a permit fee and penalty fees for Fire false alarms. The attached ordinance incorporates the fees outlined in the amendment to Chapter 58.

The anticipated revenues from the amended fees are considered to be additional items to the City's overall revenue budget.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending the City of Bedford Code of Ordinances Appendix A, Schedule of Fees by updating fees imposed by the City for Fire False Alarms; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

FISCAL IMPACT:

Additional Permit revenue for the General Fund is estimated at \$25,000.
Revenue from False Alarm fees is estimated at \$1,600.

ATTACHMENTS:

Highlighted Ordinance

ORDINANCE NO. 11-

AN ORDINANCE AMENDING CITY OF BEDFORD CODE OF ORDINANCES APPENDIX A, SCHEDULE OF FEES, BY UPDATING FEES IMPOSED BY THE CITY FOR THE ISSUANCE OF LICENSES AND PERMITS, THE PROVISION OF CERTAIN SERVICES AND INSPECTIONS; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE

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

SECTION 1. That the City of Bedford Code of Ordinances Appendix A, Schedule of Fees, is hereby amended in its entirety to read as follows:

ADMINISTRATION

ENGINEERING

Plan Review	\$200.00
Inspection Fee	4% of the cost
construction of the public portion of street, drainage, water and/or sanitary sewer improvements in private construction projects.	

PLANNING AND ZONING

Final plat	\$100.00 + \$25.00 per lot
Final plat filing fee	\$75.00 + \$3.50 for each additional Mylar
Preliminary plat	\$100.00 + \$25.00 per lot
Replat	\$100.00 + \$25.00 per lot
Replat filing fee	\$75.00 + \$3.50 for each additional mylar
Site plan	\$205.00 + 205.00 each acre over one
Zoning application	\$205.00 + 205.00 each acre over one
Zoning Board of Adjustment Application	\$100.00
Variance	\$100.00
Special Exception	\$100.00
Special Event Permits	\$100.00 application fee plus the actual cost of city personnel up to \$50.00 per hour, per employee and the actual cost of city equipment up to \$75.00 per

hour. Parades, runs of 5 kilometers in distance or less and marches that are six hours or less which are sponsored by the Hurst-Euless-Bedford Independent School District or non-profit groups, as recognized by the Federal or State government, will be exempt from all special event application fees and reimbursement charges.

Outside Sales or Storage of Merchandise	\$100.00
Gas Well Permit	\$10,000.00
Annual Gas Well Inspection	\$2,500.00

VITAL STATISTICS

Birth certificate	\$23.00 for each certified copy
Death certificate	\$21.00 for the first copy \$4.00 for each additional copy

RETURNED CHECK FEE \$30.00
Also applies to bank drafts returned as insufficient funds.

PUBLIC INFORMATION

“Cost of Public Information shall be in accordance with the guidelines adopted by the General Services Commission pursuant to Government Code Chapter 5552, subchapter F”. At their discretion, city departments may waive the fee for copies of less than 11 pages.

NOTARY FEE \$5.00

ANIMAL CONTROL

ADOPTION

Fee	\$60.00 or equivalent (as approved by the Chief of Police)
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CARCASS REMOVAL HOUSEHOLD PETS

40 pounds or less	\$10.00
41 to 100 pounds	\$20.00
101 pounds or over	\$50.00

IMPOUNDMENT DURING CONSECUTIVE TWELVE MONTH PERIOD

First offense	\$35.00 + \$8.00 per day
Second Offense	\$50.00 + \$8.00 per day
Third Offense	\$75.00 + \$8.00 per day
Fourth Offense	\$100.00 + \$8.00 per day
Vaccination certificate coupon fee	\$10.00

BOARDING DURING IMPOUNDMENT \$8.00 per day

DAILY RABIES QUARANTINE FEE

The greater of \$55.00 or \$12.00 per day, not to exceed \$120.00 for a ten day quarantine period.

RELINQUISHMENT OF ANIMAL

Animals suspect of rabies	\$55.00
Animals for euthanasia	\$40.00
Dogs and cats	\$15.00

All others	Reimbursement of all incurred expenses associated with the care and disposition of the relinquished animal
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LICENSING

Surgically sterilized animal	\$5.00
Unsterilized animal	\$15.00
Duplicate tags	\$3.00

BUILDING DEPARTMENT

BUILDING PERMIT FEES

Registration Fee (For all contractors and trades)	\$75.00
Renewal Fee (For all contractors and trades within 30 days of new calendar year)	\$37.50
Total value of all construction	
\$1.00 to \$500.00	\$30.00
\$501.00 to \$2,000	\$30.00 for first \$500, plus \$4.00 for each additional \$100, or fraction thereof, up to and including \$2000.
\$2,001 to \$25,000	\$90.00 for the first \$2,000., plus \$18.00 for each additional \$1,000. or fraction thereof, up to and including \$25,000.
\$25,001 to \$50,000	\$509 for the first \$25,000, plus \$13.00 for each additional \$1,000, or fraction thereof, up to and including \$50,000.
\$50,001 to \$100,000	\$837 for the first \$50,000, plus \$9.00 for each additional \$1,000, or fraction thereof, up to and including \$100,000.
\$100,001 to \$500,000	\$1,292 for the first \$100,000, plus \$7.00 for each additional \$1,000, or fraction thereof, up to and including \$500,000.
\$500,001 to \$1,000,000	\$4,204 for the first \$500,000 plus \$6.00 for each additional \$1,000, or fraction thereof, up to and including \$1,000,000.
\$1,000,001 and up	\$7,290 for the first \$1,000,000 plus \$5.00 for each additional \$1,000, or fraction thereof.
Residential construction valuation shall be a minimum of:	\$65.00 per square foot
Sidewalk and or Approach (center lot)	\$26.00

Sidewalk and or Approach (corner lot) \$38.00

BUILDING INSPECTION FEES

Inspections outside of normal business hours \$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.

Re-inspection fees \$60.00 per hour or cost to City of Bedford, whichever is greater.

Inspection for which no fee is specifically indicated \$60.00 per hour minimum \$30.00, or cost to (minimum charge one-half hour) City of Bedford, whichever is greater.

Additional plan review required by changes, \$60.00 per hour

Additions or revisions to plans minimum \$30.00 or cost to (minimum charge one-half hour) City of Bedford, whichever is greater.

For use of outside consultants for plan checking and inspections, or both. Actual cost.

Plan review fee 65% of building permit fee
(The 65% of the building permit fee will be credited to the building permit upon issuance of the permit. If applicant fails to obtain building permit, then the 65% will be billed to them separately.)

BUILDING AND STANDARDS COMMITTEE

Application for appeal \$100.00

Fee Refunds:

Not more than 35 percent of the permit fee paid when no work has been done. Not more than 35 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

CERTIFICATE OF OCCUPANCY

Change of occupancy \$60.00

Temporary certificate of occupancy \$60.00

ELECTRICAL

Dwelling units; apartments	\$63.00 + .10/sf
Commercial buildings	
(a) Less than 1,000	\$53.00 + .11/sf
(b) 1,001-10,000	\$71.00 + .07/sf
(c) 10,001-50,000	\$133.00 + .06/sf
(d) 50,001-greater	\$620.00 + .05/sf
Pools (above and below ground), spas and hot-tubs	\$63.00 each
Minimum permit fee	\$45.00 each
Electrical construction pole	\$45.00 each
Addition or relocation of outlets	\$4.00
Temporary utilities	\$71.00 each
Reconnect for Certificate of Occupancy	\$63.00 each
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour minimum or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour minimum \$30.00 or cost (minimum one- half hour charge) to City of Bedford, whichever is greater.
Additional plan review required by changes, additions or revisions to plans	\$60.00 per hour minimum \$30.00 or cost (minimum one- half hour charge) to City of Bedford, whichever is greater.
Plan review fee (The 65% of the building permit fee will be credited to the building permit upon issuance of the permit. If applicant fails to obtain building permit, then the 65% will be billed to them separately.)	65% of building permit

Fee Refunds

Not more than 35 percent of the permit fee paid when no work has been done. Not more than 35 percent of the plan review fee paid when an application for a permit

for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

MICELLANEOUS FEES: RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL

(a) Service circuits Ampere rating of conductor	\$0.24 each
(b) Feeder circuits Ampere rating of conductor	\$0.24 each
(c) Branch circuits	\$6.00 each

LICENSE

(a) Master electrician license	\$100.00
Renewal (Within 30 days of new calendar year.)	\$75.00
(b) Journeyman electrician license	\$20.00
Renewal (Within 30 days of new calendar year.)	\$10.00
(c) Residential wireman license	\$20.00
Renewal (Within 30 days of new calendar year.)	\$10.00

FENCES:

All fences are required to have a permit.

Residential	\$30.00
Multi-family	Valuation calculated per total cost of construction.
Commercial	Valuation calculated per total cost of construction.
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour minimum or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.

Additional plan review required by changes,

additions or revisions to plans	\$60.00 per hour minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.
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For use of outside consultants for plan checking and inspections, or both	Actual cost.
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GRADING

Minimum permit Fee	\$38.00
50 cubic yards or less	\$23.00
51 to 100 cubic yards	\$34.00
101 to 1,000 cubic yards	\$34.00 for the first 100 cubic yards plus \$16.00 for each additional 100 cubic yards or fraction thereof.
1,001 to 10,000 cubic yards	\$175.00 for the first 1000 cubic yards plus \$13.00 for each additional 1000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$297.00 for first 10,000 cubic yards, plus \$61.00 for each additional 10,000 cubic yards or fraction thereof.
100,001 cubic yards or more	\$843.00 for the first 100,000 cubic yards plus \$34.00 for each additional 10,000 cubic yards or fraction thereof.
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour, or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour, minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.
Additional plan review required by changes, additions or revisions to plans	\$60.00 per hour, minimum

\$30.00 or cost to (minimum charge one-half hour) City of Bedford, whichever is greater.

For use of outside consultants for plan checking and inspections, or both.

Actual cost.

IRRIGATION

Minimum Permit Fee

\$38.00

Lawn sprinkler system on any meter

\$68.00

Vacuum breakers or backflow protective devices from 1 to 4.

\$68.00

Vacuum breakers or backflow protective devices 5 or more.

\$2.00

Inspections outside of normal business hours

\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.

Re-inspection fees

\$60.00 per hour or cost to City of Bedford, whichever is greater.

Inspection for which no fee is specifically indicated

\$60.00 per hour, minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.

Additional plan review required by changes, additions or revisions to plans

\$60.00 per hour, minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater

For use of outside consultants for plan checking and inspections, or both.

Actual cost.

MECHANICAL SYSTEMS

Minimum Permit Fee

\$38.00

Installation or relocation of heating or air conditioning equipment in residential occupancy

\$45.00

Installation or relocation of heating or air conditioning equipment in multi-family, per unit

\$38.00

Repair, alteration or addition to heating, cooling refrigeration unit, including installing controls	\$38.00
Install heating equipment in commercial occupancy:	
Electrical - per kW up to 5 kW	\$9.00
Each additional kW	\$2.00
Gas - 100,000 BTU or less	\$14.00
Each additional 25,000 BTU	\$3.00
Install air conditioning equipment in commercial occupancy per ton up to 5 tons	\$23.00
Each additional ton	\$5.00
Install hood served by mechanical exhaust	\$12.00
Install appliance or equipment regulated by Code but not classed in appliance categories for which no other fee is listed	\$23.00
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour, or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour, minimum \$30.00 or cost (minimum one- half hour charge) to City of Bedford, whichever is greater.
Additional plan review required by changes, additions or revisions to plans	\$60.00 per hour, minimum \$30.00 or cost (minimum one- half hour charge) to City of Bedford, whichever is greater.
For use of outside consultants for plan checking and inspections, or both.	Actual cost.
MISCELLANEOUS	
Residential Roof/Reroof	\$50.00
Demolition	\$38.00
Moving building permit	\$75.00

Mowing/maintenance administrative fee	\$100.00
Multi-Family Inspection Fee	\$0.75 per month per unit
Residential Roof/Reroof	\$50.00
Right of way Utilization	Utility franchise holders are exempt from fees. All others are \$1,000.00 per bore and \$1.00 per lineal foot.
Temporary Building	\$38.00
Tree Removal	\$7.50 Per Acre
Plan review fee	65% of Building Permit

(The 65% of the building permit fee will be credited to the 65% of building permit fee building permit upon issuance of the permit. If applicant fails to obtain building permit, then the 65% will be billed to them separately.)

Fee Refunds

Not more than 35 percent of the permit fee paid when no work has been done.

Not more than 35 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

PLUMBING

Minimum Permit Fee	\$38.00
Per fixture or trap	\$11.00
Per building or trailer sewer	\$23.00
Rainwater systems - per drain	\$11.00
Private sewage disposal system	\$60.00
Water heater/boiler	\$11.00
Gas piping system of 1 to 4 outlets	\$8.00
Gas piping system of 5 or more, per outlet	\$2.00
Gas line repair/test	\$38.00
Industrial waste pretreatment interceptor	\$60.00
Installation or repair of water piping	\$30.00

Installation or repair of drainage or vent piping	\$30.00
Lawn sprinkler system on any meter	\$68.00
Vacuum breakers or backflow protective devices on tanks, vats, from 1 to 4 traps.	\$68.00
Vacuum breakers or backflow protective devices on tanks, vats, 5 or more.	\$2.00
Water Well, backflow protective device.	\$150.00 (Bedford Code of Ordinances, 78-2.)
Plumbing for residential new construction:	\$75.00
Lawn sprinkler	\$68.00
Plumbing water piping repair	\$30.00
Plumbing drainage piping repair	\$30.00
Apartment:	
(a) One bedroom efficiency, per apartment	\$45.00
(b) All other units, per unit	\$60.00
(c) Building sewer, per unit	\$23.00
Commercial Construction:	
(a) Each plumbing fixture	\$11.00
(b) Sewer Line	\$23.00
(c) Interceptors	\$60.00
(d) Rainwater systems	\$11.00
(e) Backflow protection device	\$68.00
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour, minimum

\$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.

Additional plan review required by changes, additions or revisions to plans

\$60.00 per hour, minimum \$30.00, or cost to City of Bedford, whichever is greater. (minimum charge one-half hour)

For use of outside consultants for plan checking and inspections, or both.

Actual cost.

SIGNS

Permanent, 1 to 50 sf.	\$50.00
Permanent, 51 to 100 sf.	\$100.00
Permanent, 101 to 200 sf.	\$200.00
Permanent, 201 to 300 sf.	\$300.00
Permanent, 301sf and over (per square foot)	\$1.00
Portable Sign	\$100.00
Banner Sign	\$50.00
Apartment Banner Sign	\$25.00
Weekend advertising (per year)	\$100.00
Grand Opening sign	\$30.00
Real Estate Land Sale	\$30.00
Open House	\$10.00
Commercial Complex Sale or Lease Free-standing	\$30.00
Commercial Unit Sale or Lease Wall Sign	\$30.00
New Commercial Building	\$30.00

New Commercial Building on Hwy 183, Hwy 121 or Hwy 157	\$30.00
Political Sign as defined in Ordinance #00-2536	No Fee
Sign for Non-Profit as defined in Ordinance #00-2536	No Fee
Municipal Banner as defined in Ordinance #00-2536	No Fee

A change in a sign face without changing the copy due to damage or deterioration shall not constitute a new sign for fee calculation.

GARAGE SALE PERMIT	\$10.00 with 3 signs included
Additional signs	\$2.00 per sign/maximum 2 signs

MULTI-FAMILY INSPECTION FEE	\$0.75 per month per unit
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FIRE DEPARTMENT

AMBULANCE FEES

Pricing for ambulance service shall be established to conform to the reasonable and customary reimbursement allowances as established by ninety-five percent of applicable insurance carriers, as reviewed and approved by the City Manager on a quarterly basis.

Ambulance Subscription Fee	\$60.00 per household
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REPORTS

Fire Incident Reports	\$2.00 first page, additional page \$1.00
E.M.S. Incident Report	\$2.00 each report

FIRE MARSHAL/INSPECTIONS

Certificate of Occupancy	\$60.00
Temporary Certificate of Occupancy	\$60.00
After Hours Inspections (after 5:00 p.m. or on weekend)	First two hours \$150.00 Each addition hour \$50.00

FIRE PROTECTION SYSTEMS (Based on the value of the Installed System)

A fee schedule as provided:

\$1 – \$500	\$50.00
\$501 – \$2,000	\$50.00 for the first \$500 plus

	\$5.00 for each \$100 or fraction
\$2,001 – \$25,000	\$125.00 for the first \$2,000 plus \$20.00 for each \$1,000 or fraction
\$25,001 – \$50,000	\$585.00 for the first \$25,000 plus \$15.00 for each \$1,000 or fraction
\$50,001 – \$100,000	\$960.00 for the first \$50,000 plus \$10.00 for each \$1,000 or fraction
\$100,001 – 500,000	\$1,460.00 for the first \$100,000 plus \$10.00 for each \$1,000 or fraction
\$500,001 – 1,000,000	\$5,060.00 for the first \$500,000 plus \$8.00 for each \$1,000 or fraction
\$1,000,001 or greater	\$9,060.00 plus \$6.00 for each \$1,000 or fraction

FIRE ALARM SYSTEM MONITORING PERMIT

Residential Permit fee (Residential fee waived if Burglar Alarm permit fee is already paid)	\$50.00 annual fee
Commercial (Non-Residential) Permit fee	\$100.00 annual fee

FALSE ALARM FEE – Residential

First 3 False Alarm Calls	No Fee
4 th & 5 th Alarm Calls	\$75.00/per call
6 th & 7 th Alarm Calls	\$250.00/per call
8 th and above Alarm Calls	\$500.00/per call

(All calls will be calculated within a twelve (12) month period)

FALSE ALARM FEE – Commercial (Non-Residential)

First 3 False Alarm Calls	No Fee
4 th & 5 th Alarm Calls	\$150.00/per call
6 th & 7 th Alarm Calls	\$500.00/per call
8 th and above Alarm Calls	\$1,000.00/per call

(All calls will be calculated within a twelve (12) month period)

FIRE MARSHAL ANNUAL PERMIT

(Tax exempt agencies shall be exempted from the annual fire marshal permit fees.)

5000 sq. ft. or less	\$30.00 annually
5001 to 10,000 sq. ft.	\$40.00 annually
10,001 to 25,000 sq. ft.	\$50.00 annually
25,001 to 50,000 sq. ft.	\$60.00 annually
50,001 to 75,000 sq. ft.	\$80.00 annually
75,001 to 100,000 sq. ft.	\$100.00 annually
100,001 to 200,000 sq. ft.	\$120.00 annually
200,001 sq. ft. or more	\$280.00 annually

Annual permit fees will be assessed per building unit/occupant, in accordance with Article IV; Chapter 58, section 58-99, 12(d) of the Fire Code.

Any floors over four	\$30.00 per floor
Each apartment building	\$5.00 annually

HAZARDOUS MATERIALS ANNUAL PERMIT (includes flammable/combustible liquids)

POUNDS (POWDER AND SOLIDS)

Less than 1,000	\$25.00
1,001 to 2,000 pounds	\$37.50
2,001 to 5,000 pounds	\$70.00
Over 5,001 pounds	\$137.50

GALLONS (LIQUIDS AND GELS)

Less than 25 gallons	\$25.00
More than 25 gallons but less than 100 gallons	\$37.50
Over 100 gallons but less than 1,000 gallons	\$70.00
Over 1,000 gallons (Fees are in addition to Fire Marshal permit)	\$137.50

PLAN REVIEW FEES

Certificate of Occupancy	\$60.00
Fire Alarm System	\$70.00
Fire Sprinkler System	\$150.00
Suppression Appliances	\$125.00
Hood/Fixed System	\$70.00
Halon System	\$125.00
Emergency Lighting	\$37.50
Special Lighting	\$30.00
Liquid Storage Tanks, Hazardous Materials	\$70.00

RE-INSPECTION FEES \$60.00

SPECIAL PERMITS

LPG, CNG or LNG Tank installation or removal	Table 3-A, 1994 U.B.C.
Blasting operation	\$65.00 per day
Pyrotechnic display	\$65.00 per day
Tent permit	
1- 10 days	\$30.00
Each additional day	\$15.00

UNDERGROUND STORAGE TANKS INSTALLATION OR REMOVAL

UBC table with	
Less than 1,000 gallons	\$50.00 minimum
More than 1,000 gallons	\$100.00 minimum

LPG TANK INSTALLATION OR REMOVAL

UBC table with minimum	\$50.00
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MOVIE/THEATRICAL EVENT

Fire marshal permit- per day	\$125.00 first day
Each additional day	\$75.00
Fire marshal on premises (minimum 3 hours)	\$50.00 per hour
Stand-by firefighters (minimum 3 hours each)	\$65.00 per hour
Stand-by medic (each-three hour minimum)	\$65.00 per hour

Stand-by engine or truck (each-three hour minimum) \$100.00 per hour

REPORTS

Fire Cause and Origin Report
 First 9 pages \$1.00
 Each additional page \$0.10

Copies of Photos Actual cost of copies

ALL ADDITIONAL PERMITS LISTED IN THE UNIFORM FIRE CODE, 1994 EDITION, SHALL BE \$25.00

FOOD PERMITS

Food Preparation Establishments \$150.00

Non-food Preparation Establishments \$100.00

Temporary Establishments \$35.00

STATE MANDATED INSPECTIONS

Hospitals \$100.00

Nursing and long-term care homes \$75.00

Daycare/Mother's day out \$50.00

Foster home and adoptive home \$10.00

Home inspection (insurance) \$50.00

LIBRARY

OVERDUE FEES

	Daily Overdue Fee Per Item	Maximum Overdue Fee Per Item
Books, Magazines, CD's, Audio cassettes, Media Kits, Video cassettes	\$0.25	\$6.00
Digital Video Discs (DVD's)	\$1.00	\$6.00
Interlibrary Loan Materials	\$.50	\$12.00

The Library may conduct an amnesty program for a period of time not to exceed two weeks in any calendar year. During the period of time the amnesty program is in effect, fines will be waived to all patrons who appear in person to return overdue materials. Late fines will be waived one time during the amnesty period for each cardholder.

LOST MATERIALS, EQUIPMENT FEES AND MATERIALS DAMAGED BEYOND REPAIR FEES

All materials or equipment Purchase price of materials or equipment plus non-refundable \$6.00 preprocessing fee

Book jacket or cover \$6.00

Medial containers \$2.00

Refunds made for materials returned within 6 months of payments.

MINOR DAMAGE FEES

Chewed, torn or water damaged pages, covers or jackets \$2.00 per occurrence

Ripped and/or cut pages and/or pictures \$2.00 per page

Minor medial damage \$6.00

Rebinding Fee \$6.00

LIBRARY CARDS

Non-Resident* \$25.00 per year

Short-term non-resident* \$5.00 per month

* A non-resident is someone who resides outside the state of Texas.

MISCELLANEOUS SERVICE FEES

Reserves No fee

Replacement of lost or damaged library card and
Interlibrary loan circulation card \$2.00

Photo copies (Black & White) \$0.20 per page

Photo copies (Color) \$0.50 per page

Print jobs \$0.20 per page

Interlibrary Loan Fee \$2.00

Proctoring Fee (per test proctored)
Bedford Library Card Holder \$5.00
Non-card holders \$10.00

Faxing
Each Page \$1.00 per page
No international faxes

LIBRARY ROOM RENTAL FEES

No hourly rental fee will be charged to 501(c)3 organizations. The non-profit group must present written verification of its 501(c)3 status.

Large Meeting Room – 2 hour minimum \$100.00 per hour

½ Large Meeting Room – 2 hour minimum \$50.00 per hour

Meeting Room Kitchen Area – 2 hour minimum \$25.00 per hour

Large Conference Room – 2 hour minimum	\$25.00 per hour
Computer Lab Room – 2 hour minimum	\$200.00 per hour

OLD BEDFORD SCHOOL

The City Manager or their designee is authorized to institute discounted fees for promotional events on temporary, as-needed basis.

RENTAL FEES

Monday – Thursday	8:00 am – 5:00 pm	\$75.00/hour
Monday – Thursday	5:00 pm – 10:00 pm	\$80.00/hour
Friday & Sunday	8:00 am – 10:00 pm	\$100.00/hour
Saturday	9:00 am – 5:00 pm	\$125.00/hour
Saturday	5:00 pm – 11:00 pm	\$150.00/hour

All rental fees apply to the following rooms (Fitch Auditorium, Gallery I, Gallery II, Board Classroom)

RENTAL FEES FOR BUSINESS TRAVELERS STAYING AT BEDFORD HOTELS

Monday – Friday	8:00 am – 5:00 pm	\$300.00/day (all other fees apply. This pricing is not applicable to weekend or non-business events.)
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AUDIO/VISUAL EQUIPMENT FEE

Basic equipment (microphones, projection screen, etc)	\$75.00
Power Point, VCR, Web Capabilities	\$150.00

DEPOSIT

Deposit (For events with 100 or more people)	\$500.00
Deposit (For events with 99 or less people)	\$100.00

(Deposit will be returned in full after rental if there was no damage and facility was properly cleaned. If cancellation occurs less than thirty (30) days prior to event, then the deposit will not be returned.)

GUIDED TOURS

Children's Groups	\$2.00 per person
Adult Groups	\$5.00 per person
Senior Citizen Groups	\$3.00 per person
12 or more	\$25.00 per group

WEDDING PACKAGES

SATURDAY RATES

PACKAGE A **\$1,500.00**

Includes: Four (4) rectangular tables
Seventy-five (75) chairs
One (1) brick – engraved and placed on walkway

Time allowed for services, personnel, and use of building:
Two (2) hours for consultation with rental coordinator (during M-F office hours)
One (1) hour of rehearsal time during M-F office hours
Six (6) hours for wedding, reception and clean-up
Use of audio visual/sound system
Two (2) hours for scheduled bridal portrait: M-F between 9 am and 4 pm

PACKAGE B **\$1,800.00**

Includes: Six (6) rectangular tables
Sixteen (16) 60" round tables
Sixteen (16) White Round Tablecloths
One hundred thirty (130) chairs
One (1) brick – engraved and placed on walkway
One (1) set flute, wine glasses – engraved with gold rim and OBS logo
Use of audio visual/sound system
Two (2) hours for scheduled bridal portrait: M-F between 9 am and 4 pm

Time allowed for services, personnel, and use of building:
Two (2) hours for consultation with rental coordinator (during M-F office hours)
One (1) hour of rehearsal time during M-F office hours
Eight (8) hours for wedding, reception and clean-up

FRIDAY AND SUNDAY RATES

PACKAGE A **\$1,200.00**

Includes: Four (4) rectangular tables
Seventy-five (75) chairs
One (1) brick – engraved and placed on walkway

Time allowed for services, personnel, and use of building:
Two (2) hours for consultation with rental coordinator (during M-F office hours)
One (1) hour of rehearsal time during M-F office hours

Six (6) hours for wedding, reception and clean-up
 Use of audio visual/sound system
 Two (2) hours for scheduled bridal portrait: M-F between 9 am and 4 pm

PACKAGE B **\$1,500.00**
 Includes: Six (6) rectangular tables
 Sixteen (16) 60" round tables
 Sixteen (16) White Round Tablecloths
 One hundred thirty (130) chairs
 One (1) brick – engraved and placed on walkway
 One (1) set flute, wine glasses – engraved with gold rim and OBS logo
 Use of audio visual/sound system
 Two (2) hours for scheduled bridal portrait: M-F between 9 am and 4 pm

Time allowed for services, personnel, and use of building:
 Two (2) hours for consultation with rental coordinator (during M-F office hours)
 One (1) hour of rehearsal time during M-F office hours
 Eight (8) hours for wedding, reception and clean-up

ADDITIONAL OPTIONS

Use of audio visual/sound system	\$75.00
Scheduled bridal portrait:	
A. M-F between 9 am and 4 pm	\$75.00 per hour
B. Other hours as scheduled	\$150.00 per hour
Purchase of brick	\$50.00 each
Purchase of flute, wine glasses	\$25.00 per set
Additional chairs	\$1.35 each or \$50.00 flat rate

WEDDING DEPOSIT

Deposit	\$500.00
(Deposit will be refunded either in full or in part after rental pending inspection of facility for damages and proper cleaning.)	

POLICE DEPARTMENT

ALARMS

Residential Permit fee	\$50.00 annual fee
(Residential fee waived if Fire Alarm permit fee is already paid)	
Business Permit fee	\$100.00 annual fee

FALSE ALARM FEE

First 3 False Alarm Calls	No Fee
4 th & 5 th Alarm Calls	\$50.00/per call

6 th & 7 th Alarm Calls	\$75.00/per call
8 th and above Alarm Calls	\$100.00/per call

(All calls will be calculated within a twelve (12) month period)

SOLICITORS PERMIT

Intrastate	\$10.00
Interstate, publication and non-commercial solicitors	no fee charged

HANDBILL DISTRIBUTION PERMIT

Permit fee	No charge
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FINGERPRINTING FEE	\$10.00
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RECREATION DEPARTMENT

The City Manager or their designee is authorized to institute discounted fees for promotional events on temporary, as-needed basis.

BOYS RANCH PARK PAVILIONS

Monday – Sunday Damage & Clean Up Deposit (Due at the time rental is made)	\$100.00
Full Pavilion Rental	\$120.00 for 6 hours
Half Pavilion Rental	\$60.00 for 6 hours
Non-resident	\$20.00 more/rental

CENTRAL PARK PAVILION	
Full Pavilion Rental	\$75.00 for 6 hours

BEDFORD SPLASH: SWIMMING

	Residents	Non-Residents
Adult (18 and older)	\$6.00	\$7.50
Children (3-17)	\$5.00	\$6.00
Infant (2 and under)	Free	Free
Season Pass		
Individual	\$70.00	\$155.00
Family (up to 4 people)	\$230.00	\$355.00
Additional family members	\$35.00	\$50.00 per person

(Season Pass Holders will receive a 10% discount on merchandise and concessions).

The City Manager or their designee is authorized to institute discounted fees for promotional events on temporary, as-needed basis.

Day Care Rates **\$4.00 per child**
(1:8 ratio, with every 8 children admissions purchased, one adult admission is free)

Group Rates

Groups of 20 or more **\$5.00 per person**
(residents and non-residents, no age limit)

PRIVATE PARTY RENTAL

2 hour rental before or after hours

Without slides – 1 to 100 people **\$350.00**

Without slides – 101 to 200 people **\$380.00**

Without slides– 201 to 300 people **\$410.00**

With slide or Pro Bowl – 1 to 100 people **\$370.00**

With slide or Pro Bowl – 101 to 200 people **\$400.00**

With slide or Pro Bowl – 201 to 300 people **\$430.00**

With both slide and Pro Bowl – 1 to 100 people **\$420.00**

With both slide and Pro Bowl – 101 to 200 people **\$450.00**

With both slide and Pro Bowl – 201 to 300 people **\$480.00**

Each additional group of 40 people **\$80.00**

Non-Resident Facility Rental **\$20.00 more per rental**

Concession Stand Open **\$25.00**

Cabana Rental **\$105.00**

Non-resident fee **\$20.00 more per rental**
(2 hour rental during business hours with 10 guest free admission)

Pavilion Rental **\$75.00**

Non-resident fee **\$20.00 more per rental**
(2 hour rental during business hours with 10 guest free admission)

Birthday Party Services **\$12.00 per child**
Minimum of 10 children: 3 free adult guests included for every 10 paid guests.

GYM RENTAL

Full Court **\$45.00 per hour**
Non-resident fee **\$20.00**

Half Court **\$30.00 per hour**
Non-resident fee **\$20.00**

After hour rentals require a 2 hour minimum for full court. No half court rentals after hours.

Non-athletic gym rental (entire gym)
(minimum of 2 hours) \$85.00 per hour

Deposit Damages back charges

Broken Ceiling Tile \$20.00 per tile

Broken Window \$50.00 per window

MEMBERSHIP IDENTIFICATION CARDS

Senior Non-resident \$30.00
Senior Resident \$18.00

Adult Resident \$24.00
Youth Resident \$10.00

Adult Non-Resident \$120.00
Youth Non-Resident \$24.00

Replacement Card \$5.00

Daily Pass \$3.00

Weekly Pass \$5.00

Forgotten Card Fee \$1.00

WEIGHT ROOM MEMBERSHIPS

Yearly membership, required to have a membership ID card

Adult Resident \$108.00 per year
Senior Resident \$96.00 per year

Adult Non-Resident \$192.00 per year
Senior Non-Resident \$120.00 per year

ROOM RENTALS

One Room \$35.00 per hour
Two Rooms \$45.00 per hour
Three Rooms \$55.00 per hour
Non-Resident Fee \$20.00
Deposit required on all rentals at the time of booking \$100.00

HOCKEY RINK

Court without lights \$15.00 per hour
Court with lights \$20.00 per hour
Non-resident fee \$20.00

SENIOR CENTER

Membership Fee – Bedford Resident	\$5.00 per year
Membership Fee – Residents of Cities other than Bedford	\$10.00 per year

RECREATION CLASS FEES:

SWIM LESSONS

8 – 35 minute classes(Resident)	\$55.00
8 – 35 minute classes(Non-resident)	\$65.00

YOGA

4 classes	\$25.00
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DOG OBEDIENCE

Puppy 4 weeks	\$60.00
Group 8 weeks	\$75.00

MONTHLY CLASSES

Includes dance, gymnastics, drawing, non-supply related classes

1 day per week	\$25.00
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MONTHLY CLASSES WITH SUPPLIES

Includes cooking, painting, craft, photos

1 day per week	\$30.00
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VALENTINE’S DANCE

All-inclusive - includes 1 picture, flowers dance,	\$10.00 per individual or \$18.00 per couple
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ELEMENTARY DANCES

\$5.00 per person/per dance

EASTER

Includes egg hunt, arts & craft activity, photo with the Easter Bunny, and snack	\$5.00 per person
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FULL DAY- DAY CAMP

Application fee for campers	\$50.00 \$25.00 per additional child per family
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Application fee for junior counselor	\$25.00
4 day rate	\$75.00
Weekly rate	\$100.00
3 day rate	\$55.00
2 day rate	\$40.00
1 day rate	\$20.00

OTHER

Martial Arts, sports camps, jazzercise, and private lesson fees will vary and be set by contractors with staff approval.

LEAGUES

NCAA Basketball League Includes uniform, individual and team trophies	10 games	\$450.00
Basketball League	8 Games	\$295.00
Softball League	8 Games	Returning teams \$300.00 First time teams \$320.00
Crazy Coed Softball	8 Games	Returning teams \$200.00 First time teams \$220.00
Indoor Volleyball League	8 Games	\$150.00

Will offer an early bird special on all leagues

SWIM TEAM

Summer season	\$125.00
Includes TAAF membership, regional fees, caps, t-shirts, lifeguard on duty and coaches	

MEADOWPARK FIELD LIGHTING

Reservation Lighting minimum)	\$35 per hour (2 hour
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STREET DEPARTMENT

SIDEWALK/CONCRETE PERMIT

Single Family corner	\$25.00
Single Family non corner	\$17.00
Commercial and multi-family	2% of \$1.50 x sq. ft.

DRIVE APPROACH PERMIT

Single Family corner	\$25.00
Single Family non corner	\$17.00
Commercial and multi-family	2% of \$3.00 x sq. ft.

WATER DEPARTMENT

WATER DEPOSIT

Residential \$60.00

Fire Hydrant Meters \$850.00

Commercial \$300.00 or an amount
equal to 2 times the City monthly average for commercial users; after the 3rd bill, a
monthly average for that user will be determined. Then deposit required will be equal
to 2 months of the calculated monthly average for that user. Overpayments will be
credited and underpayment will be due.

Apartments \$35.00 per unit
In lieu of cash, a bond may be used for multi-unit dwelling deposit requirements. A bond
tendered pursuant to this provision must be issued by a surety licensed to do business in
the State of Texas, be in a form approved by the city attorney and have a term of not less
than one year.

Sprinkler Meters, Commercial only \$1,000.00

SERVICE CHARGE (read meter-account set-up) \$10.00

SEWER TIE-IN FEE

4" tap on a 6" line \$548.00

4" tap on a 8" line \$603.00

4"SEWER MAIN TAP

(All taps larger than 4" require a manhole)

6" and 8" sewer main behind the curb (1-7 feet deep) \$650.00 plus "tie in fee"

6" and 8" sewer main in the street (1-7 feet deep) \$950.00 plus "tie in fee"

Sewer main over 7 feet deep \$250.00 per foot

If boring is required add \$300.00 for bore pits plus \$20.00 per foot of bore.

MANHOLES

Behind the curb: poured in place (1-5 feet) \$800.00

Behind the curb: poured in place (6-10 feet) \$800.00 plus an additional
\$70.00 per foot

In the street (1-5 feet) \$1,250.00

In the street (6-10 feet) \$1,900.00

CUT-OFF FEE	\$30.00
LATE PAYMENT FEE minimum fee of \$5.00 (Senior 65 and older are exempt from late payment fees.)	10% of balance with a
AFTER HOURS TURN-ON	\$50.00
REPLACEMENT RESIDENTIAL METER BOX	\$90.00
REPLACE BROKEN RESIDENTIAL METER	\$100.00
METER 3/4"	\$960.00 for service tap and meter complete \$100.00 for meter
METER 1"	\$1,095.00 for service tap and meter complete \$150.00 for meter
METER 1.5"	\$1,764.00 for service tap and meter complete \$609.00 for meter
METER 2"	\$2,329 for service tap and meter complete \$924.00 for meter

3/4", 1", 1 1/2" and 2" service lines not to exceed 20 ft. Service lines in excess of 20 ft. @16.00 per ft.

If boring under a road is required there will be a minimum charge of \$1,500.00 for contract labor. Cost of concrete, asphalt or landscape repairs will be done on a case by case basis. Cost for replacement of broken commercial meters and boxes will be determined based on actual cost of installation.

Cost of meters, 3" and larger, will be determined based on actual cost of installation.

Water usage for Fire Hydrant Meters:

Base rate Water Rate Ordinance.	Set by the
Usage rate Water Rate Ordinance.	Set by the
Water Purchased by the load	\$25.00/1,000 Gals

SECTION 2. That City of Bedford Ordinance Number 09-2955 is hereby repealed. This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the City of Bedford, and this Ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Bedford or any Ordinances 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 Code or Ordinance are hereby repealed.

SECTION 3. That should any provision of this Ordinance be held invalid or unconstitutional, the remainder of such Ordinance shall not be deemed to effect the validity of any other provision of said Ordinance.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the laws of the State of Texas and the Charter of the City of Bedford.

PRESENTED AND PASSED on First and Final Reading this 8th day of March 2011, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER:

Clifford Blackwell, C.G.F.O., Administrative Services
Chris Pruitt, Partner (Pattillo, Brown & Hill, L.L.P. Certified Public Accountants)

ITEM:

Consider a resolution accepting the report from the independent auditor and the audited financial statements for the fiscal year ending September 30, 2010.

DISCUSSION:

Chris Pruitt, partner with the accounting firm of Pattillo, Brown & Hill, L.L.P. will present the independent auditor's report and answer any questions regarding the audited financial statements.

Mr. Pruitt will present the detailed audit report to the Audit Committee at their meeting on March 8, 2011. Additionally, due to the expenditure of Federal grant funds that exceeded \$500,000, a single audit was conducted to ensure proper management and use of such funds.

Pattillo, Brown & Hill, L.L.P. is in its third year of a four-year term that is set to expire after the audit of the fiscal year ending September 30, 2011.

RECOMMENDATION:

Staff and the Audit Committee recommend the following motion:

Approval of a resolution accepting the report from the independent auditor and the audited financial statements for the fiscal year ended September 30, 2010 as presented.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution
Comprehensive Annual Financial Report (CAFR)- This item is available to view in the City Secretary's office.

RESOLUTION NO. 11-

A RESOLUTION ACCEPTING THE REPORT FROM THE INDEPENDENT AUDITOR AND THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010 AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has completed the annual audit of the City's financial records for the fiscal year ended September 30, 2010; and,

WHEREAS, the City Council of Bedford, Texas has received the report from the City's independent audit firm, Pattillo, Brown & Hill, L.L.P.; and,

WHEREAS, the Audit Committee of the City of Bedford has reviewed and voted to accept the report as written.

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

SECTION 1. That the City Council does hereby accept the report of the independent auditor and the audited financial statements for the fiscal year ending September 30, 2010 as presented.

SECTION 2. That this resolution shall take effect from and after the date of its passage.

PASSED AND APPROVED this 8th day of March 2011, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER:

Torin Johnson, Battalion Chief

ITEM:

Consider a resolution authorizing the purchase of ten sets of firefighting protective clothing and five helmets from Casco Industries at a cost of \$18,666 through an Interlocal Purchasing Agreement with the City of North Richland Hills.

DISCUSSION:

In order to comply with the National Fire Protection Association and the Texas Commission on Fire Protection, protective clothing for firefighters should be replaced before its life expectancy of 5 years. These ten sets of protective clothing will replace those that have reached or have passed their life expectancy.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the purchase of ten sets of Firefighting Protective Clothing and five helmets from Casco Industries at a cost of \$18,666 through an Interlocal Purchasing Agreement with the City of North Richland Hills.

FISCAL IMPACT:

The fiscal impact would be \$18,666 from the Fire Department wearing apparel budget, which was approved as part of the FY10/11 Budget.

ATTACHMENTS:

Resolution
Price quote from Casco Industries

RESOLUTION NO. 11-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE TEN SETS OF FIREFIGHTING PROTECTIVE CLOTHING AND FIVE HELMETS FROM CASCO INDUSTRIES AT A COST OF \$18,666 THROUGH AN INTERLOCAL PURCHASING AGREEMENT WITH THE CITY OF NORTH RICHLAND HILLS.

WHEREAS, the City of Bedford, Texas, will work cooperatively with the City of North Richland Hills to purchase ten sets of firefighting protective clothing and five helmets from Casco Industries through an Interlocal Purchasing Agreement.

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

SECTION 1. That the City Council hereby authorizes the City Manager to purchase ten sets of firefighting protective clothing and five helmets from Casco Industries through a Interlocal Agreement with the City of North Richland Hills, established through a competitive bid process, at a cost of \$18,666.

PASSED AND APPROVED this the 8th day of March 2011 by a vote of ___ ayes, ___ nays, and ___ abstentions at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER:

James Tindell, Fire Chief

ITEM:

Consider a resolution authorizing the City Manager to purchase rescue equipment and related components from Advanced Rescue Systems, for TNT Rescue Tool products, in the amount of \$25,000.

DISCUSSION:

The purchase and use of rescue equipment is essential for the life and safety of the residents of Bedford and those who travel through Bedford. Otherwise known as the "Jaws of Life," this equipment will replace current in-service equipment that is at least 15 years old. Technology has advanced in the production of rescue equipment, so now it is designed to cut and pry the metals today's vehicles are being built with. This new rescue equipment is lighter weight, cuts and pries with more force, and operates quicker, allowing more efficient rescue and faster treatment of people trapped in a crash.

This sole source vendor provides interoperability with the newer set of tools that are currently in-service. Rescue tools cannot be used, mixed or substituted with other brands. The oldest set of tools currently in-service will be traded to the vendor for a reduction in cost, which has been included in the fiscal impact.

Due to technology and maintenance costs, rescue tools have a life expectancy of 15 years. The purchase of three additional sets of tools will complete the replacement plan, and continue to be replaced every fifteen years thereafter.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to purchase rescue equipment and related components from Advanced Rescue Systems, for TNT Rescue Tool products, in the amount of \$ 25,000.

FISCAL IMPACT:

The fiscal impact would be \$25,000 from the Fire Department minor apparatus budget, which was approved as part of the FY2010/11 Budget.

ATTACHMENTS:

Resolution
Sole Source Letter
Quote
Picture

RESOLUTION NO. 11-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE RESCUE EQUIPMENT AND RELATED COMPONENTS FROM ADVANCED RESCUE SYSTEMS, FOR TNT RESCUE TOOL PRODUCTS, IN THE AMOUNT OF \$25,000.

WHEREAS, the City of Bedford, Texas, determines the need to purchase one set of rescue equipment; and,

WHEREAS, the City Council of Bedford, Texas recognizes that the rescue tools being replaced have reached their serviceable life and are in need of replacement.

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

SECTION 1. That the City Council hereby authorizes the City Manager to purchase rescue equipment and related components, from Advanced Rescue Systems, for TNT Rescue Tools, in the amount of \$25,000.

PASSED AND APPROVED this 8th day of March 2011, by a vote of __ ayes, __ nays, and __ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



January 19, 2011

Bedford FD
Lanes James
1816 Bedford Rd
Bedford Texas 76021

To whom it may concern,

Thank you for your interest in TNT Rescue Systems, Inc. TNT sells its products through a dealer network, where each representative is contracted for a specific region.

In the state of Texas, Advanced Rescue Systems is the only authorized representative; thereby making Advanced Rescue Systems your sole source for TNT products, TNT/Sava lifting bags, service and warranty.

Again, thank you for your interest in our products. We look forward to building a mutually beneficial relationship.

Sincerely,

Tom Blanton
President

TNT Rescue Systems, Inc.
2490 W. Oak St.
Ashippun, WI 5003 USA
Phone: 920-474-4101 Fax: 920-474-4477

Advanced Rescue Systems

3459 FM 36 South / Caddo Mills, Texas 75135

903-527-3841 Office / 903-527-4427 Fax

Bill To:

Ship To:

Bedford FD	
Attn: Lance James	

Date	PO #	Phone #	Sale	Quote	Salesman
01/31/2010				x	CT
Quantity	Part #	Description	Unit Price	Total Price	
1	BT 6.5	Simo Power Unit	5500.00	\$	5,500.00
				\$	-
1	SL-28-NEX	Superlite 28in Spreader	5095.00	\$	5,095.00
				\$	-
1	SLC-28-NEX	Cutter 7 1/2	4295.00	\$	4,295.00
				\$	-
1	TLS-50-NEX	50in Telescoping ram	4095.00	\$	4,095.00
				\$	-
1	EDR-100-E-B-S-NEX	100ft Hose Reel with Nexus	3430.00	\$	3,430.00
				\$	-
2	EXTH-30-S/NEX	30ft Hoses	675.00	\$	1,350.00
		1-Red, 1-Blue		\$	-
				\$	-
1	HRH-100-NEX	100ft hose with Nexus on one end	1875.00	\$	1,875.00
				\$	-
				\$	-
4	Mounts	Tool Mounts	125.00	\$	500.00
1	DISCOUNT		-1540.00	\$	(1,540.00)
				\$	-
				\$	-
				\$	-
Comments			Subtotal	\$	24,600.00
			Freight	\$	400.00
			Total	\$	25,000.00

QUOTE IS GOOD FOR 60 DAYS





Council Agenda Background

PRESENTER:

David Miller, Deputy City Manager

ITEM:

Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with Brenda Harris relative to 1725 Bedford Road.

DISCUSSION:

Brenda Harris has requested that the Council allow her to temporarily use 1725 Bedford Road for the purpose of housing a Prom Closet benefiting the students of Hurst-Eules-Bedford Independent School District. Under the terms of the agreement, Ms. Harris is permitted to use the property for the sole purpose of selling, renting and/or providing formal wear, semi-formal wear and accessories for the students of HEB ISD.

The attached Memorandum of Understanding outlines the terms of the agreement, including the following general provisions:

- The MOU will expire on July 1, 2011;
- Ms. Harris will be responsible for all utility costs associated with the building for the duration of the agreement;
- Ms. Harris will not attach any signs to the building and any signs on the property will comply with the City sign ordinance;
- Ms. Harris will not display any merchandise from the windows; and,
- Ms. Harris will not have any outside sales or displays of merchandise.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with Brenda Harris relative to 1725 Bedford Road.

FISCAL IMPACT:

The Fiscal Impact is \$30.

ATTACHMENTS:

Resolution
Memorandum of Understanding

RESOLUTION NO. 11-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH BRENDA HARRIS RELATIVE TO 1725 BEDFORD ROAD.

WHEREAS, the City Council of Bedford, Texas desires to enter into a Memorandum of Understanding (MOU) with Brenda Harris relative to the property located at 1725 Bedford Road; and,

WHEREAS, the MOU will expire July 1, 2011; and,

WHEREAS, per the terms of the MOU, Ms. Harris will be responsible for all utility costs associated with the building for the duration of the agreement; and,

WHEREAS, per the terms of the MOU, Ms. Harris will not attach any signs to the building and any signs on the property will comply with the City's sign ordinance; and,

WHEREAS, per the terms of the MOU, Ms. Harris will not display any merchandise form the windows; and,

WHEREAS, per the terms of the MOU, Ms. Harris will not have any outside sales or displays of merchandise.

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

SECTION 1. That the City Council of Bedford, Texas, authorizes the City Manager to enter into a Memorandum of Understanding with Brenda Harris relative to 1725 Bedford Road.

PASSED AND APPROVED this 8th day of March 2011, by a vote of ___ayes, ___nays and ___abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

MEMORANDUM OF UNDERSTANDING

TO: BRENDA HARRIS
FROM: CITY OF BEDORD, TEXAS
SUBJECT: 1725 BEDFORD ROAD
DATE: MARCH 9, 2011

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), made as of the ___ day of _____, 2011, by and between the City of Bedford, Texas (herein called "City"), and Brenda Harris, 3712 Hillwood Way, Bedford, Texas 76021 (herein called "Harris").

In consideration of the covenants and agreements hereafter reserved and contained on the part of Harris to be observed and performed, the City hereby authorizes the use of those certain premises described as follows on a month to month basis:

**1725 Bedford Road
Bedford, Texas 76021**

The subject property, herein called the “Property”. Harris shall use the Property only for the purpose of selling, renting, and/or providing formal wear, semi-formal wear and accessories for students of the Hurst-Eules-Bedford Independent School District and for no other purpose unless the City agrees in writing.

The following constitutes the provisions of this MOU:

1. GENERAL PROVISIONS

- (a) City’s Address: 2000 Forest Ridge Drive
Bedford, Texas 76021-1895
- (b) Harris’ Address: 3712 Hillwood Way
Bedford, Texas 76021
- (c) Unless terminated earlier, the term of the MOU shall commence on the date of its execution and shall expire on JULY 1, 2011, (the "Expiration Date"). Harris shall fully vacate and abandon the Property no later than the Expiration Date. Notwithstanding the foregoing, either City or Harris may terminate this MOU, with or without cause, by giving the other party thirty (30) days written notice.

- (d) The fee for the use of the Property shall be \$10.00 per month, payable on or before the first day of each month. The City shall waive any prorated amount for the remaining period of March, 2011 and first payment shall become due on or before April 1, 2011.
- (e) All applications, connections and financial responsibilities for necessary utilities and services on the Property shall be made by and in the name of Harris only, including water, sewer, gas, electric and trash removal. Harris shall be responsible for paying the actual cost of all utility charges on a monthly basis. Harris shall be responsible for all telecommunications facilities and equipment.
- (f) Harris shall not offer or schedule any use or programs at the Property without first being reviewed by City.
- (g) Harris shall not erect any sign on the Property that does not comply with the approved sign ordinance for the City. Harris shall not attach any sign to the outside portion of the Property.
- (h) Harris shall not display any merchandise in the windows of the Property.
- (i) Harris shall not have any outside sales or outside displays of merchandise.

2. HARRIS' PERSONAL PROPERTY

All machinery, equipment, furniture, furnishings, movable walls or partitions, computers, trade fixtures or other personal property, and consumable inventory and supplies, owned by and used or useful in Harris' business on the Property, including without limitation, all items of furniture, furnishings, equipment, supplies and inventory, and Harris' accounts receivable and operating licenses, if any, is included within the definition of Harris' Personal Property.

3. TAXES

Harris shall pay all personal and personal business property taxes assessed against the Property. City shall pay real property ad valorem taxes, if any, against the Property, for taxes accruing as of the commencement date of the MOU.

4. HARRIS' USE AND REMOVAL OF PERSONAL PROPERTY

Harris may, at its expense, install, affix, assemble or place on the Property, any items of Harris' Personal Property, and Harris may remove the same at any time if approved in writing by the City. Should Harris vacate possession of the Property on or prior to the

expiration of the term, Harris will, at its expense, restore the Property at the expiration or earlier termination of this MOU to the condition required by Article 5, including repair of all damage to the Property caused by the removal of Harris' Personal Property.

5. REPAIRS AND MAINTENANCE OF THE PROPERTY

Harris shall keep the interior of the Property, which includes, but is not limited to, all electrical, plumbing, and other mechanical installation therein, all doors, and all plate glass and door window glass, in good order and clean and attractive appearance, making all improvements, alterations, replacements, and modifications at its own expense upon written approval of the City. Materials and labor of a kind and quality substantially equal to the original work shall be used.

Harris shall surrender the Property at the expiration or earlier termination of this MOU in as good a condition as when received, reasonable wear and tear excepted.

The City shall be not be responsible for any necessary or major repairs or replacements of the Property. The City shall be responsible for all exterior grounds and landscaping.

Harris will, upon the expiration or prior termination of this MOU, vacate and surrender the Property to the City in the condition in which the Property was originally received from the City, except as repaired, rebuilt, restored, altered or added to as permitted or required by the provisions of this MOU and except for ordinary wear and tear (subject to the obligation of Harris to maintain the interior of Property in good order and repair during the entire Term of the MOU), damage caused by the negligence or willful acts of the City, and damage or destruction described in Article 8.

6. ALTERATIONS

Harris shall not make any alterations, improvements, or additions to the Property during the term of the MOU, or any extension thereof, without first obtaining the written consent of the City Manager's office of the City and all required permits. Harris shall not cut or drill into, or secure any fixture, apparatus, or equipment of any kind to any part of the Property without first obtaining written consent of the City. All such approved alterations, improvements, and additions made by Harris shall remain upon the Property at the expiration or earlier termination of the MOU and shall become the property of the City, unless the City shall, prior to such termination, have given written notice to Harris to remove same in which event Harris shall remove such alterations, improvements, and additions and restore the Property to the same good order and condition in which they were at the commencement of the MOU. The foregoing provisions shall not apply to the equipment, trade fixtures and items that do not become common law fixtures, which may be removed by Harris prior to expiration or sooner termination of the MOU.

7. AFFIRMATIVE COVENANTS OF TENANT

Harris covenant that they shall:

Comply with the terms of any state or federal statute or local ordinance or regulation applicable to Harris or its use of the Property, and indemnify and hold the City harmless from penalties, fines, costs, expenses, or damages resulting from its failure to do so;

Comply with the terms and conditions set herein relating to the use, operation, and maintenance of the Property;

Give to the City prompt written notice of any accident, fire, or damage occurring on or to the Property;

Have no power or authority to create any lien or permit any lien to attach to the Property, reversion or other estate of the City in the Property and all suppliers, contractors, artisans, mechanics, and laborers and other persons contracting with Harris with respect to the Property or any part thereof are hereby charged with notice that the interest of the City shall not be subject to liens for improvements made by or on behalf of Harris. Harris agrees to do all things necessary to prevent the filing of any mechanic's or other liens against the Property or any part hereof by reason of work, labor, services, or materials supplied or claimed to have been supplied to Harris, or any part thereof, through or under Harris. Except as may otherwise be provided herein, if any such lien shall at any time be filed against the Property, Harris shall cause the same to be discharged of record within thirty (30) days after the date of filing of same. If Harris shall fail to discharge such lien within said period, then, in addition to any other right or remedy of the City resulting from Harris' defaults, the City may, but shall not be obligated to, terminate the MOU and/or discharge the same whether by paying the amount claimed to be due or by procuring the discharge of such lien by giving security or in such other manner as is, or may be, prescribed by law; and repay the City on demand, all sums disbursed or deposited by the City pursuant to the foregoing paragraphs of this Section 7, including reasonable attorney's fees;

Have no authority to sublease the Property to any one or any entity, without the prior express written consent of the City. To this end, at the date of execution of this MOU, Harris hereby affirms that it has no sub-lease agreements with any persons or entities. Any sub-lease agreed to by the City shall be accompanied by an Assumption Agreement whereby the Sub-Lessee shall be liable for all terms and conditions of this MOU; and,

Properly store all materials and any hazardous materials in accordance with applicable local, state, and federal laws, and in accordance with the recommendation of the City's Fire Marshal.

8. DAMAGE TO THE PROPERTY

If the Property shall be damaged by fire or other casualty of the kind insured against in

standard policies of fire or property insurance with extended coverage, but are not thereby rendered untenable in whole or in part, Harris shall promptly, after receipt of the insurance proceeds, cause such proceeds to be turned over in full to the City. Provided, however, that if desired by the City, this MOU shall automatically terminate and the City shall have no obligations to cause such damage to be repaired as described in the paragraph.

In the event of a partial destruction of the Property during the term hereof, from any cause, the City shall, at its sole discretion, determine whether it will repair the Property, provided that such repairs can be made within sixty (60) days under existing governmental laws and regulations, but such partial destruction shall not terminate the MOU, except that Harris shall be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs shall interfere with the business of Harris on the Property. If such repairs cannot be made within said sixty (60) days, the City, at its option, may make the repairs within a reasonable time, this MOU continuing in effect with the rent proportionately abated as aforesaid, and in the event that the City shall not elect to make such repairs which cannot be made within sixty (60) days, the MOU may be terminated at the option of either party.

Notwithstanding any other provisions in this MOU, Harris hereby acknowledges that the Property is in good order and repair, unless otherwise indicated herein.

9. INDEMNIFICATION AND INSURANCE RIGHTS

Harris shall indemnify the City, which term shall include its agents, elected officials, officers, employees and attorneys and save it harmless from and against any and all claims, actions, damages, liability, and expense, including reasonable attorney's fees, in connection with loss of life, personal injury, or damage to Property occurring in or about, or arising out of, the Property, or use thereof, or occasioned wholly or in part by any act, occurrence or commission of Harris, its agent, subtenants, licenses, contractors, customers, invitees or employees. All costs, expenses and reasonable attorney's fees that may be incurred or aid in enforcing the covenants and conditions of the MOU, whether incurred as a result of litigation or otherwise, shall be recovered by the prevailing party from the other party.

Harris shall take out and keep in force during the term hereof, without expense to the City, with an insurance company, qualified to do business in the State of Texas or other company acceptable to the City, comprehensive general public liability insurance, in the name of Harris and name of the City as additional insured against any liability for injury to or death of persons resulting from any occurrence in or about the Property and for damage to property in such amounts as may from time to time be customary with respect to similar properties in the same area, but in any event ***not less than \$300,000 per occurrence in respect of bodily injury and \$1,000,000 for property damage.*** True copies of said policies, or certificates thereof, showing the premium thereunto have

been paid shall be delivered to the City upon execution of this MOU and yearly thereafter throughout the term of this MOU. If Harris fails to procure and keep in force such insurance, the City may procure it, and the cost thereof with interest at the maximum lawful rate shall be payable immediately by Harris to the City, or may elect to terminate this MOU. Such insurance may be provided by a blanket insurance policy covering the Property, so long as the coverage on the Property is at all times at least as great as required by this subsection.

Harris shall at all times during the terms hereof keep in force, at its own expense, any and all insurance it deems sufficient to cover Harris' personal property within or about the Property. Harris and the City agree that the City shall not be liable for any damage or destruction of Harris' personal property.

10. SURRENDER AND HOLDING OVER

Harris, upon expiration or termination of the MOU, either by lapse of time or otherwise, shall peaceably surrender to the City the Property in broom-clean condition and in good repair as required in the MOU.

If Harris remains in possession of the Property with the City's written consent, Harris shall be deemed to be occupying the Property on a month-to-month basis, but otherwise subject to all the covenants and conditions of the MOU.

11. FORCE MAJEURE

In the event that the City or Harris shall be delayed or hindered in or prevented from doing or performing any act or thing required hereunder by reason of any matters beyond the reasonable control of such party, then such party shall not be liable or responsible for any such delay, the doing or performing of such act or thing shall be extended for a period equivalent to the period of such delay, and this MOU and the obligations of the other party to perform and comply with all of the terms and provisions of this MOU shall in no way be affected, impaired, or excused.

12. CITY'S ACCESS TO THE PROPERTY

At all times the City shall have access to the Property (including all buildings) for the purpose of site assessment, surveying, environmental testing, clean-up, or any other reason deemed appropriate by the City. The City agrees to use all reasonable efforts to not interfere with Harris' use of the Property.

13. AUTHORITY

All persons executing the MOU on behalf of Harris have been authorized to execute the MOU. Evidence of such authority shall be provided upon request.

Executed this ____ day of _____, 2011.

City: City of Bedford, Texas

By: _____
Beverly Queen Griffith
City Manager

Harris: Brenda Harris

By: _____
Brenda Harris

STATE OF TEXAS §
§
COUNTY OF TARRANT §

Before me, on the ____ day of _____, 2011, appeared
_____ for and on the behalf of the City of Bedford .

_____ Notary Public, State of Texas

My Commission Expires:

_____ Printed Name of Notary Public

STATE OF TEXAS §
§
COUNTY OF TARRANT §

Before me, on the _____ day of _____, 2011, appeared
_____ for and on the behalf Brenda Harris.

_____ Notary Public, State of Texas

My Commission Expires:

_____ Printed Name of Notary Public



Council Agenda Background

ITEM:

Council member reports:

- ✓ Mayor Story- Report on the 49th Anniversary MPA Alumni-Student Conference held at the University of North Texas.

DISCUSSION:

N/A

RECOMMENDATION:

N/A

FISCAL IMPACT:

N/A

ATTACHMENTS:

Letter of Request

Jakubik, Megan

From: Wells, Michael
Sent: Tuesday, March 01, 2011 2:14 PM
To: Jakubik, Megan
Subject: FW: Agenda Item

From: Story, Jim
Sent: Tuesday, March 01, 2011 1:39 PM
To: Wells, Michael
Subject: Agenda Item

Please place the following item on the March 8, 2011 council meeting agenda under mayor's report: Report on the 49th Anniversary MPA Alumni-Student Conference held at the University of North Texas.

Jim Story