

AGENDA

**Regular Meeting of the Bedford City Council
Tuesday, May 22, 2012
2000 Forest Ridge Drive
Bedford, Texas 76021**

**Special and Regular Meeting of the Bedford City Council
Council Chamber Special Session 5:30 p.m.
Council Chamber Work Session 6:00 p.m.
Council Chamber Regular Session 6:30 p.m.**

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

SPECIAL SESSION

- Consider approval of the following City Council minutes:
 - a) May 8, 2012 regular meeting
 - b) May 17, 2012 special meeting
- Council member reports
 - a) Councilman Fisher – End of Term Comments
- Consider a resolution to receive and accept as true and correct the canvassed voting results for the General Election held on May 12, 2012 for the election of a Mayor and Council Members Place 1 and Place 2, and the results of a Special Election for the election of Council Members Place 3 and Place 4, as presented by the City Secretary.

INAUGURATION OF NEWLY ELECTED OFFICIALS

- Administer Statement of Elected Officer and Oath of Office to newly elected Mayor and Council Members Place 1, Place 2, Place 3 and Place 4 and presentation of the Certificates of Election.

ADJOURNMENT

WORK SESSION

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

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.
- Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Gregory Eric Austin v. City of Bedford.

REGULAR SESSION 6:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Pastor Marty Akins, First Baptist Church of Bedford)

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 designating the week of May 20 – 26, 2012 as Emergency Medical Services Week.

PERSONS TO BE HEARD

2. The following individuals have requested to speak to the Council tonight under Persons to be Heard.
 - a) Scott Nordon, Posados 1601 Airport Freeway – Request to speak to the Council regarding Posado's new sign.
 - b) William Ledbetter, 3006 Bramble Oaks Court, Bedford, TX – Requested to speak to the Council to recap the Saturday, April 21, 2012 CRUD Cruiser event.

NEW BUSINESS

3. Consider a resolution authorizing the City Manager to purchase, seven mobile and four portable radios from D/FW Communications in the amount of \$22,292.50, utilizing funding from the 2009 State Homeland Security Grant Program awarded by the State of Texas.
4. Consider a resolution of the City Council of Bedford, Texas, authorizing the City Manager to enter into a contract with The Rockaway Company, Inc. for renovations to the Police Department's Dispatch Division in the amount of \$19,525, utilizing the Tarrant County 9-1-1 District PSAP Assistance Program Funding.
5. Consider a resolution of the City of Bedford denying Atmos Energy Corp., Mid-Tex Division's ("Atmos Mid-Tex") requested rate change; requiring the Company to reimburse the City's reasonable rate making expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and ACSC's legal counsel.
6. Report on most recent meeting of the following Boards and Commissions:
 - ✓ Animal Control Board
 - ✓ Animal Shelter Advisory Board
 - ✓ Beautification Commission – Councilman Turner
 - ✓ Community Affairs Commission
 - ✓ Cultural Commission
 - ✓ Library Board – Councilman Brown
 - ✓ Parks & Recreation Board
 - ✓ Senior Citizen Advisory Board
 - ✓ Teen Court Advisory Board
7. Council member reports

8. City Manager/Staff Reports

9. 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, May 18, 2012 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 Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 05/22/12

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) May 8, 2012 regular meeting
- b) May 17, 2012 special meeting

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Minutes of May 8, 2012 regular meeting
Minutes of May 17, 2012 special meeting

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 6:00 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 8th day of May, 2012 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 Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Maria Redburn	Library Manager
Jacquelyn Reyff	Planning Manager
Bill Syblon	Development Director
James Tindell	Fire Chief

CALL TO ORDER

Mayor Story called the Work Session to order at 6:00 p.m.

WORK SESSION

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

Council discussed placing the following items on consent: 3, 4 5, 7, 8 and 9.

Mayor Story adjourned the Work Session at 6:06 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:

- Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Gregory Eric Austin v. City of Bedford.
- Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block G1, Lot1, Citgo Addition #2.

Council convened into Executive Session pursuant to the Texas Government Code pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Gregory Eric Austin v. City of Bedford and Section 551.087, deliberation regarding economic development negotiations relative to Block G1, Lot1, Citgo Addition #2 at 6:09 p.m.

Council reconvened from Executive Session at approximately 6:29 p.m.

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

REGULAR SESSION 6:30 P.M.

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

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Dr. Jeff May, First United Methodist Church of Bedford)

Mayor Story 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: 3, 4, 5, 7, 8 and 9.

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

COUNCIL RECOGNITION

1. Proclamation recognizing the Sketch-A-School Art Contest winners.

Mayor Story read a proclamation recognizing the Sketch-A-School Contest winners. The following students were recognized: Jackson Banfield, River Trails Elementary – First Place; Savannah Cole, Meadow Creek Elementary – Second Place; Isabella Castillo, Meadow Creek Elementary – Third Place; Kyle Walker, Donna Park Elementary – Most Creative; Carola Crespo, Lakewood Elementary – Most Original; Samantha O'Brien, Meadow Creek Elementary – Honorable Mention; and Mario Moneir, South Eules Elementary – Honorable Mention. Special Events Coordinator Wendy Hartnett recognized Amy Bourquin from the Old Bedford School and Amy Vozar who is the Heritage Education Coordinator.

2. Proclamation declaring June, July and August 2012 as Summer Reading Club Season.

Mayor Story read a proclamation declaring June, July and August 2012 as Summer Reading Club Season. Shady Brook Librarian Bea Cochran and her Super Readers were on hand to accept the proclamation.

Library Manager Maria Redburn challenged the kids to read 30,000 hours this summer. The kids at Shady Brook Elementary came in second place last year and she is challenging them to come in first and beat out Meadow Creek Elementary. May 17 is the last day to register in order to go to the party at Splash on May 18 from 5:00 p.m. to 8:00 p.m.

APPROVAL OF THE MINUTES

- 3. Consider approval of the following City Council minutes:
a) April 24, 2012 regular meeting**

This item was approved by consent.

OLD BUSINESS

- 4. Consider a resolution authorizing the City Manager to enter into an agreement with Motorola Solutions for the replacement of the current 800 MHZ radio system in the amount of \$1,134,520.**

This item was approved by consent.

- 5. Consider a resolution authorizing the City Manager to enter into Utility Adjustment Agreement Amendment #2 (UAAA) with NTE Mobility Partners, LLC and Bluebonnet Contractors, LLC for the adjustment of the City of Bedford's existing utilities impacted by the North Tarrant Express Project. (This item was tabled at the April 24, 2012 Council Meeting)**

This item was approved by consent.

NEW BUSINESS

- 6. Public hearing and consider a resolution for a site plan for use as a medical office building at 1916 Central Drive, Site Plan Case S-054 (Martin Reinke, M.D.). The property is zoned Heavy Commercial; known as Lot 1R , Block 1, First State Addition, and is located at 1916 Central Drive, Bedford, Texas. The property is generally located south of L. Don Dodson Drive and east of Central Drive. (S-054)**

Planning Manager Jacquelyn Reyff presented information regarding this resolution. This is for a site plan for 1916 Central Drive and the applicant is proposing a new medical office building. They already have a location in the City; however, due to the construction on SH 183, they want to move further north. The plan does meet the required parking and is in fact in excess of the requirement by 11 spaces. The landscaping meets or exceeds code. There will be ingress to the facility along Plaza Parkway from two curb cuts. The City's Comprehensive Plan indicates that the location is commercial and the proposed use does meet the Plan. The Planning and Zoning Commission recommended approval of this item by a vote of 5-0-0 at their April 12 meeting.

Mayor Story opened the public hearing at 6:51 p.m.

Nobody chose to speak during tonight's public hearing.

Mayor Story closed the public hearing at 6:52 p.m.

Motioned by Councilman Turner, seconded by Councilman Griffin, to approve a resolution for a site plan for use as a medical office building at 1916 Central Drive, Site Plan Case S-054 (Martin Reinke, M.D.). The property is zoned Heavy Commercial; known as Lot 1R , Block 1, First State Addition, and is located at 1916 Central Drive, Bedford, Texas. The property is generally located south of L. Don Dodson Drive and east of Central Drive.

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

- 7. Consider a resolution authorizing the City Manager to accept the proposal and sealed dollar cost fees from BKD, LLP for audit services.**

This item was approved by consent.

8. Consider a resolution authorizing the City Manager to renew a two-year agreement with Valley View Consulting, L.L.C., to provide Investment Advisory Services.

This item was approved by consent.

9. Consider a resolution authorizing the City Manager to enter into agreements with Tech Logic for a Full Service Program Agreement, Self Checkout Software License Renewal and Extended Hardware Warranty in the amount of \$37,228.

This item was approved by consent.

10. 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 reported that the Commission continues to work hard on the Community Garden and it is 100% leased out.

✓ **Community Affairs Commission- Councilman Fisher**

No report was given.

✓ **Cultural Commission- Councilman Champney**

Councilman Champney reported that the Commission met last night and everything is progressing as far as planning. Information continues to be gathered and there is a great deal of enthusiasm. A final plan should be developed by June or July. There is a lot of support for the Cultural District among businesses and citizens and it will be very beneficial to the City.

✓ **Library Board- Councilman Brown**

Councilman Brown stated that the Library will be hosting focus groups this month to the end of next month. The schedule is as follows: May 29 at 5:00 p.m. – Educator Focus Group; June 16 at 2:00 p.m. – Community Focus Group which is open to all; June 18 at 10:00 a.m. – Senior Focus Group; June 20 at 2:00 p.m. – Focus Group for Children; June 24 at 2:00 p.m. – Family Focus Group; June 25 at 5:00 p.m. – Teen Focus Group; and June 28 at 7:00 p.m. – Community Focus Group which is open to all.

✓ **Parks & Recreation Board- Councilman Griffin**

Councilman Griffin reported that the Board is planning to bring the dog park presentation to Council at the second meeting in June.

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

No report was given.

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

Councilman Griffin reported that the Board hosted a wonderful banquet a couple of weeks ago. It was very well attended and quite a bit of money was raised.

11. Councilmember reports

a) Mayor Story – State of the City

Mayor Story stated that this will be his last official Council meeting to chair as in two weeks, he will be at the International Council of Shopping Centers Convention along with Development Director Bill Syblon and City Manager Beverly Griffith. In terms of what the City has to provide in the form of infrastructure and public safety, he believes that both are in great shape. He would put the City's Police and Fire Departments up against any department anywhere. He mentioned the Public Works Department and Director John Kubala and stated that he has received compliments about them. One upcoming project happening in the City is the Northwest Pressure Plane, which is currently in the design phase.

The number one focus of the Council has been economic development. One aspect of that is the Cultural District which includes the Boys Ranch, the Old Bedford School and the Library. There is also the Central Bedford Development Zone, where the City is looking into making good use of some land. Finally, with the SH 183 expansion, they have to protect the existing businesses within the City; however, new businesses are interested in going into spaces cleared out by the construction. He stated that the Council has tried to beef up the Development Department. Bedford used to be known as being unfriendly to business but he is very proud to say that now the City is now known as being business friendly. He stated that the Development Department is also very good at giving the correct advice and information the first time.

Mayor Story thanked the citizens of Bedford. There are a lot of good people in the City, which can be seen through the number of volunteers. The time they put in is equivalent to 19 full-time positions. He stated that the City has an outstanding staff and he cannot say enough about them. In regards to City Manager Beverly Griffith, after she was appointed on an interim basis, he realized that there was no need to go out and recruit a city manager. Time has proven that Ms. Griffith is the best they could possibly have in that position. It has been a pleasure working with her and there is nobody better when it comes to ethics or finance.

Mayor Story stated that this is the best Council the City has ever had. They take the job seriously and work hard. Also, when a vote is taken, they move on and support how the vote turned out. Finally, the Council trusts staff. It has been a joy serving with them.

He thanked his wife Bonnie and his three daughters for their tremendous support and he could not have done it without them.

To whoever the new mayor is, he requests a one-on-one sit down to go over things that the City has done well, things that have not worked out and things that they have learned. To the new Council members, he asked that when they vote, to think about what is best for the City and urged them not to be a one-issue person.

After Council Savage's comments, the Mayor asked the next Council to do everything they can to support the City Manager in getting raises for the employees.

Councilman Fisher stated he was going to save the remainder of his outgoing remarks to the next Council meeting. However, since Mayor Story and Ms. Griffith will not be there, he wanted to say a few words to them. To Ms. Griffith he said she has been truly fantastic to work with. He appreciated her breadth of knowledge and for being there with a guiding hand. They have not always agreed but in the end, they found a way to make the City better. He appreciated her leadership and that nobody can handle budgeting like she can. Regarding Mayor Story, he stated that he has been a strong sail in turbulent times. His leadership has allowed the City to prosper and to get better. In his interaction with other cities, it should be a great compliment that people outside of the City are taking Bedford seriously again and that has to do with the Mayor's leadership. Councilman Fisher thanked the Mayor for his guidance, leadership and support.

Councilman Turner congratulated Mayor Story on a successful tenure. He has done an excellent job and he was the best man to be in that position the past seven years. He brought the City out of difficult

times and he wished him well in the future. He hopes the Mayor can continue to serve the City is some capacity.

Councilman Champney wanted to affirm the comments of the other Council members and wanted to applaud the Mayor for his performance. He was the right person at the right place at the right time. The Mayor has done a great job he considers him a friend.

Councilman Fisher thanked Bonnie Story for her seven years of service.

b) Councilman Savage – Tenure Comments

Councilman Savage congratulated Mayor Story for coming on in the middle of a rodeo and calming things down. He recognized his wife Katie and his number two grandson. He stated that the City has term limits, in that you can serve for four consecutive terms. He was first elected in 2000 and has served continuously since then; due to the term limits, he would not be able to run for three more years. Mr. Savage stated that his wife Katie has been involved in improving the quality of life in Bedford longer than him. She and a friend asked him back in 1999 to run and in 2000 he decided to run and won. He is the only Council member to get ejected from the Council by term limits and he is the only one to have served on the Finance Committee.

Mr. Savage stated he was grateful to the citizens of Bedford. He reflected on the numerous changes in the City and the rapidity in which they happened. Some of the more memorable projects he has been involved in while serving on the Council include: the completion and the addition of bays at Fire Station #3; the completion and rebuilding of all the streets in the City; the rebuilding of Central Drive; numerous grants the City has received such as with traffic signal synchronization, solar panels and geothermal technology; the senior tax freeze; the planning and building of the new Library and the Parks Service Center; the refurbishing of the Old Bedford School; the reopening of Central Pool; bricking the center medians at Bedford Road and Airport Freeway; the remodeling of Fire Station #1, which included the addition of the training room and new living quarters; the growth of FourthFest and BluesFest; and paying cash for three new ambulances, two new fire trucks, a ladder truck and a fire engine.

Mr. Savage said to never underestimate the importance of City staff, which starts with the City Manager. Ms. Griffith holds bachelor degrees in political science and English as well as a master's degree in public administration. She also holds numerous certificates in public administration leaning on budgetary and financial aspects of the field. These credentials and her genuine, heartfelt interest in the welfare of her employees and the citizens of Bedford make her the ultimate city manager for the City. She has assembled a caring and knowledgeable senior staff, who in turn have hired and trained employees who truly care for the citizens. All City departments, including Fire and Police, rank second to none.

Councilman Savage thanked the Mayor and Council for their care of the community and for getting the job done. He wished the new Mayor and Council the best of luck. He thanked the citizens of Bedford for allowing him to represent them for such a long time. His philosophy as their representative is that he has two votes: his personal vote and his community vote, which he perceived to be the will of the majority of the citizens. He again thanked the Council, senior staff, the employees and especially his wife Katie and the citizens. He ended by saying, "Discover the Center and better tomorrows".

Councilman Turner stated that one of the biggest holes to fill on the Council will be Councilman Savage's seat. Over the years, he has been wise and savvy in his actions and that he has always acted in the best interests of the City. He commended him for his service and wishes him well.

Councilman Champney seconded Councilman Turner's comments. He hopes that Councilman Savage can stay involved and that he has been an outstanding asset to the City.

Councilman Brown thanked both Mayor Story and Councilman Savage, and stated that it has been wonderful to work with them both. He thanked Bonnie Story and Katie Savage for sharing them with the Council. He said that this was not goodbye but a "see you later".

Councilman Griffin thanked Mayor Story for his leadership and guidance. He thanked Bonnie Story for sharing him. He stated that he has known Councilman Savage the twelve years he has been on Council and will miss him.

12. City Manager/Staff Reports

City Manager Beverly Griffith stated that, both individually and collectively, the Council and the Mayor work hard every day. People do not understand the number of hours they put into their job. This can be seen in their preparation for Council meetings as well as their attendance at additional meetings, ribbon cuttings, Eagle Scout ceremonies and other events that they attend out in the community. It has been a real privilege to work with this group and it has been a challenge for her and her staff to keep up with them. She is looking forward to new faces and a new Council but she is sad since this is her last meeting with the current Council. On behalf of the staff, she thanked them.

Ms. Griffith reported that the Police Department Open House will be held Saturday, May 19 from 10:00 a.m. to 2:00 p.m. at the Law Enforcement Center. Saturday, May 19 is also the opening weekend for SPLASH. It will re-open for the regular season starting Friday, May 25 and will remain open until mid-August.

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

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

ADJOURNMENT

Mayor Story adjourned the meeting at 7:34 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Special Session at 6:00 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 17th day of May, 2012 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 Griffith	City Manager
Michael Wells	City Secretary
Bill Syblon	Development Director

SPECIAL SESSION 6:00 P.M.

The Special Session began at 6:00 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order. Mayor Story reported that Bill Hurlbut passed away yesterday after the HEB Chamber of Commerce Board of Directors meeting.

NEW BUSINESS

- 1. Consider a resolution of the City Council of the City of Bedford, Texas approving an Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with TRB Bedford LLC.**

Development Director Bill Syblon reported that this item was for the potential redevelopment of the former 7-Eleven building at the corner of Harwood Road and Central Drive by TRB Bedford LLC. This redevelopment could potentially be the catalyst for further business growth. TRB Bedford LLC has requested assistance from the City and he believes they have reached a final proposal that sounds reasonable. The proposal is the same as previously discussed with Council with the following changes: an increase in the maximum dollar amount for incentives granted over the 10 years of the agreement from \$400,000 to \$600,000; rebating the existing valuation of the building along with the improved valuation, which would equal approximately \$8,800 total over the life of the agreement; the inclusion of a maximum of \$5,000 in attorney fees to the \$500,000 spending requirement for improvements to the building; and extending the maximum completion date to May 2013.

Council adjourned to Executive Session pursuant to Section 551.087 of the Texas Government Code – deliberation regarding economic development negotiations, at 6:06 p.m.

Council reconvened from Executive Session at 6:17 p.m.

Motioned by Councilman Griffin, seconded by Councilman Champney, to approve a resolution of the City Council of the City of Bedford, Texas approving an Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with TRB Bedford LLC.

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

ADJOURNMENT

Mayor Story adjourned the meeting at 6:18 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: See below

DATE: 05/22/12

Councilmember Reports

ITEM:

- Councilman Fisher – End of Term Comments

City Manager Review: _____

DISCUSSION:

Councilman Fisher requested this item be placed on the agenda.

ATTACHMENTS:

Letter of Request

-----Original Message-----

From: Fisher, Roger

Sent: Thursday, May 10, 2012 10:34 AM

To: Wells, Michael

Subject: End of term comments

Michael,

Could you please add on the 22nd agenda an item for me.

It needs to be before the canvassing of the election returns.

Council member reports end of term comments.

All the best

Roger Fisher



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 05/22/12

Council Mission Area: Encourage citizen involvement.

ITEM:

Consider a resolution to receive and accept as true and correct the canvassed voting results for the General Election held on May 12, 2012 for the election of a Mayor and Council Members Place 1 and Place 2, and the results of a Special Election held on May 12, 2012 for the election of Council Members Place 3 and Place 4, as presented by the City Secretary.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

Following is a resolution canvassing the May 12, 2012 General and Special Election results for the Joint Election held by Tarrant County for the City of Bedford. Canvassing of the election results is a formality necessary in order to proceed with the administration of the Statement of Elected Officer, Oath of Office, and Issuance of Certificates of Election to elected Council Members. The results are presented as official by Tarrant County Elections to the City of Bedford City Secretary; therefore, the resolution effectively outlines those results for approval. Council will canvass results for a Mayor and Council Members for Place 1, Place 2, Place 3 and Place 4.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution to receive and accept as true and correct the canvassed voting results for the General Election held on May 12, 2012 for the election of a Mayor and Council Members Place 1 and Place 2, and the results of a Special Election held on May 12, 2012 for the election of Council Members Place 3 and Place 4, as presented by the City Secretary.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution
Election Return Sheet
Official Tarrant County Returns

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION OF MAY 12, 2012 FOR THE PURPOSE OF ELECTING A MAYOR AND TWO COUNCIL MEMBERS FOR THE BEDFORD CITY COUNCIL, PLACE 1 AND PLACE 2 FOR A TERM OF THREE YEARS, AND CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON MAY 12, 2012 FOR THE PURPOSE OF ELECTING COUNCIL MEMBERS TO THE UNEXPIRED TERM OF PLACE 3 FOR A TERM OF ONE YEAR AND TO THE UNEXPIRED TERM OF PLACE 4 FOR A TERM OF TWO YEARS.

WHEREAS, the City Council of the City of Bedford, Texas, held a General Election on May 12, 2012 for the purpose of electing a Mayor and two Council Members to the Bedford City Council, Place 1 and Place 2; and,

WHEREAS, the City Council of the City of Bedford, Texas, held a Special Election on May 12, 2012 for the purpose of electing two Council Members to the unexpired terms to the Bedford City Council, Place 3 and Place 4; and,

WHEREAS, a canvass of the General and Special Election returns was conducted on May 22, 2012; and,

WHEREAS, it was found that the persons herein named received the following total number of votes for said term of office on the Bedford City Council of the City of Bedford, Texas:

MAYOR

Ray Champney	799
Jim Griffin	1,445

COUNCIL MEMBER, PLACE 1

Michael Boyter	1,677
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COUNCIL MEMBER, PLACE 2

Dave Gebhart	1,067
Jim Davisson	1,147

COUNCIL MEMBER PLACE 3

Andrew Joe Pearce	549
Sherri Olsen	1,510

COUNCIL MEMBER PLACE 4

Jeannette Cook	908
Patricia Nolan	1,147

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

SECTION 1. That the findings set forth above are incorporated into the body of this resolution as if fully set forth herein.

SECTION 2. That Jim Griffin is hereby declared to be elected Mayor.

SECTION 3. That Michael Boyter is hereby declared to be elected Council Member, Place 1.

SECTION 4. That Jim Davisson is hereby declared to be elected Council Member, Place 2.

- SECTION 5.** That Sherri Olsen is hereby declared to be elected Council Member, Place 3.
- SECTION 6.** That Patricia Nolan is hereby declared to be elected Council Member, Place 4.
- SECTION 7.** That a majority of the residents and qualified electors of the City of Bedford, Texas, voting in a General Election for the purpose of electing a Mayor and Council Members to Place 1 and Place 2 and a Special Election for the purpose of electing Council Members to the unexpired terms of Place 3 and Place 4, have cast a combined Election Day and Early Voter total of 2,323 votes, with 18 absentee voters, 1,502 early voters and 803 Election Day voters.
- SECTION 8.** That it is hereby declared that the City of Bedford approves and accepts the results of the General Election for a Mayor and Council Members, Place 1 and Place 2, and the Special Election for the unexpired terms of Place 3 and Place 4, and as set forth in the Election Returns Sheet attached, as determined by the majority vote of the qualified voters of the City of Bedford, Texas.
- SECTION 9.** That all ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provisions of this resolution shall be and remain controlling as to the matters resolved herein.
- SECTION 10.** That should any court of competent jurisdiction declare any section, subsection, clause or phrase of this resolution unconstitutional or invalid, it is expressly provided that any and all remaining portions of this resolution shall remain in full force and effect. Bedford hereby declares that it would have passed this resolution, and each section, subsection, clauses and phrases be declared unconstitutional or invalid.
- SECTION 11.** That it is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting was given.
- SECTION 12.** That the City Secretary shall record this resolution in the City's official records.
- SECTION 13.** That this resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- SECTION 14.** That this resolution will become effective immediately upon its passage by the City Council of the City of Bedford, Texas.

PASSED AND APPROVED this 22nd day of May 2012, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



UNOFFICIAL ELECTION RETURNS

Tabulation of Election Returns
City of Bedford, General Election
May 12, 2012

CANDIDATE	ABSENTEE VOTING	EARLY VOTING	REGULAR VOTING	TOTAL VOTES	PERCENT TOTAL
MAYOR					
Ray Champney	2	541	256	799	35.61%
Jim Griffin	14	907	524	1,445	64.39%
(Over votes)	0	0	0	0	-
(Under votes)	2	54	23	79	-
COUNCIL MEMBER PLACE 1					
Michael Boyter	15	1,133	529	1,677	100%
(Over votes)	0	0	0	0	-
(Under votes)	3	369	274	646	-
COUNCIL MEMBER PLACE 2					
Dave Gebhart	8	724	335	1,067	48.19%
Jim Davisson	9	718	420	1,147	51.81%
(Over votes)	0	0	0	0	-
(Under votes)	1	60	48	109	-
TOTAL BALLOTS CAST:	18	1,502	803	2,323	-



UNOFFICIAL ELECTION RETURNS

Tabulation of Election Returns
City of Bedford, Special Election
May 12, 2012

CANDIDATE	ABSENTEE VOTING	EARLY VOTING	REGULAR VOTING	TOTAL VOTES	PERCENT TOTAL
COUNCIL MEMBER PLACE 3					
Andrew Joe Pearce	6	366	177	549	26.66%
Sherri Olsen	9	981	520	1,510	73.34%
(Over votes)	0	0	0	0	-
(Under votes)	3	155	106	264	-
COUNCIL MEMBER PLACE 4					
Jeannette Cook	6	592	310	908	44.18%
Patricia Nolan	9	749	389	1,147	55.82%
(Over votes)	0	0	0	0	-
(Under votes)	3	161	104	268	-
TOTAL BALLOTS CAST:	18	1,502	803	2,323	

Cumulative Report — Official Tarrant County — Joint Elections — May 12, 2012

Total Number of Voters : 39,545 of 618,149 = 6.40%
 Number of District Voters: 2,323 of 29,728 = 7.81%

Precincts Reporting 94 of 94 = 100.00%
 District Precincts Reporting 1 of 1 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
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Mayor City of Bedford, Vote For 1

Ray Champney	2	12.50%	541	37.36%	256	32.82%	799	35.61%
Jim Griffin	14	87.50%	907	62.64%	524	67.18%	1,445	64.39%
Cast Votes:	16	88.89%	1,448	96.40%	780	97.14%	2,244	96.60%
Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	2	11.11%	54	3.60%	23	2.86%	79	3.40%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	2,323	29,728	7.81%

Council Member, Place 1 City of Bedford, Vote For 1

Michael Boyter	15	100.00%	1,133	100.00%	529	100.00%	1,677	100.00%
Cast Votes:	15	83.33%	1,133	75.43%	529	65.88%	1,677	72.19%
Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	3	16.67%	369	24.57%	274	34.12%	646	27.81%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	2,323	29,728	7.81%

Council Member, Place 2 City of Bedford, Vote For 1

Dave Gebhart	8	47.06%	724	50.21%	335	44.37%	1,067	48.19%
Jim Davisson	9	52.94%	718	49.79%	420	55.63%	1,147	51.81%
Cast Votes:	17	94.44%	1,442	96.01%	755	94.02%	2,214	95.31%
Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	1	5.56%	60	3.99%	48	5.98%	109	4.69%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	2,323	29,728	7.81%

Cumulative Report — Official Tarrant County — Joint Elections — May 12, 2012

Total Number of Voters : 39,545 of 618,149 = 6.40%
 Number of District Voters: 2,323 of 29,728 = 7.81%

Precincts Reporting 94 of 94 = 100.00%
 District Precincts Reporting 1 of 1 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
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Council Member, Place 3 (Unexpired Term) City of Bedford, Vote For 1

Andrew Joe Pearce	6	40.00%	366	27.17%	177	25.39%	549	26.66%
Sherri Olsen	9	60.00%	981	72.83%	520	74.61%	1,510	73.34%
Cast Votes:	15	83.33%	1,347	89.68%	697	86.80%	2,059	88.64%
Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	3	16.67%	155	10.32%	106	13.20%	264	11.36%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	2,323	29,728	7.81%

Council Member, Place 4 (Unexpired Term) City of Bedford, Vote For 1

Jeannette Cook	6	40.00%	592	44.15%	310	44.35%	908	44.18%
Patricia Nolan	9	60.00%	749	55.85%	389	55.65%	1,147	55.82%
Cast Votes:	15	83.33%	1,341	89.28%	699	87.05%	2,055	88.46%
Over Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Under Votes:	3	16.67%	161	10.72%	104	12.95%	268	11.54%

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	2,323	29,728	7.81%



Council Agenda Background

PRESENTER: Jim Griffin, Mayor

DATE: 05/22/12

Council Recognition

ITEM:

Proclamation designating the week of May 20 – 26, 2012 as Emergency Medical Services Week.

City Manager Review: _____

DISCUSSION:

Deputy Chief Bobby Sewell and Medical Director Dr. Roy Yamada will accept the proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, Emergency Medical Services are a vital public service in the City of Bedford; and

WHEREAS, firefighter-paramedics of the Bedford Fire Department are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, our Emergency Medical Services System consists of firefighter-paramedics, EMT's, physician medical director, EMS educators, EMS field training officers, administrators, 911 operators and first responders; and

WHEREAS, the Bedford emergency personnel also care for the community by teaching citizens life saving skills and the actions to take before emergency response personnel arrive at the scene; and

WHEREAS, under the direction of medical director, Dr. Roy Yamada, the men and women of the Bedford Fire Department are highly dedicated and strive to provide the highest quality in lifesaving care for the citizens of Bedford.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the week of May 20-26, 2012, as:

Emergency Medical Services Week

with the theme, "EMS: More Than a Job. A Calling", I encourage the community to observe this week with appropriate programs, ceremonies and activities.

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this
22nd day of May, 2012.*

JIM GRIFFIN, MAYOR





Council Agenda Background

PRESENTER: See below

DATE: 05/22/12

Persons to be Heard

ITEM:

- a) Scott Nordon, Posados, 16001 Airport Freeway, Bedford, TX – Requested to speak to the Council regarding Posado’s new sign.
- b) William Ledbetter, 3006 Bramble Oaks Court, Bedford, TX – Requested to speak to the Council to recap the Saturday, April 21, 2012 CRUD Cruiser event.

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Letters of Request

From: Griffith, Beverly
Sent: Sunday, May 13, 2012 12:14 PM
To: Wells, Michael
Subject: Fwd: Posados

From: Scott Nordon <snordon@posados.com>
Date: May 13, 2012 11:07:13 AM CDT
To: "Griffith, Beverly" <Beverly.Griffith@bedfordtx.gov>
Subject: Posados

I would like to attend the meeting on 5/22/2012 to talk about Posados new sign

From: William Ledbetter [<mailto:william.ledbetter@att.net>]
Sent: Tuesday, May 15, 2012 6:54 AM
To: Wells, Michael
Subject: RE: Person to be heard request

Yes, please.

Thank you, Michael.

--- On **Thu, 5/3/12, Wells, Michael** <Michael.Wells@bedfordtx.gov> wrote:

From: Wells, Michael <Michael.Wells@bedfordtx.gov>
Subject: RE: Person to be heard request
To: "william.ledbetter@att.net" <william.ledbetter@att.net>
Date: Thursday, May 3, 2012, 8:08 AM

Good morning Mr. Ledbetter,

Unfortunately, the deadline has passed to be put on the agenda. Would you like me to put you on the next one for May 22?

Sincerely,

Michael Wells

City Secretary, City of Bedford
2000 Forest Ridge Drive
Bedford, TX 76021
Phone: 817.952.2104
Fax: 817.952.2103

From: William Ledbetter [<mailto:william.ledbetter@att.net>]
Sent: Wednesday, May 02, 2012 11:01 PM
To: Wells, Michael
Subject: Person to be heard request

Michael,

Is it too late to request a spot on the agenda as a person to be heard? I would like a couple of minutes to recap the CRUD Day results.

Thank you,

-Wm. Ledbetter



Council Agenda Background

PRESENTER: James Tindell, Fire Chief

DATE: 05/22/12

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

ITEM:

Consider a resolution authorizing the City Manager to purchase seven mobile and four portable radios from D/FW Communications in the amount of \$22,292.50, utilizing funding from the 2009 State Homeland Security Grant Program awarded by the State of Texas.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

The Bedford Fire Department is a recipient of the 2009 State Homeland Security Grant Program. The grant funds are designated to update the communications system and related equipment that are assigned to the Mobile Command Unit.

These additional radios will allow the Department to operate two portable base stations independent from the Platform itself, which allows the Department to deploy these units at a command post or remote location to better facilitate communications during an emergency incident. In addition, the remaining mobile radios will be utilized to replace current radios and will have the ability to communicate directly with the Texas Department of Public Safety and other designated agencies during an emergency situation. The addition of these radios will serve to enhance the Department's communication abilities with other jurisdictions.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to purchase seven mobile and four portable radios from D/FW Communications, in the amount of \$22,292.50, utilizing funding from the 2009 State Homeland Security Grant Program awarded by the State of Texas.

FISCAL IMPACT:

No fiscal impact. The grant is 100% funded as approved by the State of Texas.

ATTACHMENTS:

Resolution

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SEVEN MOBILE AND FOUR PORTABLE RADIOS FROM D/FW COMMUNICATIONS IN THE AMOUNT OF \$22,292.50, UTILIZING FUNDING FROM THE 2009 STATE HOMELAND SECURITY GRANT PROGRAM AWARDED BY THE STATE OF TEXAS.

WHEREAS, the City Council of Bedford, Texas, determines the need to purchase seven mobile and four portable radios; and,

WHEREAS, D/FW Communications, the vendor for Motorola radio equipment, provides sales and service to the mobile and portable radios.

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 seven mobile and four portable radios from D/FW Communications, in the amount of \$22,292.50.

SECTION 2. That this project is one hundred percent funded by the 2009 State Homeland Security Grant Program awarded by the State of Texas.

PASSED AND APPROVED this 22nd day of May 2012, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER: Kelli Agan, Technical Services Manager

DATE: 05/22/12

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

ITEM:

Consider a resolution of the City Council of Bedford, Texas, authorizing the City Manager to enter into a contract with The Rockaway Company, Inc. for renovations to the Police Department's Dispatch Division in the amount of \$19,525, utilizing the Tarrant County 9-1-1 District PSAP Assistance Program Funding.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The Police Department has been approved for the 2012 Public Service Assistance Program (PSAP) funding through the Tarrant County 9-1-1 District. Through this program, the Police Department has been awarded \$23,449 to utilize for necessary renovations and the purchase of minor equipment for the Dispatch Division.

The Dispatch Division is currently at its maximum capacity in regards to space. Storage within this area is limited and unfavorable alternatives are being utilized to offset the space/storage issue. Additionally, the small break room area located within the Division is ill equipped to adequately provide basic needs for a 24/7 operation.

Limited Storage

Items are currently being stored in paper boxes in the supervisor's office and other areas due to the inability to house additional file cabinets inside the office or in the Dispatch area.

Space Issues

Due to limited space, the Dispatch Division is unable to obtain a regular paper copier; therefore personnel must utilize the fax machine to make copies or leave the Division to use a copier located in other areas of the building. The Division is responsible for copying all warrant confirmations, Orders of Protection, TCIC/NCIC paperwork, and miscellaneous office paperwork. The current copier situation is not ideal for two reasons:

- The cost associated with the constant replacement of fax machines and fax toners, coupled with the poor quality of a fax copy.
- It is preferable for the Dispatchers to utilize a copier within their immediate work area in order to allow them to quickly return to the radio console.

Further, due to limited space availability, the shredder is currently placed in an area that is too close in proximity to the dispatch radio consoles, where the ability to listen to radio communication is a critical function of the Dispatch operation.

Break Room

The Dispatch Division is a 24-hours a day/7 days a week operation. This is the only Division in the City of Bedford where personnel are expected to remain at their work station, or at least within the Division, the entire work shift, including lunch breaks. The Dispatchers have a very small break room area that currently houses lockers for the Dispatchers, a small dorm sized refrigerator, a few small cabinets and a small sink. Each Dispatcher generally brings his/her meals to work each day to eat at their work station. The refrigerator is too small to handle the volume of food and therefore the unit generally freezes over once a month. The sink located within the break room area is too small (12" x 9") and very inadequate to properly wash dishes. Further, the area is also lacking sufficient cabinet space for proper storage of typical kitchen items and dishes.

RENOVATION PROPOSAL

The proposal is twofold as it addresses the space/storage concerns and also the break room concerns.

Storage & Space Concerns

The Police Department proposes to enclose the north hallway adjacent to Dispatch and remove half of the adjoining wall for entrance into this space. The elimination of this hallway does not adversely impact the Police Department as this hallway is utilized as an alternate entrance to the juvenile detective area or an additional walkway to the Criminal Investigations Division.

By enclosing this entire hallway, the Dispatch Division would gain an additional 300 square feet of space. The additional space would provide the Division with a storage closet, file room, locker area and space for a paper copier. The space would also accommodate some current equipment, such as the shredder, emergency weather siren equipment, bookcases, etc.

Break Room

The proposal is to completely redesign the cabinet and sink configuration. By moving the lockers to the new renovated area, this will allow enough space for an apartment sized refrigerator. Cabinets and drawers will be constructed where the current dorm sized refrigerator is located and a full-sized sink will be installed.

QUOTES

The Police Department has solicited quotes from several different contractors, including three disadvantaged businesses. Four contractors provided quotes to renovate the Dispatch Division. After careful review, staff recommends utilizing The Rockaway Company, Inc. The Rockaway Company, Inc. has performed several renovations to the City Hall complex and is very familiar with the City's high code standards. Their quote was also substantially less than a couple of other quotes received.

The Rockaway Company, Inc. Quote¹

The quote received from The Rockaway Company, Inc. is ADA compliant and includes the following scope of the project:

- Demolition of half the wall in Dispatch;
- Enclosure of the north adjacent hallway;
- Removal of the south door and windows to the juvenile area;
- Installation of the storage closet with door;
- Installation and/or relocation of electric outlets;
- Re-switch existing lights in hall;
- Patch carpet between Dispatch and new hall to coordinate with existing carpet;
- Removal of existing cabinetry, countertop, lockers and sink in break room;
- Installation of new cabinetry, countertop and sink; and
- Noise and dust removal.²

Total Estimated Renovation Cost = \$19,525

¹The H-VAC equipment was evaluated by Siemens who determined that only a minor change to the system (repositioning of a thermostat) was necessary for this project. Additionally, the Fire Marshal approved the proposal in regards to meeting the City's Fire Code.

² A sound barrier will be installed and dust will be continuously extracted through a vacuum source, which will be eliminated outside the Police Department. This procedure will allow the Dispatchers to continue to work at their stations through the renovation.

Additional Expenses Approved for Program Funding³

Funding for this project also includes the following:

- Disconnecting the audible portion of two fire alarms currently located in the proposed hallway area = \$356
- Apartment sized refrigerator, file cabinets, book shelf and shelving = \$3,066
- Replacement Dispatch fax machine = \$309
- Repositioning of Thermostat = \$500
- Lease of one small copier (to be funded in the FY 2013 Budget)

Total Additional Expenses = \$4,231

³The above additional expenses exceed program funding by \$307(for the repositioning of the thermostat). This additional expense will be funded out of the Police Department's equipment maintenance account.

Staff considers the above proposal as the most responsible way to utilize this year's funding through the District. The request will improve efficiencies and organization within the Dispatch Division by remedying the current space and storage concerns. Further, the proposal will better utilize the existing break room area, which will ultimately increase employee morale.

The District funding does not require a cash match from the City of Bedford.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution of the City Council of Bedford, Texas, authorizing the City Manager to enter into a contract with The Rockaway Company, Inc. for renovations to the Police Department's Dispatch Division in the amount of \$19,525, utilizing the Tarrant County 9-1-1 District PSAP Assistance Program Funding.

FISCAL IMPACT:

\$19,525 from Tarrant County 9-1-1 District PSAP Assistance Program Funding

\$307 from the Police Department Operating Budget – Equipment Maintenance

ATTACHMENTS:

Resolution
The Rockaway Company, Inc. Contract
Exhibit "A"
Dispatch Division Pictures

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE ROCKAWAY COMPANY, INC. FOR RENOVATIONS TO THE POLICE DEPARTMENT'S DISPATCH DIVISION IN THE AMOUNT OF \$19,525, UTILIZING THE TARRANT COUNTY 9-1-1 DISTRICT PSAP ASSISTANCE PROGRAM FUNDING.

WHEREAS, the City Council of Bedford, Texas determines the necessity for renovations to the Dispatch Division; and,

WHEREAS, the City of Bedford has determined these improvements will provide more efficiencies and organization within the Division.

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

SECTION 1. That the City Council, Texas authorizes the City Manager to enter into a contract with The Rockaway Company, Inc. for renovations to the Police Department's Dispatch Division in the amount of \$19,525, utilizing the Tarrant County 9-1-1 District PSAP Assistance Program Funding.

PASSED AND APPROVED the 22nd day of May 2012, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

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

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2012 by and between the City of Bedford (hereinafter called OWNER) and

The Rockaway Company, Inc.

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

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

Article 1. PROJECT SCOPE

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

**Subject: Renovation of Police Department Dispatch Division
City of Bedford,
Tarrant County, Texas**

Article 2. CONTRACT TIME.

The Work shall be completed in less than twenty days from commencement date.

Article 3. CONTRACT PRICE.

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

Article 4. PAYMENT PROCEDURES.

4.1. Payment to CONTRACTOR will be as outlined in Exhibit "A" of this agreement. All charges are to be less sales tax as OWNER is tax exempt.

Article 5. CONTRACTOR'S REPRESENTATIONS.

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

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

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

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

Article 6. MISCELLANEOUS.

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

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

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

6.4. SUBCONTRACTING:

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

2. CONTRACTOR shall be fully responsible to OWNER for the acts and omissions of his subcontractors, and of persons either directly or indirectly

employed by them, as he is for acts and omissions of persons directly employed by him.

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

Article 7. GOVERNING LAWS, VENUE.

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

Article 8. CONTRACT DOCUMENTS.

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

- 8.1 CONTRACTOR'S quote for project.
- 8.2 CONTRACTOR'S Certificate of Insurance.

Article 9. INDEMNIFICATION.

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

Executed on behalf of the CONTRACTOR by its owner shown below, and on behalf of the OWNER by its City Manager, or authorized representative, this agreement will be effective on the _____ day of _____, 2012.

OWNER:

CITY OF BEDFORD
2000 FOREST RIDGE DRIVE
BEDFORD, TEXAS 76021

By: Beverly Griffith, City Manager

CONTRACTOR:

Name: _____

Address: _____

City: _____

State & Zip: _____

By: _____

Print Name

Telephone Number

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

Approved as to Form and Legality this _____ day of _____ 20____.

City Attorney

CONTRACTOR'S Seal (if incorporated)

EXHIBIT “A”



THE ROCKAWAY COMPANY, INC

4416 McLean, Suite A
 Haltom City, Texas 76117
 (817) 485-9855 • Fax (817) 485-1061
 Email: Rockawayco@aol.com



We don't just offer service—we offer solutions you'll enjoy living with.

PROPOSAL SUBMITTED TO	PHONE	DATE
<i>City of Bedford-Eric Griffen</i>	<i>817-952-2405</i>	<i>2/12/2012</i>
STREET	MOBILE	WORK/FAX
<i>2121 L-Don Dodson</i>		
CITY, STATE AND ZIP CODE		
<i>Bedford, TX 76021</i>	<i>TRCC:2406</i>	<i>Rep: Barry Thombs</i>

Remodel

1. Remove four (4) dedicated plugs in Dispatch Room and relocate to side wall.
2. Remove one (1) window to Dispatch and save for reuse. And remove existing locker.
3. Remove approx. 13 LF of wall and framing at Dispatch wall.
4. Provide and install one (1) new header in wall and cover with sheetrock.
5. Provide and install approx. 21 LF of new wall. Seven (7 LF) at both ends of hall and one wall to create closet.
6. Provide and install door to new closet.
7. Remove approx. 45 LF of ceiling grid and tile at both ends of hall.
8. Provide and install approx. 45 LF of wall angle and reinstall grid and tile.
9. Remove and cap three (3) existing exit signs.
10. Remove one (1) door and three (3) panel windows to Juveniles area and install door to new closet area.
11. Enclose wall with 2 X 4 metal studs and enclose with ½" sheetrock to both sides.
12. Enclose both ends of hall with ½" sheetrock and both sides of closet wall.
13. Re-switch existing lights in Hall to separate switch for Hall. Add two (2) plugs to wall opposite of juvenile area.
14. Owners to remove Fire Alarm, Strobes, and Alarms.
15. No HVAC work has been included.
16. Remove approx. 130 LF of existing vinyl cove base.
17. Remove approx. 2,080 SF of existing vinyl wall covering.
18. Tape, bed, texture and paint approx. 2,192 SF in satin or semi-gloss enamel.
19. Patch carpet between Dispatch with a solid strip of carpet to coordinate with existing where wall is removed.

Propose hereby to furnish material and labor --- complete in accordance with above specifications, for the sum of:

Payment to be made as follows: _____ dollars (\$ _____).

SEE PAGE 2

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____



THE ROCKAWAY COMPANY, INC

4416 McLean, Suite A
Haltom City, Texas 76117
(817) 485-9855 • Fax (817) 485-1061
Email: Rockawayco@aol.com



We don't just offer service—we offer solutions you'll enjoy living with.

PROPOSAL SUBMITTED TO

City of Bedford-Eric Griffen

Dispatch Remodel

- 20. Provide and install approx 15 LF of laminate tops and backsplashes to customers color selection.
- 21. Provide and install plumbing as possible. (Stainless steel sink allowance \$190.00 and faucet allowance \$150.00)
- 22. Provide and install two (2) plugs to new refrigerator wall. One (1) for refrigerator and one (1) for counter-top.
- 23. Provide and install approx. 130 LF of cove base to match existing as close as possible.
- 24. Provide and install dust removal equipment while demo work is being done.
- 25. Build dust wall to Dispatch to contain as much dust as possible.
- 26. Duration of Project is approx. 10 working days.
- 27. Clean up of trash and debris associated with this project is included. Includes cleaning crew at completion.
- 28. No upgrade to existing electrical, HVAC, or plumbing has been included in this project except listing in this proposal.
- 29. No other work has been bid and will not start without a signed change order.
- 30. No permits have included or Tax on City work.
- 31. All work meets all state and ADA requirements.

Total amount of the project: *Nineteen thousand five hundred twenty-five dollars and 00/100 (19,525.00)*

Payment Schedule is as follows:

- \$8,000.00 after start of work
- \$9,000.00 at substantial completion
- \$2,525.00 at punch-out and clean up

952-2681



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/21/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER CCIM, Inc dba Capitol City Ins and The Insurance Store 8030 N Mopac Austin TX 78759	CONTACT NAME: Elsie Parrish PHONE (A/C No. Ext.): (512) 930-5562 FAX (A/C No.): (512) 930-5483 E-MAIL ADDRESS: elsiep@ccinsurance.com													
	<table border="1"> <tr> <th>(INSURER(S) AFFORDING COVERAGE)</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: Mid-Continent Group</td> <td></td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	(INSURER(S) AFFORDING COVERAGE)	NAIC #	INSURER A: Mid-Continent Group		INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:
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INSURER C:														
INSURER D:														
INSURER E:														
INSURER F:														
INSURED Rockaway Company, Inc. 4416 McLean Road Suite A Haltom City TX 76117														

COVERAGES CERTIFICATE NUMBER: CL1222104880 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL/SUBR INSR LTR/D	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		04GL000843095	2/29/2012	2/29/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ Excluded PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIREO AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER Insured's Copy	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Dwayne Baker/ELSIE

BEDFORD POLICE DEPARTMENT

Dispatch Division Renovation Proposal



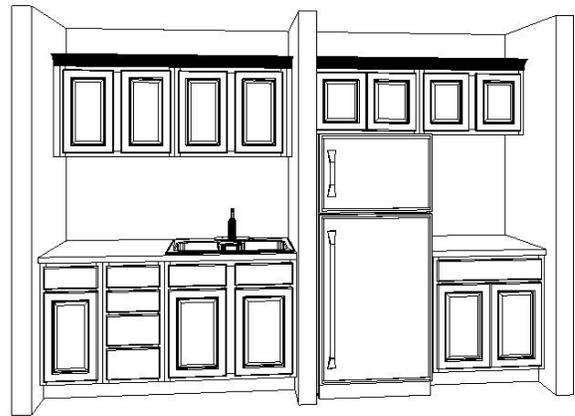
Dispatch Break Room



Dispatch Break Room & Lockers



Dispatch Break Room Sink



Artists Rendition of Proposed Dispatch Break Room



North Hallway Proposed to Enclose



Windows & Door in Juvenile Area to be Removed



Area to be Removed to Allow Access to Hallway

Area to be Removed to Allow Access to Hallway	



Council Agenda Background

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

DATE: 05/22/12

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

ITEM:

Consider a resolution of the City of Bedford denying Atmos Energy Corp., Mid-Tex Division's ("Atmos Mid-Tex") requested rate change; requiring the Company to reimburse the City's reasonable rate making expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and ACSC's legal counsel.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

On January 31, 2012, Atmos Mid-Tex filed a Statement of Intent seeking to increase system-wide base rates (which exclude the cost of gas) by approximately \$49 million or 11.94%. The Company's request includes an increase of 13.6%, excluding gas costs, for its residential customers. Additionally, the application would change the way that rates are collected, by increasing the residential fixed-monthly (or customer) charge from \$7.50 to \$18.00 and decreasing the consumption charge from \$0.25 per 100 cubic feet ("ccf") to \$0.07 per ccf.

On Tuesday, February 28, 2012, the City Council approved a resolution suspending the March 6, 2012 effective date of the requested rate increase for 90 days. Since that time the Atmos Cities Steering Committee (ACSC) engaged attorneys and consultants to review Atmos Mid-Tex's proposed rate increase. During their review, ACSC's consultants found justification that Mid-Tex's rates should be decreased. On April 25, 2012, the Company extended the effective date of its proposed rate change, which similarly extended cities' jurisdictional deadline to June 11, 2012.

ACSC and the Company have engaged in some settlement discussions but have not yet reached agreement. ACSC is hoping to achieve settlement with the Company. The ACSC Settlement Committee therefore recommends denial of the Company's proposed rate increase rather than a rate decrease to facilitate further settlement discussions. The resolution prevents the Company's proposed rates from automatically going into effect on June 11. The Company has expressed a desire for settlement while an appeal from the cities' denial of the rate increase is pending at the Railroad Commission. Should a settlement be reached, the City may be required to pass an ordinance setting new rates pursuant to the settlement.

The purpose of the resolution is to deny Atmos Mid-Tex's proposed rate increase pending further settlement discussions and to prevent Atmos' proposed rate increase from automatically taking effect on June 11, 2012.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution of the City of Bedford denying Atmos Energy Corp., Mid-Tex Division's ("Atmos Mid-Tex") requested rate change; requiring the Company to reimburse the City's reasonable ratemaking expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and ACSC's legal counsel.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution

RESOLUTION NO. 12-

RESOLUTION OF THE CITY OF BEDFORD DENYING ATMOS ENERGY CORP., MID-TEX DIVISION'S ("ATMOS MID-TEX") REQUESTED RATE CHANGE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATE MAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC'S LEGAL COUNSEL

WHEREAS, the City of Bedford, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and is a regulatory authority under the Gas Utility Regulatory Act ("GURA") and under Chapter 104, §104.001 et seq. of GURA, has exclusive original jurisdiction over Atmos Mid-Tex's rates, operations, and services within the City; and,

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of over 150 similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in the Atmos Mid-Tex Division; and,

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC and the Company worked collectively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC as a substitute to the current GRIP process instituted by the Legislature; and,

WHEREAS, ACSC and the Company agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and,

WHEREAS, in 2011, ACSC and the Company engaged in good faith negotiations regarding the continuation of the RRM process, but were unable to come to ultimate agreement; and,

WHEREAS, on or about January 31, 2012, the Company filed a Statement of Intent with the cities retaining original jurisdiction within its Mid-Tex service division to increase rates by approximately \$49 million; and,

WHEREAS, Atmos Mid-Tex proposed March 6, 2012, as the effective date for its requested increase in rates; and,

WHEREAS, the City suspended the effective date of Atmos Mid-Tex's proposed rate increase for the maximum period allowed by law and thus extended the City's jurisdiction until June 4, 2012; and,

WHEREAS, on April 25, 2012, the Company extended the effective date for its proposed rates by one week, which similarly extended the City's jurisdiction until June 11, 2012; and,

WHEREAS, the ACSC Executive Committee hired and directed legal counsel and consultants to prepare a common response to the Company's requested rate increase and to negotiate with the Company and direct any necessary litigation; and,

WHEREAS, ACSC's consultants conducted a review of the Company's requested rate increase and found justification that the Company's rates should be decreased; and,

WHEREAS, ACSC and the Company have engaged in settlement discussions but will be unable according to Company representations to reach settlement in sufficient time for cities to act before June 11, 2012; and,

WHEREAS, failure by ACSC members to take action before June 11, 2012 would allow the Company the right to impose its full request on residents of said ACSC members; and,

WHEREAS, the ACSC Settlement Committee recommends denial of the Company's proposed rate increase in order to continue settlement discussions pending the Company's appeal of cities' denials to the Railroad Commission of Texas; and,

WHEREAS, the GURA § 103.022 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

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

SECTION 1. That the rates proposed by Atmos Mid-Tex to be recovered through its gas rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

SECTION 2. That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

SECTION 3. That the City's reasonable rate case expenses shall be reimbursed by the Company.

SECTION 4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 5. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of David Park, Vice President Rates & Regulatory Affairs, at Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 22nd day of May 2012, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney