

# **AMENDED AGENDA**

**Regular Meeting of the Bedford City Council  
Tuesday, October 9, 2012  
Bedford City Hall Building A  
2000 Forest Ridge Drive  
Bedford, Texas 76021**

**Council Chamber Work Session 5:30 p.m. (Amended Time)  
Council Chamber Regular Session 6:30 p.m.**

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

## **WORK SESSION**

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Discussion and receive Council direction on possible amendments to Code Enforcement ordinances.

## **EXECUTIVE SESSION:** (Amended item)

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(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – code enforcement processes and procedures.

## **REGULAR SESSION 6:30 P.M.**

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

### **INVOCATION**

### **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 recognizing October 2012 as National Community Planning Month in Bedford.
2. Consider a resolution authorizing the Beautification Commission to recognize Brown Trail Animal Hospital and State National Insurance Company for maintaining, improving, and/or keeping their property visually attractive to the community.

## **APPROVAL OF THE MINUTES**

3. Consider approval of the following City Council minutes:
  - a) September 20, 2012 work session
  - b) September 25, 2012 regular meeting

## **OLD BUSINESS**

4. Public hearing and consider an ordinance to rezone a portion of the property known as Lot 1R1, Block 1, Harwood Hills Village Addition, 3350 Harwood Road, Bedford, Texas, from Planned Unit Development, PUD to Amended Planned Unit Development, Site Plan Modification in the Highway Corridor Overlay District. The property is generally located south of Harwood Road and west of State Highway 121. (Z-225) (Continued from the August 14, 2012 meeting)

## **NEW BUSINESS**

5. Public hearing and consider an ordinance to rezone the property known as Lots 50 and 51, J.R. Murphy Addition, located at 2709 Murphy Drive, Bedford, Texas, from Single-Family Residential Detached District (R-75) and Lot 52, J.R. Murphy Addition, located at 2713 Murphy Drive, Bedford, Texas, from Single-Family Residential Detached District (R-15) to Medium-Density-Residential-Single Family Detached District (MD-3). The properties are generally located south of Harwood Road and west of Murphy Drive. (Z-228)
6. Public hearing and consider a resolution approving a site plan for a stealth cellular tower located at the property known as Lot A1, Block 1, Dallas Federal Addition, 1851 Central Drive, Bedford, Texas. This property is generally located north of State Highway 183 and west of Central Drive. (S-055)
7. Consider an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 1. "Generally" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.
8. Consider an ordinance updating Board and Commission ordinances to reflect changes in attendance requirements; providing a severability clause; and declaring an effective date.
9. Consider an ordinance amending Chapter 86. "Park and Recreation", Article II. "Park and Recreation Board" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.
10. Consider an ordinance amending Chapter 2. "Administration", Article III. "Officers and Employees", Division 3. "Ethics", Section 2-114. "Ethics Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.
11. Consider an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 5. "Cultural Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.
12. Consider a resolution authorizing the Community Affairs Commission to hold a City of Bedford Expo.
13. Consider a resolution authorizing the City Manager to enter into a professional services contract with J. Richard Perkins, P.E., for the following: (1) periodic staff review of plats and construction/site plans for private developments within the City; (2) periodic review of construction plans from other engineering consultants under contract with the City for the design of public improvements; (3) consulting, review, oversight, design and general

administration of ongoing City projects and other public works projects as determined by the Public Works Director.

14. Consider a resolution approving Change Order #1 with RKM Utility Services, Inc. in the amount of \$57,993.41 for the Schumac Lane/Monterrey Street Storm Drainage Improvement Project.
15. Consider a resolution authorizing the City Manager to purchase a replacement 2013 HD Chevrolet Crew Cab Diesel truck in the amount of \$39,885 from Caldwell Country through BuyBoard Cooperative Purchasing Agreement.
16. Consider a resolution authorizing the City Manager to purchase a 2013 Ford Transit Connect XL truck in the amount of \$21,682.38 from Philpott Motors through the BuyBoard Cooperative Purchasing Agreement.
17. Consider a resolution terminating the contract with Fast Solutions in the amount of \$113,604.43 for the Asbestos Abatement and Demolition of seven properties at various locations in the City of Bedford and authorizing the City Manager to enter into a contract with the second low bidder, Clean Air Remediation in the amount of \$120,877.07.
18. Consider a resolution authorizing the City Manager to enter into a Purchase Agreement with Fuelman of DFW for the purchase of various types of automotive and equipment fuels.
19. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Haltom City, Hurst, North Richland Hills and the County of Tarrant, Texas for the 2012 Byrne Justice Assistance Grant (JAG) Formula Program Award.
20. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Hurst, Euless and Grapevine for the creation of the Northeast Tarrant County Area SWAT Team (NETCAST).
21. Consider a resolution removing inactive members from the Community Affairs Commission and the Beautification Commission.
22. Consider a resolution authorizing the City Manager to change a Council meeting in December and schedule the Council meetings for December 4, 2012 and December 11, 2012.
23. Report on most recent meeting of the following Boards and Commissions:
  - ✓ Animal Control Board – Councilmember Olsen
  - ✓ Animal Shelter Advisory Board - Councilmember Olsen
  - ✓ Beautification Commission – Councilmember Turner
  - ✓ Community Affairs Commission - Councilmember Boyter
  - ✓ Cultural Commission - Councilmember Nolan
  - ✓ Library Board – Councilmember Brown
  - ✓ Parks & Recreation Board - Councilmember Davisson
  - ✓ Senior Citizen Advisory Board - Councilmember Turner
  - ✓ Teen Court Advisory Board - Councilmember Olsen

**24. Council member reports**

**25. City Manager/Staff Reports**

**26. 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, October 5, 2012 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

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**Michael Wells, City Secretary**

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**Date Notice Removed**

(Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in City functions and activities. Auxiliary aids and services or accommodations 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:** Beverly Griffith, City Manager

**DATE:** 10/09/12

**Work Session**

**ITEM:**

Discussion and receive Council direction on possible amendments to Code Enforcement ordinances.

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

**DISCUSSION:**

On September 20, 2012 City Council conducted a work session to discuss potential changes to specific code enforcement related ordinances. The changes that were presented and discussed at that work session will be presented to City Council for approval at the October 23, 2012 City Council meeting.

Since that time, additional code enforcement related topics have been brought forward to staff from various Council members. These items are as follows:

1. Max allowable non-family living in a residence (addressing issue of ALF/Hospice home businesses in our residential neighborhoods.
2. Hoarding issues.
3. Motor homes/travel trailers being stored in view
4. Set up a volunteer and/or staff organization to check on and report code violations on a weekly basis to give broader/regular canvassing of current problems that need to be addressed.
5. To be more transparent/open government. Review Arlington website showing the transparency/length they are going to in providing public/citizens of their work on DSS and code compliance. Website very user friendly, easy to find/review information, freely give cases they are currently working on and cases they've concluded along with FABULOUS before/after pics (this is on both regular ordinance webpage and DSS).
6. Aesthetic ordinances. We need to get design ordinances in place as quickly as possible to be able to control the building we expect to go on in the not too distant future. The 183 corridor is very important but I think we need to tighten them up city-wide.

Management is requesting direction on which of these additional items the City Council wishes to pursue, specific goals for each ordinance revision, as well as prioritization of those items. Based on that input, items will be assigned to appropriate staff for evaluation and recommendation.

**ATTACHMENTS:**

N/A



# Council Agenda Background

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**PRESENTER:** Jacquelyn Reyff, Planning Manager  
William Syblon, Development Director

**DATE:** 10/09/12

Council Recognition

**ITEM:**

Proclamation recognizing October 2012 as National Community Planning Month in Bedford.

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

**DISCUSSION:**

October 2012 is National Community Planning month. The American Planning Association takes this month to recognize Planning Commissioners, Citizen Planners, and Professional Urban Planners for their time and efforts to contribute to making improvements to their respective cities.

Staff has created a display located in the Bedford Public Library lobby to showcase National Community Planning Month. This display highlights city planning and economic development initiatives.

**ATTACHMENTS:**

Proclamation



CITY OF  
**BEDFORD**

# Proclamation

*WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, and rural areas; and*

*WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and*

*WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and*

*WHEREAS, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and*

*WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and*

*WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Bedford, Texas.*

*NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the month of October, 2012 as:*

## ***Community Planning Month***

*in the City of Bedford and encourage all citizens to recognize the many valuable contributions made by professional urban planners to the City of Bedford and extend our heartfelt thanks for the continued commitment to public service by these professionals.*

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this  
9th day of October, 2012.*

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JIM GRIFFIN, MAYOR





# Council Agenda Background

**PRESENTER:** William Ledbetter, Beautification Commission Chairperson  
 Don Henderson, Parks Superintendent

**DATE:** 10/09/12

**Council Mission Area:** Protect the vitality of neighborhoods.

**ITEM:**

Consider a resolution authorizing the Beautification Commission to recognize Brown Trail Animal Hospital and State National Insurance Company for maintaining, improving, and/or keeping their property visually attractive to the community.

**City Attorney Review:** N/A

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

**DISCUSSION:**

The Beautification Commission recommends the recognition of these Bedford establishments for their contribution to the beautification of Bedford through keeping their property maintained with the highest of standards. The City appreciates the visual appeal and well-maintained landscape of these properties.

| <u>Property/Establishment</u>                             | <u>Category</u>                  | <u>Comments</u>  |
|---|----------------------------------|--|
| Brown Trail Animal Hospital<br>2716 Brown Trail, 76021    | Superior Landscaping             | Consistently maintain high standards for property.       |
| State National Insurance Co.<br>1900 L. Don Dodson, 76021 | Overall Appearance Best Improved | Redone landscaping, trimmed trees and is a visual asset. |

If approved, the awards are scheduled to be presented on Friday, October 26.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the Beautification Commission to recognize Brown Trail Animal Hospital and State National Insurance Company for maintaining, improving, and/or keeping their property visually attractive to the community.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE BEAUTIFICATION COMMISSION TO RECOGNIZE BROWN TRAIL ANIMAL HOSPITAL AND STATE NATIONAL INSURANCE COMPANY FOR MAINTAINING, IMPROVING, AND/OR KEEPING THEIR PROPERTY VISUALLY ATTRACTIVE TO THE COMMUNITY.

WHEREAS, the Bedford Beautification Commission has nominated Brown Trail Animal Hospital and State National Insurance Company for the Business Recognition Award based on observations, discussions and comments of the Commission members; and,

WHEREAS, a Certificate of Recognition will be signed by the Mayor, the Community Services Department, and the Bedford Beautification Commission Chairperson; and,

WHEREAS, the awards are scheduled to be presented on Friday, the 26th day of October 2012.

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 Bedford Beautification Commission to award Brown Trail Animal Hospital and State National Insurance Company a Certificate of Recognition for being visually attractive to the community.

PASSED AND APPROVED this 9th day of October 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

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**PRESENTER:** Michael Wells, City Secretary

**DATE:** 10/09/12

**Minutes**

**ITEM:**

Consider approval of the following City Council minutes:

- a) September 20, 2012 work session
- b) September 25, 2012 regular meeting

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

**DISCUSSION:**

N/A

**ATTACHMENTS:**

September 20, 2012 work session  
September 25, 2012 regular meeting

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

**The City Council of the City of Bedford, Texas, met in Work Session at 6:00 p.m. at the Old Bedford School, 2400 School Lane, Bedford, Texas, on the 20th day of September, 2012 with the following members present:**

|                |                 |
|----------------|-----------------|
| Jim Griffin    | Mayor           |
| Michael Boyter | Council Members |
| Chris Brown    |                 |
| Jim Davisson   |                 |
| Sherri Olsen   |                 |
| Patricia Nolan |                 |
| Roy W. Turner  |                 |

constituting a quorum.

Staff present included:

|                         |   |
|-------------------------|---|
| Beverly Griffith        | City Manager                            |
| David Miller            | Deputy City Manager                     |
| Michael Wells           | City Secretary                          |
| Russell Hines           | Building Official                       |
| Mirenda McQuagge-Walden | Managing Director of Community Services |
| Tommy Peterson          | Code Enforcement Manager                |
| James Asher             | Code Enforcement Officer                |
| Paula Archibald         | Code Enforcement Officer                |
| Melissa Briggs          | Code Enforcement Officer                |

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

Mayor Griffin called the Work Session to order at 6:01 p.m.

### **WORK SESSION 6:00 p.m.**

- **Council work session to include discussion regarding the following topics:**
  - **Amendments to Boards and Commissions ordinances**

Council elected to discuss possible amendments to Code Enforcement ordinances and procedures prior to this item.

Councilmember Olsen left at 8:38 p.m.

City Secretary Michael Wells presented information regarding amendments to Boards and Commissions Ordinances. The first was to amend the attendance policy for Board and Commission members. A member would become eligible for removal after two absences within a calendar year. After two absences, they would be sent a letter from the City Secretary's Office, copied to the Board or Commission chairperson, informing them that they are eligible to be removed and to contact their chairperson. It would then be up to the discretion of the chairperson to recommend the member's removal. Other recommended changes to the ordinance included making a separate section defining what a quorum is and specifying that

vacant positions are not to be counted for the purposes of determining a quorum. Further, only members of the Building and Standards Commission, the Ethics Commission, the Planning and Zoning Commission and the Zoning Board of Adjustment would be required to take an oath of office prior to taking their position. Mr. Wells stated that changes to the ordinances of the individual Boards and Commissions would be updated to reflect the changes in the attendance policy. Council was of the consensus to approve these changes and for staff to present a resolution at the next Council meeting for the removal of certain Board and Commission members who have not been attending meetings.

Mr. Wells presented a change to the Ethics Commission. Council discussed at the Work Session on August 16 that it has been difficult to find people for the Commission and that they have no reason to meet except to review travel expenses. Council was of the consensus to replace the Commission with the chairpersons of other Boards and Commissions. As presented at tonight's meeting, the Commission would be made up of the chairpersons of the following seven Boards and Commissions: Beautification, Community Affairs, Cultural, Library Advisory, Parks and Recreation, Planning and Zoning and the Zoning Board of Adjustment. Council was of the consensus to change the membership to the chairpersons of six of the Boards and Commission and to not include the chairperson of the Zoning Board of Adjustment. The seventh member would be a regular citizen of the City.

(The item above was discussed by Council and recorded by the City Secretary at the August 16 Work Session. However, this discussion was inadvertently left off of the minutes approved by Council for that meeting.)

Mr. Wells presented an amendment to the Cultural Commission Ordinance whereby Council could appoint two alternate positions to act in the place of absent members. Council was of the consensus to approve this amendment and to specify that the two alternate members be citizens of the City as opposed to having to be a member of a certain organization.

- o **Possible amendments to Code Enforcement ordinances and procedures**

This item was discussed first.

Deputy City Manager David Miller recapped items that Council had asked staff to examine at a previous Work Session. These included timelines used for enforcement, changes to ordinances for high weeds and grass, nuisances including trash receptacles, fences and swimming pool enforcement.

In regards to timelines used for enforcement, a survey was taken of several surrounding cities and there was not much variation between them and Bedford. Other things looked at in the survey included the maximum height of weeds and grass and the number of days to abate nuisances. Bedford is in line with every other city in the survey. In regards to abating nuisances, Bedford does seven days. Per the Texas Health and Safety Code, even if you lowered the time frame to three or five days, correctable action could not be taken until after seven days. For high grass and weeds, Bedford does not allow greater than 10 inches on any piece of property. Every other city on the survey was between eight and 12 inches except for Grapevine at 6 inches; however, they do not take enforcement until after 12 inches. No other city does five inches and it was felt that it would be too difficult to maintain or enforce. Staff recommended dropping the maximum height from 10 inches to 8 inches on residential property and 10 inches on undeveloped land. City property would also be at eight inches. As far as how much of the property has to be over the maximum height, every city on the survey leaves it at the inspector's discretion and it ranges from 10% to 50% of the yard. Bedford tends to do it at 20%. Council directed staff to not change the maximum height of grass and weeds. Further, they directed that Code Enforcement give offenders a five-day warning and take enforcement action as necessary after the seventh day. Councilmember Turner went on record to say he

was opposed to the last change. As these procedures would be handled in-house, there was no need to change this ordinance.

Mr. Miller then presented information on changes to the nuisance ordinance regarding the storage of recyclable containers. The recommended change is that outside of the hours for garbage and recycling pick-up, which is 7:00 p.m. the day before to 7:00 p.m. the day of, any garbage or recycling bin must be behind building lines and easements of residential properties and screened from public view. This change would require an amendment to the City's contract with Allied Waste Services to eliminate front door service; however, only three residents opt into this program. Council and staff discussed residents who put their trash out before 7:00 p.m. the day before pick-up, setting the boundaries to the foundation line and the definition of public view. In regards to people who leave their bins out for several days, the current practice is to warn them and after three violations in a rolling calendar year, then they are cited. Council was of the consensus that the bins not be visible to public view and to approve the recommended changes.

Council and staff discussed follow-up procedures, enforcement and repeat offenders. Mr. Miller explained that staff is in the process of changing their enforcement practices. It was felt that zero tolerance took away the officer's discretionary powers. Instead, they are tightening up the enforcement end. Offenders are given seven days to mow high grass and weeds; when staff goes out on the eighth day, outside of a provable situation, citations are issued after the first warning period. The same approach would be used on swimming pools and trash violations. For repeat offenders, there would be no warning period unless required by State law. With situations like a house on Wade Drive, where the occupant is a widow who has difficulty maintaining her house and property, referrals are made to 6Stones. Mr. Miller explained that after the eighth day if grass and weeds are not mowed, the City will come out to mow and will bill the property owner. He also stated that the City would never come out whole on fines but could on liens. Citations could be issued every 24-hour period that a violation occurs but the City prosecutor has made a decision for it to be every seven days and up to three timers per violation.

There was further discussion on the ordinances being enforceable; communication; quality control; tools to allow for follow-up; the inability of Code Enforcement to reference information off-site; B-Service; identifying obvious inefficiencies; and technology.

Mr. Miller presented information on an issue from the Fire Department regarding trees that have grown over the City's rights-of-way, which prohibits fire apparatus from safely passing underneath. Staff recommended adding a new section to the Nuisance Ordinance that requires homeowners to keep trees trimmed to at least 14 feet above the right-of-way. The homeowner would be given a seven-day warning period before they are cited and the City would then trim the trees. As with any Code Enforcement issue, the homeowner would be given a copy of the ordinance. Council and staff discussed giving more leeway to residents in regards to the timeframe. Building Official Russell Hines discussed the Neighborhood Revitalization Program where Code Enforcement, Animal Control and Public Service officers go door-to-door in neighborhoods. This program has worked very well in getting residents to trim their trees; however, this ordinance would give staff teeth to enforce if they refuse. Council was of the consensus to approve this ordinance and to extend the warning period to 14 days.

Mr. Miller presented information on recommended changes to the Sign Ordinance regarding vehicle signs. Currently, vehicles can park wherever they want to in their parking lot as long as the vehicle is moved within three days. The first change is to redefine that a vehicle is to be any mechanical device that can be transported or drawn on a public street or highway. The second change would be to make it a violation for any of these vehicles to be parked along the right-of-way; instead they would be required to park them in the rear or side of the building. If this is not feasible, they would need to park as adjacent to the front of the building as possible. Only if

approved by a specific use permit could a business park vehicles along the right-of-way. Council was of the consensus to approve these changes.

Mr. Miller presented information regarding changes to the Fence Ordinance. The first change is for a definition of the term thoroughfare as any public street within the City's corporate limits. It would require any person whose fence faces a thoroughfare to have the smooth side facing the public. This would only come into effect on new fences or if 50% or more of a fence needs to be replaced. The second change is to do away with parallel fences whereby two fences are built next to each other. These would be prohibited if there is less than five feet of separation. The reason is that it is difficult to control the grass and weeds between the fences. Staff will check with the City Attorney regarding whether this provision can be made retroactive. The final change is for masonry fences. If they require a complete or partial replacement, they shall be replaced or repaired with like materials if still available and comply with the requirements for masonry fence construction. Mr. Miller explained that this provision might be an issue with homeowner's associations. He also stated that theoretically the person is not required to replace the fence.

Mr. Miller presented information regarding internal changes to Code Enforcement regarding swimming pools. The seven-day requirement to clean the pool will still be in place; however, the owner is required to start work on the pool within 24 hours. If on the eighth day the pool is not clean, they will immediately be given a citation. Repeat offenders would be given a citation every time after the first warning. Mr. Miller explained that the City cannot require that a pool be kept full of water. In regards to the City draining a pool, the City can only do so by court order, which gives the City further distance from any liability. Code Enforcement currently enforces on the clarity of the pool, more specifically on whether or not the bottom drains can be seen. Now, they will be enforcing on both the clarity and the stagnation of the pool, as growth may cause health and safety issues. Now the owner must clean and have mechanisms in place whereby the water is no longer stagnant. A notice has been designed, which will be placarded at places that have pool violations when the first warning is given. This would both motivate the offender and send the message to the neighbors that the City is working on the issue. It would be illegal to remove the notice without the City's permission. Council and staff discussed Code Enforcement not being allowed back onto properties, shortening the timelines for enforcement and follow-up. It was explained that the owners have to be given seven days to abate the problem before a lien could be issued.

Mr. Miller presented a slide regarding property counts that showed that in the City there are the following: 14,799 single family residential properties; 1,691 commercial businesses; 35 apartment complexes; 8,383 apartment units; and 2,597 swimming pools. In answer to questions from Council, it was explained that apartment complexes are held to the same standards. Code Enforcement received 4,851 complaints in the previous calendar year, 3,891 of which were pro-actively handled by the Code Enforcement officers. In regards to repeat offenders, the approach in dealing with them is an enormous level of customer service. A person is only considered a repeat offender if they have been cited.

- **Possible amendments to Council Rules of Order and Procedure**

This item was presented last. Mayor Griffin asked that Council review the Council Rules of Order and Procedure. He emphasized that to get items on the agenda, they need to be turned in to the City Secretary's Office by noon the Wednesday prior to the Council meeting. He also stated that it is the Council's responsibility to communicate their questions and issues to the City Manager, who would then funnel those to others.

- **Renewal of lease agreement with Arts Council Northeast**

City Manager Beverly Griffith presented information regarding the renewal of the lease

agreement with Arts Council Northeast. The Arts Council has had an annual lease with the City for \$10.00 a year with the provisions that they are responsible for utilities and maintenance inside the building. The lease specifically states that they are not allowed to sublease the building; however, they swear that they have always done subleases and that the City has known about it. The direct expenses of the Arts Council are approximately \$13,000, most of which is for utilities. The Trinity Arts Guild, one of the organizations that sublease from the Arts Council, wants to lease directly from the City. The Arts Council wants to keep things the same and to change the lease to accept donations from those that use the building. Ms. Griffith asked Council if they were comfortable on how the Arts Council uses the building. Council discussed the need for the situation to be handled more equitably; how the City's money is being appropriated; and what the expectations are going to be for the end product. Council directed staff to have the Arts Council come to Council at a meeting in October to discuss the situation and include a layout of the moneys the City is paying them.

- **Marketing program for FY 2012/2013**

Ms. Griffith stated that there was a need to discuss the program before moving forward to filling the marketing position. Managing Director of Community Services Mirenda McQuagge-Walden presented an overview of her plan for the position. She stated that in regards to using an intern, generally they are given a project and are then guided through the process. Her vision is not necessarily to show them how to do things but for them to move the City to the next level. She envisions that position functioning independently. Currently, there is non-cohesive marketing by each City department. This position could lead a team and coordinate with every department for a more cohesive message. Marketing is the number one function of the job but not the priority. Instead, communication and the image is the most important thing and she does not feel that an intern should hold the image of the City in their hands. There are many areas in the City, including economic development, festivals, the Old Bedford School and Public Safety where the City could be pro-actively telling its story. The position would be more involved in social media and would work with Bill Syblon and Kay Brown in Economic Development. They would coordinate with every department for a more cohesive message. Council and staff discussed the position including it being a department manager level position; the ability to get the kind of person the City wants at the stated cost and the possibility of increasing funding; the possibility of the position being part-time; and the position handling press releases for every department and working events such as BluesFest. Council was of the consensus for staff to move forward with advertising for the position.

## **ADJOURNMENT**

Mayor Griffin adjourned the meeting at approximately 9:45 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

**The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. in the Conference Room and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 25th day of September, 2012 with the following members present:**

|                |                 |
|----------------|-----------------|
| Jim Griffin    | Mayor           |
| Michael Boyter | Council Members |
| Chris Brown    |                 |
| Jim Davisson   |                 |
| Patricia Nolan |                 |
| Sherry Olsen   |                 |
| 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                          |
| Roger Gibson            | Police Chief                            |
| John Kubala             | Public Works Director                   |
| Mirenda McQuagge-Walden | Managing Director of Community Services |
| Maria Redburn           | Library Manager                         |
| Bill Syblon             | Development Director                    |
| James Tindell           | Fire Chief                              |

### **WORK SESSION**

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

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

Council discussed placing the following items on consent: 6, 8, 9 and 10. On Item #10, Council requested that staff have a copy of Dr. Yamada's medical malpractice insurance on file.

- **Discussion regarding setting a date for Board and Commission interviews and setting dates for Council Meetings in December.**

City Manager Beverly Griffith presented information regarding setting a date for Board and Commission interviews and for changing the dates of Council Meetings in December. As the second meeting in December falls on Christmas Day, she suggested that Council move the dates to December 4 and December 11, with December 4 being designated for Board and Commission interviews. Council was of the consensus to move forward with changing the dates in December. A resolution will be presented at the next Council meeting formally changing those dates.

- **Discussion regarding the Zoning Ordinance for strategic intersections impacted by NTE Highway 183 construction. \*\*\*Item requested by Mayor Griffin.**

Mayor Griffin requested this information be placed on the agenda for discussion. Questions had been raised previously about what the Council could do as far as the major intersections along the highway and the potential for different zoning criteria. Councilmember Nolan stated that there is an opportunity to make good use of the corners affected by the construction and that Council should think about zoning them to maximize opportunities. In discussions with the City Attorney, there is a way to zone these areas so the City could have the types of businesses they would like on the perimeters.

City Attorney Stan Lowry cautioned Council regarding "spot zoning" whereby small tracts of land are rezoned for the purpose of preventing certain uses from going there. He advised taking a larger district approach by either having an overlay district or amending the current requirements. It is extremely problematic from a practical and legal standpoint to zone in order to yield or eliminate certain brands. He discussed ways other cities approach this issue. In a certain business district, a restaurant may be allowed by right. The restaurant would not need to come to the City for zoning approval; however, they may have to come for site plan approval. The City could make site plan requirements as minimal or detailed as they desire. With restaurants, the City may require an additional level of approval through a specific use permit if they want to have a drive through or outdoor seating.

Mr. Lowry stated that there has been a lot of focus from cities on aesthetics. There is a trend in zoning for "form based codes", whereby the city regulates the form of the building, such as height, materials, signage and architectural requirements. After that, the use is irrelevant to the city. In traditional zoning, the city would allow a restaurant as long as they do not have a drive through or outdoor seating. He stated that cities are also allowing more elaborate signage. In regard to site plans, he stated it could be whatever the Council chooses it to be, whether just a footprint or a detailed artist rendering. If there is an elaborate site plan process, there would be more work for the applicant. Criteria would be put into the ordinance that submittals must meet the minimum requirements. The site plan is not a way to deny the use but to hone in on what the exact use is going to look like. He stated the tricky part is if the site plan complies with the ordinance, Council would have to approve it. In many cities, site plan details are different depending on the district. He cautioned that if Council chooses to be real elaborate with aesthetic standards, they need to be prepared to adapt those frequently depending on changes in the market.

In answer to questions from Council, Development Director Bill Syblon stated that the four corners at Central and Highway 183 and at Bedford Road and Highway 183 are each less than an acre and they lend themselves more to a fast food concept or garden office. He targets fast food operators as they generate a lot of sales tax per square foot. Due to their size, it would be difficult to get enough parking for a sit-down concept. In regards to the northeast corner of Central Drive and Highway 183, he felt that it still would not be large enough for a sit-down concept if it is enlarged by taking the street. There was discussion on many of the corners having big parking lots in the back of the centers and shared parking.

Council and staff discussed an overlay district for Highway 183. Ms. Griffith stated that one had been drafted previously per Council's desire to salvage businesses along the highway and to grant relief on parking and landscaping. However, it proved difficult for many property owners and it was put on the back burner.

Council discussed meeting with property owners and shopping centers along the highway if the Council wants to pursue an overlay district; land acquisitions along Highway 183; separating elements out of the draft Highway 183 Overlay District and leaving in those items that Council wants to adopt quickly; whether businesses would be threatened by more restrictions; infringements on branding; and getting the types of business that would show the City in a different light. Council was of the consensus to review the previous draft of the Highway 183 Overlay District and to discuss it further at a future work session.

Mayor Griffin adjourned the Work Session at 6:16 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(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – economic development and land use.
- Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1A, Bedford Plaza Addition.
- Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot A1, Dallas Federal Addition.

Council convened into Executive Session pursuant to Texas Government Code Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – economic development and land use, Section 551.087, deliberation regarding economic development negotiations relative to Block A, Lot 1A, Bedford Plaza Addition and Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot A1, Dallas Federal Addition at 6:16 p.m.

Council reconvened from Executive Session at 6:40 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 6:46 p.m.

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

Mayor Griffin called the meeting to order.

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

Dr. Jerry Chism of Martin United Methodist Church gave 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 Councilmember Turner, seconded by Councilmember Davisson, to approve the following items by consent: 6, 8, 9 as amended in the Work Session and 10.

Councilmember Turner amended his motion to include Item #7 for approval by consent, seconded by Councilmember Davisson.

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

## **COUNCIL RECOGNITION**

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

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

Megan Jakubik, Administrative Services – 5 years of service  
Scott Weir, Police Department – 10 years of service  
Bill Lankford, Public Services – 15 years of service  
Paula Archibald, Community Services – 15 years of service

Alfred Tijerina from Public Services was also scheduled to receive his service pin but was unable to attend.

## **2. Proclamation recognizing October 2012 as Fire Prevention Month in the City of Bedford.**

Mayor Griffin read a proclamation recognizing October 2012 as Fire Prevention Month in the City of Bedford. Fire Chief James Tindell and Fire Department Clowns Cameron Hall and Ignacio Sahagun were on hand to accept the proclamation.

## **3. Proclamation recognizing October 2, 2012 as the official day for National Night Out.**

Mayor Griffin read a proclamation recognizing October 2, 2012 as the official day for National Night Out. Police Chief Roger Gibson and Technical Sergeant Randy Gardner were on hand to accept the proclamation. Sergeant Gardner stated that several years ago, the State of Texas changed the date for National Night Out from the second Tuesday in August and it is the only state to observe it in October. The State has won the national award the past several years. He encouraged people to turn on their porch lights and go outside with their neighbors on that night. City personnel will be going to several different neighborhoods to talk about a variety of things, with a special emphasis on drugs and crime.

## **4. Proclamation recognizing October 2012 as Crime Prevention Month in the City of Bedford.**

Mayor Griffin read a proclamation recognizing October 2012 as Crime Prevention Month in the City of Bedford. Chief Gibson and Technical Sergeant Gardner were on hand to accept the proclamation. Technical Sergeant Gardner stated that the City has been observing Crime Prevention Month since 1980. By keeping constant vigilance for suspicious activity in our communities and through crime prevention programs, crime could be headed off. Many crimes, such as burglary, are the easiest to prevent but the hardest for the Police Department to solve. He encouraged citizens to contact the Department to perform a security survey of their homes. They could get a 5% discount on their homeowner's insurance.

## **PERSONS TO BE HEARD**

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

- a) John Watson, 3318 Forest Lane, Suite 200, Dallas, TX – Requested to speak to the Council regarding request for development incentives for the new Burger King at 1200 Airport Freeway, Bedford, TX.**

John Watson, 3318 Forest Lane, Suite 200 – Mr. Watson represents Sun Holdings and wanted to address the Council about a Burger King they intend to construct at Highway 183 and Bedford Road. He hopes that Council would grant certain incentives, including rebates on taxes and development fees. They are scheduled to close on the acquisition of the property on Monday. The purchase price of the land is \$714,000 and they will be putting an additional \$700,000 into the building. A lot of money has been spent on architecture and engineering. Once the property was under contract, they had a 90-day inspection period with two 30-day extensions. There was \$35,000 in earnest money, which became non-refundable. Part of their decision to move forward was based on statements that they were likely to receive assistance from the City. He presented a letter from last November from Development Director Bill Syblon addressed to Tom Paredes, in which Mr. Syblon states that he is confident that the Council would easily consider terms to redevelop the property including rebates on sales taxes, alcohol taxes,

real property taxes, personal property taxes and development fees. He further showed an email from February between Mr. Syblon and Mr. Paredes, which specifically outlined the rebates. He stated the rebates added up to approximately \$60,000, which is a significant sum of money as a percentage of what they are investing. He stated that he met with Mr. Syblon and Kay Brown from the Development Department in July and was told the same thing regarding the incentives. He reported back to his CEO and these incentives were part of his decision making in buying this site, which is one of the more expensive sites they have purchased. Given these statements, he respectfully asked that Council allow them to benefit from some of these incentives that they were counting on. He understood that Council had previously declined the incentives in an Executive Session but he hopes that Council would reconsider allowing those incentives to come to them. Mr. Paredes has stated to him that the CEO was considering sites in Hurst and Euless and that the promise of incentives was a factor for them to spend money to come to Bedford.

Mayor Griffin thanked Mr. Watson and Mr. Paredes for coming. He stated that Council welcomes new businesses to the City. The process is for the City to provide this type of information to proposed economic endeavors and each one is handled on a case-by-case basis. Once Council has made a decision, they move onto the next one. Mr. Watson discussed reasons the Council did not move forward with the incentives, other concepts that they could bring to the City and feedback on what they could do differently. He expressed disappointment that they did not get a portion of what was listed in the letter.

**b) Larry Stricklin, 705 Annette Drive, Bedford, TX – Requested to speak to the Council regarding West Nile containment and prevention.**

Larry Stricklin, 705 Annette Drive – Mr. Stricklin requested to speak about the West Nile Virus. In answer to questions from Mr. Stricklin, Public Works Director John Kubala stated that there have been 10 reported cases in the City, all except one being north of Harwood Road. There have been no reported cases in the last several weeks and there have been no deaths in Bedford. Mr. Stricklin stated that his neighbor contracted the virus about six weeks ago and he is disconcerted that there has been no spraying in his neighborhood. Last week, a test case had been brought to his neighborhood; seven mosquitoes were caught and yesterday, the case was taken to either the County or the State. He asked if any of those had tested positive for the virus and Mr. Kubala stated that he did not know. In regards to GPS, Mr. Kubala stated that it is used to keep track of the locations of traps. Ms. Griffith stated that the City has plotted maps so they can track positive tests and human cases. Based on that visual, it is determined where the most concentrated cases of the virus have been occurring and those areas receive targeted spraying. Mr. Kubala stated that a graph provided by Tarrant County shows a significant drop in reported cases in the County over the last several weeks. Council and Mr. Stricklin discussed why the area south of Harwood Road has not been sprayed; the most effective ways to prevent the virus being to protect oneself and the use of larvacide; and that the City has to rely on the County regarding information on positive tests for the virus.

**APPROVAL OF THE MINUTES**

- 6. Consider approval of the following City Council minutes:**  
**a) September 11, 2012 regular meeting**

This item was approved by consent.

**NEW BUSINESS**

- 7. 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 Pappas Restaurants Inc.**

This item was approved by consent.

- 8. Consider a resolution accepting an Art/Exhibit Policy for displaying art in City of Bedford facilities.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to renew the City's current contract with Dr. Roy Yamada, M.D., Fort Worth, Texas, to provide medical control services for the City of Bedford's emergency medical operations in the amount of \$17,500.**

This item was approved by consent with the amendment made during the Work Session.

- 10. Consider a resolution authorizing the City Manager to enter into an interlocal agreement with the City of Fort Worth in the amount of \$47.00 per voucher to allow for the collection and disposal of household hazardous waste for Bedford households at the permanent collection site from October 1, 2012 to September 30, 2013.**

This item was approved by consent.

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

- ✓ **Animal Control Board – Councilmember Olsen**

Councilmember Olsen reported that the Board will be holding a dangerous dog hearing soon.

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

Councilmember Olsen reminded everybody about the upcoming Pet Fair on October 20 from 10:00 a.m. to 2:00 p.m.

- ✓ **Beautification Commission – Councilmember Turner**

Councilmember Turner reported on several projects involving the Commission. The Crud Cruiser was last Saturday; he does not have any statistics yet but he will present them at a future meeting. They are working on redoing the medians along Harwood to make them more attractive. They also plan on eventually redoing other medians. They are in the process of revising their handouts that let people know what is available in the City and how they can participate.

- ✓ **Community Affairs Commission - Councilmember Boyter**

Councilmember Boyter reported that the Commission hosted a business roundtable at the Library and quite a few businesses were in attendance. There was a lot of great information presented about what is going on in the City. He wanted to personally thank Sarah Sisson, Steve Grubbs and Gary Morlock. There will be a presentation from Mr. Roy Savage at the next Council meeting about a wonderful new opportunity for the Commission.

- ✓ **Cultural Commission - Councilmember Nolan**

Councilmember Nolan reported that the Commission has received great responses from artists and venues. They will have table at the Cultural Crawl on October 6 and she hopes to see everybody there.

- ✓ **Library Board – Councilmember Brown**

Councilmember Brown reported that the Board had one item on their agenda to look at several different policies including cell phone, children's room, code of conduct, food and drink, lost and found, teen room and vulnerable adults. They will continue to work on these policies at their next meeting on November 24.

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

Councilmember Davisson stated that the Board does not meet again until next week.

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

Councilmember Turner reported that the Board does not meet again until mid-October.

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

No report was given.

**12. Council member reports**

Mayor Griffin promoted the CPR Fall Blitz on October 19 and 20. Nine homes in Bedford will be worked on and he urged people to sign up to work the event on 6Stones' website. 6Stones is also sponsoring a clay shooting event and he has challenged the mayors of Hurst and Eules.

**13. City Manager/Staff Reports**

**a) Presentation on the October 6 Cultural Crawl.**

Ms. McQuagge-Walden presented information regarding the October 6 Cultural Crawl. This event is being done in partnership with the Trinity Arts Guild, Bedford OnStage, the Cultural Commission and the facilities in the Cultural District including the Library, Senior Center and the Boys Ranch Activity Center (BRAC). From 9:00 a.m. to 3:00 p.m. there will be the Senior Center craft sale. At 10:00 a.m. there will be the Guild's show-and-sell as well as various demonstrations at the BRAC and OnStage. There will be different performances at the pavilion with singers and karaoke. At 4:00 p.m. there will be a children's performance put together by Onstage. From 11:00 a.m. to 2:00 p.m. there will be food trucks. 20 plus artists with the Guild, and 12 artists and vendors with Onstage, will have tables and booths set up at the pavilion. The Guild is also promoting a raffle to have a portrait done by one of their artists, Mahto. 300 tickets will be sold at \$30.00 a piece, or four for \$100.00. From 6:00 p.m. to 8:00 p.m. there will be a reception at the Library to show their new art hanging system donated by the Library Foundation.

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

Item #7 was approved by consent.

**ADJOURNMENT**

Mayor Griffin adjourned the meeting at 7:44 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary



# Council Agenda Background

**PRESENTER:** Jacquelyn Reyff, Planning Manager  
William Syblon, Development Director

**DATE:** 10/09/12

**Council Mission Area:** Foster economic growth.

**ITEM:**

Public hearing and consider an ordinance to rezone a portion of the property known as Lot 1R1, Block 1, Harwood Hills Village Addition, 3350 Harwood Road, Bedford, Texas, from Planned Unit Development, PUD to Amended Planned Unit Development, Site Plan Modification in the Highway Corridor Overlay District. The property is generally located south of Harwood Road and west of State Highway 121. (Z-225) (Continued from the August 14, 2012 meeting)

**City Attorney Review:** N/A

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

**DISCUSSION:**

This item was published for consideration at the August 14, 2012 City Council Meeting. By request of staff, the public hearing was opened and Council voted to continue it until tonight's meeting. The applicant has requested that this item remain tabled until the October 11, 2012 Planning and Zoning Commission Meeting. It will subsequently be scheduled for the November 13, 2012 City Council Meeting. Staff is recommending that the Council continue the public hearing until such time as this item may be heard.

**RECOMMENDATION:**

Staff recommends the following motion:

That the public hearing remain open until such time as this item may be heard. (Z-225)

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance  
July 12, 2012, August 9, 2012, and September  
13, 2012 Planning & Zoning Minutes  
Staff Memo

**ORDINANCE NO. 12-**

**AN ORDINANCE TO REZONE A PORTION OF PROPERTY KNOWN AS LOT 1R-1, BLOCK 1, HARWOOD HILLS VILLAGE ADDITION, LOCATED AT 3350 HARWOOD ROAD, BEDFORD, TEXAS, SPECIFICALLY FOR THE OPERATION OF A RESTAURANT WITH AMENDED SPECIFIC USE PERMIT FOR A DRIVE-THROUGH RESTAURANT AND SITE PLAN; DECLARING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EFFECTIVE DATE. (Z-225)**

**WHEREAS, it is deemed expedient and for the benefit of the City of Bedford, Texas, that the Comprehensive Zoning Ordinance be amended to rezone a portion of property from Heavy Commercial to Heavy Commercial/Amended Specific Use Permit/Site Plan. The property is generally located south of Harwood Road and west of State Highway 121. (Z-225)**

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

**SECTION 1. That Section 2 of the Zoning Ordinance be amended and the map designated "ZONING MAP-CITY OF BEDFORD, TEXAS" be revised and amended so that the land described as:**

**a portion of property known as Lot 1R-1, Block 1, Harwood Hills Village Addition, and is located at 3350 Harwood Road, Bedford, Texas shall be shown as approved by this ordinance.**

**SECTION 2. That the Site Plan, Landscaping Plan, and Elevation Plan attached hereto as Exhibit "A", is approved as a component of this zoning change approval. Any revisions to the property that deviates from the Site Plan attached hereto shall require an amendment to this ordinance.**

**SECTION 3. That approval of this amended specific use permit is subject to no stipulations.**

**SECTION 4. That from and after the final passage of this ordinance, the land described herein shall be subject to the regulations and uses of Heavy Commercial/Amended Specific Use Permit/Drive-through restaurant/Site Plan.**

**SECTION 5. That this ordinance shall be cumulative of all provisions of other ordinances of the City of Bedford, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting revisions of such ordinances are hereby repealed.**

**SECTION 6. That it is hereby declared the intention of the City Council of the City of Bedford, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity 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. That any person, organization, corporation, partnership or entity that violates, disobeys, omits, neglects or fails to comply with the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense or violation. Each day that an offense or violation occurs shall constitute a separate offense.**

**ORDINANCE NO. 12-**

**PRESENTED AND PASSED** this 9th day of October, 2012 by a vote of \_ ayes, \_ nays and \_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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**Jim Griffin, Mayor**

**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF JULY 12, 2012**

**APPROVED**

Chairman Stroope opened the public hearing at 7:18 p.m. and there being no one to speak, closed the public hearing at 7:18 p.m.

The Commission discussed the application.

Motion: Commissioner Hall made a motion to approve Zoning Case Z-222.

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

Ayes: Commissioners Hall, Pierson, Carlson, Sinisi, Vice Chairman Reese, and Chairman Stroope

Nays: None

Abstention: None

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

- **3. Zoning Case Z-225 request of McDonald's Restaurant for a public hearing and to consider a request to rezone property known as Lot 1R1, Block 1, Harwood Hills Village Addition, located at 3350 Harwood Road, Bedford, Texas; from Heavy Commercial/Specific Use Permit/Drive-in & Drive-through Restaurant to Heavy Commercial/Amended Specific Use Permit/Drive-in & Drive-through Restaurant, with Site Plan Modification. The property is generally located south of Harwood Road and west of State Highway 121.**

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager reviewed Zoning Case Z-225.

Chairman Stroope recognized the letter received from the applicant requesting this item to be tabled until the August 9, 2012, Planning and Zoning Commission meeting.

Chairman Stroope opened the public hearing at 7:20 p.m. and there being no one to speak, left the public hearing open until the August 9, 2012 meeting.

Motion: Commissioner Carlson made a motion to table Zoning Case Z-225 to the August 9, 2012 meeting.

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

Ayes: Commissioners Carlson, Sinisi, Pierson, Hall, Smeltzer, Vice Chairman Reese, Chairman Stroope

Nays: None

Abstention: None

Motion tabled 7-0-0. Chairman Stroope declared the motion approved.

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF AUGUST 9, 2012**

**DRAFT**

**PUBLIC HEARING**

- 2. Zoning Case Z-225 request of McDonald's Restaurant for a public hearing and to consider a request to rezone property known as Lot 1R1, Block 1, Harwood Hills Village Addition, located at 3350 Harwood Road, Bedford, Texas; from Heavy Commercial/Specific Use Permit/Drive-in & Drive-through Restaurant to Heavy Commercial/Amended Specific Use Permit/Drive-in & Drive-through Restaurant, with Site Plan Modification. The property is generally located south of Harwood Road and west of State Highway 121.**

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager reviewed Zoning Case Z-225.

Chairman Stroope recognized a letter dated July 24, 2012 from the applicant requesting this item to be tabled until the September 13, 2012, Planning and Zoning Commission meeting.

Chairman Stroope opened the public hearing at 7:05 p.m. and there being no one to speak, left the public hearing open until the September 13, 2012 meeting.

Motion: Commissioner Fisher made a motion to table Zoning Case Z-225 to the the September 13, 2012 meeting.

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

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

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF JULY 12, 2012**

**APPROVED**

The Commission discussed the application.

Motion: Commissioner Hall made a motion to approve Zoning Case Z-222.

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

Ayes: Commissioners Hall, Pierson, Carlson, Sinisi, Vice Chairman Reese, and Chairman Stroope

Nays: None

Abstention: None

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

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- 3. Zoning Case Z-225 request of McDonald's Restaurant for a public hearing and to consider a request to rezone property known as Lot 1R1, Block 1, Harwood Hills Village Addition, located at 3350 Harwood Road, Bedford, Texas; from Heavy Commercial/Specific Use Permit/Drive-in & Drive-through Restaurant to Heavy Commercial/Amended Specific Use Permit/Drive-in & Drive-through Restaurant, with Site Plan Modification. The property is generally located south of Harwood Road and west of State Highway 121.**

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager reviewed Zoning Case Z-225.

Chairman Stroope recognized the letter received from the applicant requesting this item to be tabled until the August 9, 2012, Planning and Zoning Commission meeting.

Chairman Stroope opened the public hearing at 7:20 p.m. and there being no one to speak, left the public hearing open until the August 9, 2012 meeting.

Motion: Commissioner Carlson made a motion to table Zoning Case Z-225 to the August 9, 2012 meeting.

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

Ayes: Commissioners Carlson, Sinisi, Pierson, Hall, Smeltzer, Vice Chairman Reese, Chairman Stroope

Nays: None

Abstention: None

Motion tabled 7-0-0. Chairman Stroope declared the motion approved.

- 4. Zoning Ordinance Amendment Case A-030, a public hearing and consider a request for an Amendment to the City of Bedford Zoning**

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF AUGUST 9, 2012**

**APPROVED**

**CALL TO ORDER**

Chairman Stroope called the meeting to order at 7:00 p.m.

**INVOCATION**

Vice Chairman Reese gave tonight's invocation.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

**APPROVAL OF MINUTES**

**1. Consider approval of the following Planning and Zoning Commission meeting minutes:**

**a) July 12, 2012**

Motion: Commissioner Hall made a motion to approve the meeting minutes of July 12, 2012 correct as written.

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

Ayes: Commissioners Sinisi, Carlson, Hall, Vice Chairman Reese  
Chairman Stroope

Nays: None

Abstention: Commissioners Fisher, Henning

Chairman Stroope declared the motion approved.

**PUBLIC HEARING**

- 2. Zoning Case Z-225 request of McDonald's Restaurant for a public hearing and to consider a request to rezone property known as Lot 1R1, Block 1, Harwood Hills Village Addition, located at 3350 Harwood Road, Bedford, Texas; from Heavy Commercial/Specific Use Permit/Drive-in & Drive-through Restaurant to Heavy Commercial/Amended Specific Use Permit/Drive-in & Drive-through Restaurant, with Site Plan Modification. The property is generally located south of Harwood Road and west of State Highway 121. (Tabled from the meeting of July 12, 2012.)**

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager reviewed Zoning Case Z-225.

Chairman Stroope recognized a letter dated July 24, 2012 from the applicant requesting this item to be tabled until the September 13, 2012, Planning and Zoning Commission meeting.

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF AUGUST 9, 2012**

**APPROVED**

Chairman Stroope opened the public hearing at 7:05 p.m. and there being no one to speak, left the public hearing open until the September 13, 2012 meeting.

Motion: Commissioner Fisher made a motion to table Zoning Case Z-225 to the the September 13, 2012 meeting.

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

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

- 3. Zoning Case Z-227 request of Keith Hamilton for Kassel Court Addition, for a public hearing and to consider a request to rezone property known as Lots 39 and 40, J.R. Murphy Addition and is located at 2413 Murphy Drive, proposed rezoning from "R-15,000" Single-Family Residential Detached District to "MD-3" Medium-Density Residential-Single-Family Detached District. The properties are generally located north of Bedford Road and west of Murphy Drive.**

Chairman Stroope recognized Jacquelyn Reyff, AICP, Planning Manager reviewed Zoning Case Z-227.

Chairman Stroope recognized Bill Stimmel, 1116 Glade Road, Colleyville, Texas; and Keith Hamilton, 8241 Mid-Cities Boulevard, North Richland Hill, Texas, who were there to represent this application.

Chairman Stroope opened the public hearing at 7:11 p.m. and recognized Pedro Lopez, 2412 Meadow View, Bedford, Texas. Mr. Lopez was concerned about maintaining the privacy of his backyard. He asked if there were going to be two-story houses in the development. Mr. Hamilton explained there was a wide, open space, Drainage and Utility Easement that provided adequate distance between his property and this development.

Chairman Stroope closed the public hearing at 7:14 p.m.

The Commission discussed the application.

Motion: Commissioner Henning made a motion to approve Zoning Case Z-227 with the stipulation: add in the NOTES: "Minimum finished floor area for dwellings shall be 1,800 sq."

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

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

- 4. Zoning Ordinance Amendment Case A-030, a public hearing and consider a request for an Amendment to the City of Bedford Zoning Ordinance to remove Sections 4.16.A and 4.16.B, "CBD" Central Business District Overlay.**

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF SEPTEMBER 13, 2012**

**DRAFT**

**CALL TO ORDER**

Vice Chairman Reese called the meeting to order at 7:00 p.m.

**INVOCATION**

Vice Chairman Reese gave tonight's invocation.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

**APPROVAL OF MINUTES**

**1. Consider approval of the following Planning and Zoning Commission meeting minutes:**

**a) August 9, 2012**

Motion: Commissioner Henning made a motion to approve the meeting minutes of August 9, 2012, correct as written.

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

Ayes: Commissioners Sinisi, Carlson, Henning, Vice Chairman Reese

Nays: None

Abstention: Commissioners Smeltzer, Pierson

Vice Chairman Reese declared the motion approved.

**PUBLIC HEARING**

**2. Zoning Case Z-225 request of McDonald's Restaurant to rezone a portion of property known as Lot 1R1, Block 1, Harwood Hills Village Addition, located at 3350 Harwood Road, Bedford, Texas; from Planned Unit Development, to Amended Planned Unit Development, Site Plan Modification in the Highway Corridor Overlay District. The property is generally located south of Harwood Road and west of State Highway 121.**

Vice Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager reviewed Zoning Case Z-225.

Vice Chairman Reese recognized a letter dated July 24, 2012 from the applicant requesting this item to be tabled until to a future meeting.

Vice Chairman Reese opened the public hearing at 7:10 p.m. and there being no one to speak, left the public hearing open.

Motion: Commissioner Henning made a motion to table Zoning Case Z-225.

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

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF SEPTEMBER 13, 2012**

**DRAFT**

Motion approved 6-0-0. Vice Chairman Reese declared the motion approved.

- 3. Site Plan Case S-055, a public hearing and consideration for approval of a site plan for address 1851 Central Drive, Bedford, Texas, AT&T stealth cellular tower. The property is known as Lot A1, Block 1, Dallas Federal Addition, and is zoned Heavy Commercial. The property is generally located north of State Highway 183 and west of Central Drive.**

Vice Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Site Plan Case S-055.

Vice Chairman Stroope recognized Paul Baumgardner, 1801 Valley View Lane, Farmers Branch, Texas, who was there to present this application.

Vice Chairman Reese opened the public hearing at 7:16 p.m. and there being no one to speak, closed the public hearing at 7:16 p.m.

The Commission discussed the application.

Motion: Commissioner Henning made a motion to approve Site Plan Case S-055.

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

Motion approved 6-0-0. Vice Chairman Reese declared the motion approved.

- 4. Zoning Case Z-228, request of Keith Hamilton for Sanders Addition for a public hearing and to consider a request to rezone properties known as Lot 52, JR Murphy Addition, located at 2713 Murphy Drive; R-15,000, Single-Family Residential Detached District; and Lots 50 and 51, JR Murphy Addition, located at 2709 Murphy Drive, R-75,000 Single-Family Residential Detached District to "MD-3" Medium-Density Residential-Single-Family Detached District. The properties are generally located south of Harwood Road and west of Murphy Drive.**

Vice Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Zoning Case Z-228.

Vice Chairman Reese recognized Bill Stimmel, 1116 Glade Road, Colleyville, Texas; and Keith Hamilton, 8241 Mid-Cities Boulevard, North Richland Hill, Texas, who were there to represent this application.

Vice Chairman Reese opened the public hearing at 7:28 p.m. and recognized the following:

Steve Otto, 2608 Classic Court, Bedford, Texas

Justin Lowe, 2609 Classic Court, Bedford, Texas

Mr. Lowe also represented his parents who lived at 2617 Classic Court, Bedford Texas

Kathy Gamill, 2605 Classic Court, Bedford, Texas



## Planning & Zoning Commission Staff Report

July 12, 2012

Case# Z-225

Prepared July 2, 2012

### Request:

The applicant is proposing an extensive remodel of the building and reconfigured drive-thru for McDonalds located at 3350 Harwood Road, and as such an Amended Specific Use Permit (Ordinance 2231) and Site Plan approval are required.

|                                     |   |
|-------------------------------------|---|
| Applicant                           | Glee Thomas for McDonalds                                       |
| General Location                    | South of Harwood Road and West of Highway 121                   |
| Applicable Zoning Ordinance Section | Sections 3.1.F and Amend Specific Use Permit Ordinance 2231     |
| Notification Requirements           | 15-day legal ad in Ft. Worth Star Telegram                      |
| Number of Property Owners Notified  | 16  |
| Action Required                     | Approval or Denial of Amended Specific Use Permit and Site Plan |

### Description:

The applicant is proposing to update the façade and drive-through at the existing McDonalds located at 3350 Harwood Road. The owner of this McDonalds location is the same as the Central Drive location, which recently was remodeled. Due to the nature of the request, it is necessary to amend an existing Specific Use Permit and Site Plan consideration because it is located in the "HC" Highway Corridor Overlay District.

### Development Review Committee:

The Development Review Committee met on June 20, 2012, and determined the proposed use of a and corresponding site plan, floor plan, landscape plan, and elevations could proceed to the Planning and Zoning Commission after some revisions were completed.

**Zoning and Site Conditions:**

In March of 1995, this McDonalds Restaurant was rezoned from PUD to PUD/Specific Use Permit/Drive-in Drive-through Restaurant.

The property is zoned H, Heavy Commercial with a Highway Corridor Overlay. The Heavy Commercial zoning district is established to provide for development of retail and commercial uses, including higher intensity commercial uses. Restaurants with a drive-thru are permitted uses within the H zoning district when they have completed the Specific Use process. In this case, there exists a Specific Use Permit and the applicant is requesting to amend this for a different drive-through configuration. The Highway Corridor overlay has specific site plan implications and design standards. The surrounding land uses adjacent to the property are as follows:

| <b>Zoning and Land Uses</b>        | <b>North</b>  | <b>South</b>    | <b>East</b> | <b>West</b> |
|------------------------------------|---------------|-----------------|-------------|-------------|
| <b>Zoning of Adjacent Property</b> | Not Available | PUD             | PUD         | PUD         |
| <b>Land Use</b>                    | Harwood Road  | Shopping Center | Retail      | Retail      |

The McDonalds restaurant is located in an out parcel to the Harwood Hills Shopping Center.

**Design Standards**

The changes proposed are to upgrade the façade, minimal expansion of the landscaping, and a new drive through configuration. The restaurant itself will not have a larger footprint. The façade materials and colors meet the requirements of the design standards for the Highway Corridor Overlay. Some of these standards include: 100% masonry materials are used; these materials are to be of earth tones; screening of ground mounted equipment with masonry material similar to the primary structure; and architectural relief to the roof and walls. The proposed changes meet or exceed these requirements.

**Lot Coverage**

While the calculations for pervious area are going up from 11% to 14% this is still less than the required 20%, but because the building footprint is not going to be expanded this can remain without being brought into compliance.

**Parking and Vehicle Stacking**

The drive-through is being reconfigured to allow an additional menu board. The drive-through windows are located along the east side of the building. The location of the windows meets the requirement provided by overlay district standards. The stacking for the vehicles remains unchanged and according to their exhibit shows room for 13 vehicles. According to the

requirement of the parking standards, this meets the intent of the ordinance. A roof canopy is provided to cover the drive-through window pick up area, which also meets the intent of the ordinance.

The parking remains from previous development and will not be changed in the number of spaces.

Ingress and Egress are located along two curb cuts on Harwood Road with one located to the east and one located to the west of the property.

### **Landscaping**

The existing landscaping is from its previous development. Shown on the landscaping plan are 9 existing crepe myrtle trees along the east and west property lines. However, there is an increase in the amount of green space and plantings being located along the south side of the building between the building and the stacking for the redesigned drive-thru. Included in the new planting area will be the addition of 2 new trees and assorted shrubs and plants.

### **Comprehensive Plan:**

The Comprehensive Plan indicates the location of 3350 Harwood Road, to be commercial. Therefore, the continued use of a restaurant with drive-thru would not conflict with the Comprehensive Plan.

### **Planning & Zoning Commission Review Options:**

Recommend approval or denial for an Amended Specific Use Permit (Ordinance 2231) and Site Plan for the McDonalds Restaurant located at 3350 Harwood Road.



# Council Agenda Background

**PRESENTER:** Jacquelyn Reyff, Planning Manager  
William Syblon, Development Director

**DATE:** 10/09/12

**Council Mission Area:** Foster economic growth.

**ITEM:**

Public hearing and consider an ordinance to rezone the property known as Lots 50 and 51, J.R. Murphy Addition, located at 2709 Murphy Drive, Bedford, Texas, from Single-Family Residential Detached District (R-75) and Lot 52, J.R. Murphy Addition, located at 2713 Murphy Drive, Bedford, Texas, from Single-Family Residential Detached District (R-15) to Medium-Density-Residential-Single-Family Detached District (MD-3). The properties are generally located south of Harwood Road and west of Murphy Drive. (Z-228)

**City Attorney Review:** N/A

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

**DISCUSSION:**

The applicant is requesting to rezone the properties located at 2709 and 2713 Murphy Drive from R-15 and R-75 Single-Family Residential Detached District, to MD-3, Medium-Density Residential – Single-Family Detached District for the construction of 18 single-family homes.

The properties are currently zoned R-15 and R-75 and there exists two single family homes. Both of these zoning designations allows for low population densities and establish or maintain a low-density residential character within the overall area.

The applicant is proposing to rezone this area to MD-3 with 18 proposed single-family homes and a detention area and open space area at Lot 11. Over the last 20 years, Murphy Drive has seen similar types of development where a large single-family residential property is subdivided and replatted to allow for the construction of more medium-density single-family type of homes.

Specific design standards exist for development in the MD-3 zoning. According to the concept plan and elevations submitted by the applicant, the intent of the MD-3 zoning designation would be met. In some instances, what the applicant is proposing would be in excess of what is required by this zoning district. For example, the average lot size in the MD-3 is required not to be less than 4,000 SF; however, the lot sizes provided are between 4,900 SF and 6,600 SF. The lot widths are in excess of the required 45 feet and average closer to 50 feet. The MD-3 zoning district also permits zero-lot line products, but this applicant has chosen to include traditional five foot side yards on both sides.

The MD-3 zoning allows a minimum floor area to be not less than 1,250 sq. ft. On the applicant's exhibit, they have included the minimum floor area (or the air-conditioned space) to be not less than 1,800 sq.ft.

At the time of platting, issues related to engineering and drainage for the proposed subdivision will be required to meet code.

The Comprehensive Plan indicates the locations of 2709 and 2713 Murphy Drive to be residential in nature. Therefore, the use of proposed medium-density residentially zoned properties would not conflict with the Comprehensive Plan due to the other similar developments which have already taken place in this general vicinity. It is also important to remember when considering the Comprehensive Land Use map, it does not represent the actual zoning, but denotes intended land

uses.

The Planning and Zoning Commission recommended approval of this item at their September 13, 2012 meeting by a vote of 6-0-0 with the following stipulations:

1. Additional language be added to the boxed notations that the minimum finished floor area be not less than 1,800 SF.
2. Indicate on the exhibit the side yards to be five foot.
3. Indicate on the exhibit that the HOA will maintain the detention pond (open space area) and the masonry wall located on the parkway along Murphy Drive.

All of these items have been addressed on the attached Exhibit A.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance to rezone the property known as Lots 50 and 51, J.R. Murphy Addition, located at 2709 Murphy Drive, Bedford, Texas, from Single-Family Residential Detached District (R-75) and Lot 52, J.R. Murphy Addition, located at 2713 Murphy Drive, Bedford, Texas, from Single-Family Residential Detached District (R-15) to Medium-Density Residential–Single-Family Detached District (MD-3). The properties are generally located south of Harwood Road and west of Murphy Drive. (Z-228)

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance  
Exhibit A (separate Attachment)  
September 13, 2012 Planning & Zoning Minutes  
Zoning Change Application  
Zoning Map of Referenced Property

ORDINANCE NO. 12-

AN ORDINANCE TO REZONE THE PROPERTY KNOWN AS LOTS 50 AND 51, J.R. MURPHY ADDITION, LOCATED AT 2709 MURPHY DRIVE, BEDFORD, TEXAS, FROM SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT (R-75) AND LOT 52, J.R. MURPHY ADDITION, LOCATED AT 2713 MURPHY DRIVE, BEDFORD, TEXAS, FROM SINGLE-FAMILY RESIDENTIAL DETACHED DISTRICT (R-15) TO MEDIUM-DENSITY- RESIDENTIAL-SINGLE-FAMILY DETACHED DISTRICT (MD-3); DECLARING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EFFECTIVE DATE. (Z-228)

WHEREAS, it is deemed expedient, and for the benefit of the City of Bedford, Texas, that the Comprehensive Zoning Ordinance be amended to rezone the property from Single-Family Residential Detached District (R-15) and (R-75) to Medium Density Residential-Single-Family Detached District (MD-3). The property is generally located north of Bedford Road and west of Murphy Drive. (Z-228)

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

SECTION 1. That Section 2 of the Zoning Ordinance be amended and the map designated "ZONING MAP-CITY OF BEDFORD, TEXAS" be revised and amended so that the land described as:

the property know as Lots 50 and 51, J.R. Murphy Addition, located at 2709 Murphy Drive and Lot 52, J.R. Murphy Addition, located at 2713 Murphy Drive, Bedford, Texas be as approved by this ordinance.

SECTION 2. That approval of this rezoning is subject to the Concept Plan attached hereto known as Exhibit A.

SECTION 3. That from and after the final passage of this ordinance, the land described herein shall be subject to the regulations and uses of Medium-Density Residential-Single-Family Detached District (MD-3).

SECTION 4. That this ordinance shall be cumulative of all provisions of other ordinances of the City of Bedford, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting revisions of such ordinances are hereby repealed.

SECTION 5. That it is hereby declared the intention of the City Council of the City of Bedford, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity 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 6. That any person, organization, corporation, partnership or entity that violates, disobeys, omits, neglects or fails to comply with the provisions of this ordinance shall be fined not more than two thousand dollars (\$2,000.00) for each offense or violation. Each day that an offense or violation occurs shall constitute a separate offense.

SECTION 7. This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

**ORDINANCE NO. 12-**

**PRESENTED AND PASSED** this 9th day of October 2012 by a vote of \_ ayes, \_ nays and \_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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**Jim Griffin, Mayor**

**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF SEPTEMBER 13, 2012**

**DRAFT**

Motion approved 6-0-0. Vice Chairman Reese declared the motion approved.

- 3. Site Plan Case S-055, a public hearing and consideration for approval of a site plan for address 1851 Central Drive, Bedford, Texas, AT&T stealth cellular tower. The property is known as Lot A1, Block 1, Dallas Federal Addition, and is zoned Heavy Commercial. The property is generally located north of State Highway 183 and west of Central Drive.**

Vice Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Site Plan Case S-055.

Vice Chairman Stroope recognized Paul Baumgardner, 1801 Valley View Lane, Famers Branch, Texas, who was there to present this application.

Vice Chairman Reese opened the public hearing at 7:16 p.m. and there being no one to speak, closed the public hearing at 7:16 p.m.

The Commission discussed the application.

Motion: Commissioner Henning made a motion to approve Site Plan Case S-055.

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

Motion approved 6-0-0. Vice Chairman Reese declared the motion approved.

- 4. Zoning Case Z-228, request of Keith Hamilton for Sanders Addition for a public hearing and to consider a request to rezone properties known as Lot 52, JR Murphy Addition, located at 2713 Murphy Drive; R-15,000, Single-Family Residential Detached District; and Lots 50 and 51, JR Murphy Addition, located at 2709 Murphy Drive, R-75,000 Single-Family Residential Detached District to "MD-3" Medium-Density Residential-Single-Family Detached District. The properties are generally located south of Harwood Road and west of Murphy Drive.**

Vice Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Zoning Case Z-228.

Vice Chairman Reese recognized Bill Stimmel, 1116 Glade Road, Colleyville, Texas; and Keith Hamilton, 8241 Mid-Cities Boulevard, North Richland Hill, Texas, who were there to represent this application.

Vice Chairman Reese opened the public hearing at 7:28 p.m. and recognized the following:

Steve Otto, 2608 Classic Court, Bedford, Texas

Justin Lowe, 2609 Classic Court, Bedford, Texas

Mr. Lowe also represented his parents who lived at 2617 Classic Court, Bedford Texas

Kathy Gamill, 2605 Classic Court, Bedford, Texas

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF SEPTEMBER 13, 2012**

**DRAFT**

The noted concerns were the following:

- Additional traffic to Murphy Drive. Adding at least 32 more cars to a two-lane street, Murphy Drive.
- Asked if a traffic study had been conducted, if not requested that one be done for Murphy Drive.
- A safety concern to nearby residents, and there was a school crossing at the Harwood Road and Murphy Drive intersection.
- Adverse drainage run-off to surrounding properties.
- Too dense of a development.

Vice Chairman Reese closed the public hearing at 7:35 p.m.

Vice Chairman Resse recognized Keith Hamilton, 8241 Mid-Cities Boulevard, North Richland Hill, Texas, who addressed the traffic concerns.

The Commission discussed the application.

Motion: Commissioner Henning a motion to approve Zoning Case Z-228 with the following stipulations:

1. Additional language be added to the boxed notations that the minimum finished floor area be not less than 1,800 SF.
2. Indicate on the exhibit the side yards to be five foot.
3. Indicate on the exhibit language be added to the boxed notations, which show the HOA will maintain the detention pond (open space area) and the masonry wall located on the parkway along Murphy Drive.

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

Motion approved 6-0-0. Vice Chairman Reese declared the motion approved.

**ADJOURNMENT**

Vice Chairman Reese adjourned the Planning and Zoning meeting at 7:47 p.m.

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**Vice Chairman Reese  
Planning and Zoning Commission**

**ATTEST:**

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**Yolanda Alonso, Planning and Zoning Secretary**

# City of Bedford Change of Zoning Application

P&Z MTG, 9/13/12  
Z-228

Applicant Name (Print): KEITH HAMILTON (\*Signature): [Signature]  
Address: 8241 MID-CITIES BLVD #100 NORTH RICHLAND HILLS, TX 76182  
Telephone number: 817-268-0405 Fax number: 817-284-8405

I, the undersigned owner, or \_\_\_\_\_ (Option Holder, etc.) of the following described real property located in the City of Bedford, Texas, hereby make application for a change of zoning classification:

From: R-15000 & R-7500 To: MD-3

as provided in the City of Bedford Zoning Ordinance. I hereby certify that there are no existing dwellings or other buildings located on the property which would not conform to the construction standards, of the zoning classification being proposed, except as provided in Section 2.3, Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures & Nonconforming Uses of Structures & Premises of the City of Bedford Zoning Ordinance.

Legal Description: 50, 51, 52 Lots JR MURPHY Block JR MURPHY Addition JR MURPHY  
Tract JR MURPHY Abstract JR MURPHY Survey JR MURPHY to the City of Bedford, Texas.  
Street Address LOTS 50 & 51 = 2709 MURPHY DRIVE  
LOT 52 = 2713 MURPHY DRIVE

Fee: (\$150.00 plus \$75.00 per acre over one.) \$150.00 + \$75.00 x \_\_\_\_\_ = \_\_\_\_\_  
Payable by cash, Visa, MasterCard, or check made out to the City of Bedford. (# of acres) (total fee)

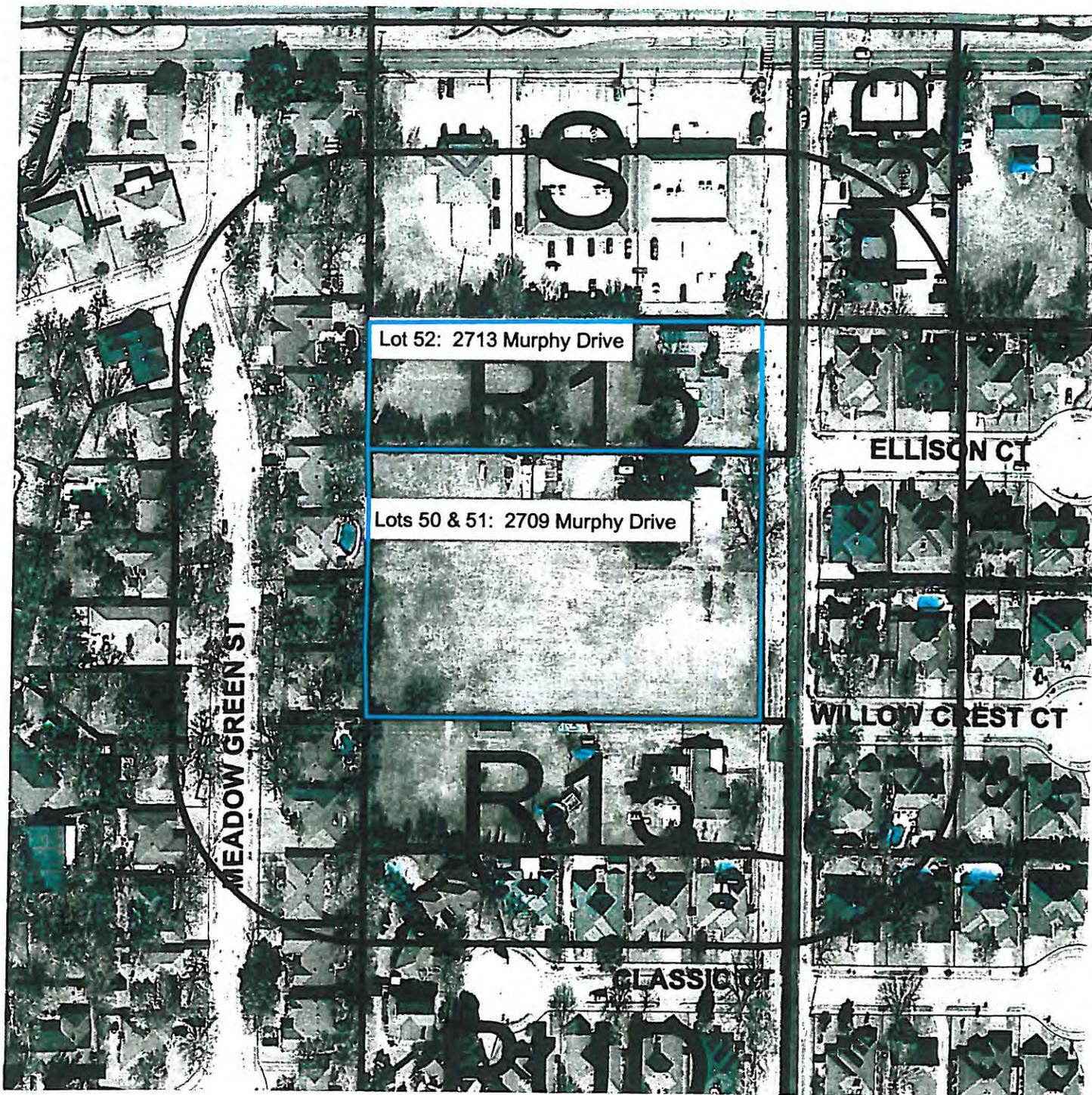
Property Owner (if not applicant): (\*Signature) [Signature]  
(Print name) Amy Covington Edwards  
(Company name)

(Street Address, City, State & Zip Code) 2713 Murphy, Bedford, TX 76021  
(Telephone number) 817-713-9430 (FAX number)

Land Planner/Engineer/Surveyor: (\*Signature) [Signature]  
(Print Name) Keith Hamilton  
(Company Name) Hamilton Duffy PC

(Street Address, City, State & Zip Code) 8241 MID-CITIES BLVD #100 NORTH RICHLAND HILLS, TX 76182  
(Telephone number) 817-268-0405 (FAX number) 817-284-8405

\*Signatures certify that all information provided is true and correct.  
(Please indicate sole contact for the City purposes with an arrow "→".)

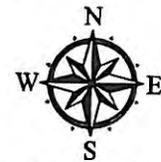


**City of Bedford, Texas**

**Hearing Date: 9/13/12      Z-228**

**Address: 2709 and 2713 Murphy Drive  
Bedford, Texas 76021**

**Legal Description: Lots 50, 51, and 52  
JR Murphy Addition**



-  Parcel Boundary
-  Subject Parcel and Buffer

DISCLAIMER  
The City of Bedford makes no representation or warranty as to the accuracy of this map and its information or to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further agrees to not hold the City of Bedford liable from any damage, loss, or liability arising from any use of the map product. Independent verification of all information contained on this map should be obtained by the end user.

**MEMORANDUM**

To: City of Bedford

Date: August 1, 2012

RE: Sanders Addition Redevelopment (off Murphy Drive)

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This development is combining Lots 50, 51 and 52 of the J.R. Murphy addition.

- This development is for 18 residential lots and one open space lot. An HOA would maintain the open space lot. Proposed home values will likely be in the low to mid \$300's. It is consistent with the pattern of redevelopment of lots and leaves only one lot out of sequence, being Lot 49 located to the south. Because of the width of the existing lots, it was inevitable that at least one lot would be left as the odd lot out.
- The property is currently zoned R-7500 and R-15,000. This development is asking for MD-3 (Medium Density Residential) Zoning.
- Murphy Dr. is a major collector road. Driveways directly on Murphy will not be allowed. An alley is proposed to serve these front facing Murphy Drive Lots.
- Amenities such as (1) Masonry wall along Murphy Drive, Decorative pavement patterns and landscaping of open areas are proposed.



# Council Agenda Background

**PRESENTER:** Jacquelyn Reyff, Planning Manager  
William Syblon, Development Director

**DATE:** 10/09/12

**Council Mission Area:** Foster economic growth

**ITEM:**

Public hearing and consider a resolution approving a site plan for a stealth cellular tower located at the property known as Lot A1, Block 1, Dallas Federal Addition, 1851 Central Drive, Bedford, Texas. This property is generally located north of State Highway 183 and west of Central Drive. (S-055)

**City Attorney Review:** N/A

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

**DISCUSSION:**

Due to the widening of State Highway 183, an opportunity has been created at this location. The City of Bedford's Economic Development Department has been working with the owner of Cheddar's Restaurant, which is located to the west of the subject property. Cheddar's Restaurant needs additional parking spaces. The City recognized this need and worked with them to purchase the subject property to first demolish the existing building, and then landscape and use the remainder of the subject property as parking for Cheddar's.

While the arrangements were being worked out for a redevelopment agreement between the City and Cheddar's Restaurant, it was found that the building to be demolished had a lease agreement and cellular antennas belonging to AT&T. AT&T and the owner of Cheddar's Restaurant brought a Special Exception before the Zoning Board of Adjustment to allow for a stealth cellular tower to be built on part of this property, with the remainder to be used as additional parking for Cheddar's Restaurant.

Two site plans have been submitted. One plan shows how the tower will be landscaped; which includes shrubbery and an eight foot tall Austin Stone wall surrounding the area. The other site plan is for the remainder of the property, and will be used as parking. This site plan indicates the addition of 16 new trees, as well as new groundcover to the site. Currently, along Airport Freeway there are four live oak trees, which will be protected and will remain after the proposed changes to this location. The proposed changes will add an addition 81 parking spaces to the site.

The Comprehensive Plan indicates 1851 Central Drive, to be zoned commercial. In addition, the Plan indicates "Entry Statements" where significant amounts of traffic enter the City. In this case, the stealth cellular tower will have on each of its three sides a City of Bedford logo, which will be visible from State Highways 121, 183, and Central Drive. Therefore, the use of a stealth cellular tower at this location will not conflict with the Comprehensive Plan.

On June 18, 2012, the Zoning Board of Adjustment approved a Special Exception to Sections 5.11.E.2. and 5.11.E.7.a. of the City of Bedford's Zoning Ordinance to allow a 65-foot stealth cellular tower to encroach 15 feet into the required 20-foot side yard setback.

The Planning and Zoning Commission recommended approval of this item at their September 13, 2012 meeting by a vote of 6-0-0. There were no other outstanding issues identified relative to the City of Bedford Zoning Ordinance.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution approving a site plan for a stealth cellular tower located at the property known as Lot A1, Block 1, Dallas Federal Addition, 1851 Central Drive, Bedford, Texas. This property is generally located north of State Highway 183 and west of Central Drive. (S-055)

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution  
September 13, 2012 Planning & Zoning Minutes  
Site Plan Application  
Zoning Map of Referenced Property  
8 ½ x 11 drawings

**RESOLUTION NO. 12-**

**A RESOLUTION APPROVING A SITE PLAN FOR A STEALTH CELLULAR TOWER LOCATED AT THE PROPERTY KNOWN AS LOT A1, BLOCK 1, DALLAS FEDERAL ADDITION, 1851 CENTRAL DRIVE, BEDFORD, TEXAS. (S-055)**

**WHEREAS, the property is located in the Central Business District Overlay District and requires approval from both the Planning and Zoning Commission and the City Council of Bedford, Texas; and,**

**WHEREAS, the Planning and Zoning Commission recommended approval of the site plan at their September 13, 2012 meeting; and,**

**WHEREAS, the City Council of Bedford, Texas finds that it is in the best interest of the City to accept the stealth cellular tower site plan; and,**

**WHEREAS, the said site plan is for the property known as Lot A1, Block 1, Dallas Federal Addition. The property is generally located north of State Highway 183 and west of Central Drive.**

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

**SECTION 1. That the City Council hereby approves the stealth cellular tower site plan.**

**PASSED AND APPROVED this 9th day of October 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**

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF SEPTEMBER 13, 2012**

**DRAFT**

Motion approved 6-0-0. Vice Chairman Reese declared the motion approved.

- 
- 3. Site Plan Case S-055, a public hearing and consideration for approval of a site plan for address 1851 Central Drive, Bedford, Texas, AT&T stealth cellular tower. The property is known as Lot A1, Block 1, Dallas Federal Addition, and is zoned Heavy Commercial. The property is generally located north of State Highway 183 and west of Central Drive.**

Vice Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Site Plan Case S-055.

Vice Chairman Stroope recognized Paul Baumgardner, 1801 Valley View Lane, Farmers Branch, Texas, who was there to present this application.

Vice Chairman Reese opened the public hearing at 7:16 p.m. and there being no one to speak, closed the public hearing at 7:16 p.m.

The Commission discussed the application.

Motion: Commissioner Henning made a motion to approve Site Plan Case S-055.

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

Motion approved 6-0-0. Vice Chairman Reese declared the motion approved.

- 4. Zoning Case Z-228, request of Keith Hamilton for Sanders Addition for a public hearing and to consider a request to rezone properties known as Lot 52, JR Murphy Addition, located at 2713 Murphy Drive; R-15,000, Single-Family Residential Detached District; and Lots 50 and 51, JR Murphy Addition, located at 2709 Murphy Drive, R-75,000 Single-Family Residential Detached District to "MD-3" Medium-Density Residential-Single-Family Detached District. The properties are generally located south of Harwood Road and west of Murphy Drive.**

Vice Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Zoning Case Z-228.

Vice Chairman Reese recognized Bill Stimmel, 1116 Glade Road, Colleyville, Texas; and Keith Hamilton, 8241 Mid-Cities Boulevard, North Richland Hill, Texas, who were there to represent this application.

Vice Chairman Reese opened the public hearing at 7:28 p.m. and recognized the following:

Steve Otto, 2608 Classic Court, Bedford, Texas

Justin Lowe, 2609 Classic Court, Bedford, Texas

Mr. Lowe also represented his parents who lived at 2617 Classic Court, Bedford Texas

Kathy Gamill, 2605 Classic Court, Bedford, Texas



**City of Bedford  
Site Plan Application**

**P&Z MTG, 9/13/12  
S-055**

Application Fee: \$205.00 plus \$205.00 per acre over one.) \$205.00 + \$205.00 x Fee Waived

**OWNER**

Name Greg Good Signature Greg Good  
 Company Name Denali  
 Street Address/City/State/Zip Code 3500 Saint Johns, Dallas, TX 75205  
 Telephone 972-400-7687 Fax \_\_\_\_\_  
 E-mail \_\_\_\_\_

**AUTHORIZED APPLICANT/AGENT (if not Owner named above)**

Name Paul Baumgardner Signature Paul Baumgardner  
 Company Name At + Mobility  
 Street Address/City/State/Zip Code: 1801 Valley View Ln. Farmers Branch, TX 75234  
 E-mail paul.baumgardner@atm.com  
 Telephone 817-994-0320 Fax 972-706-6364

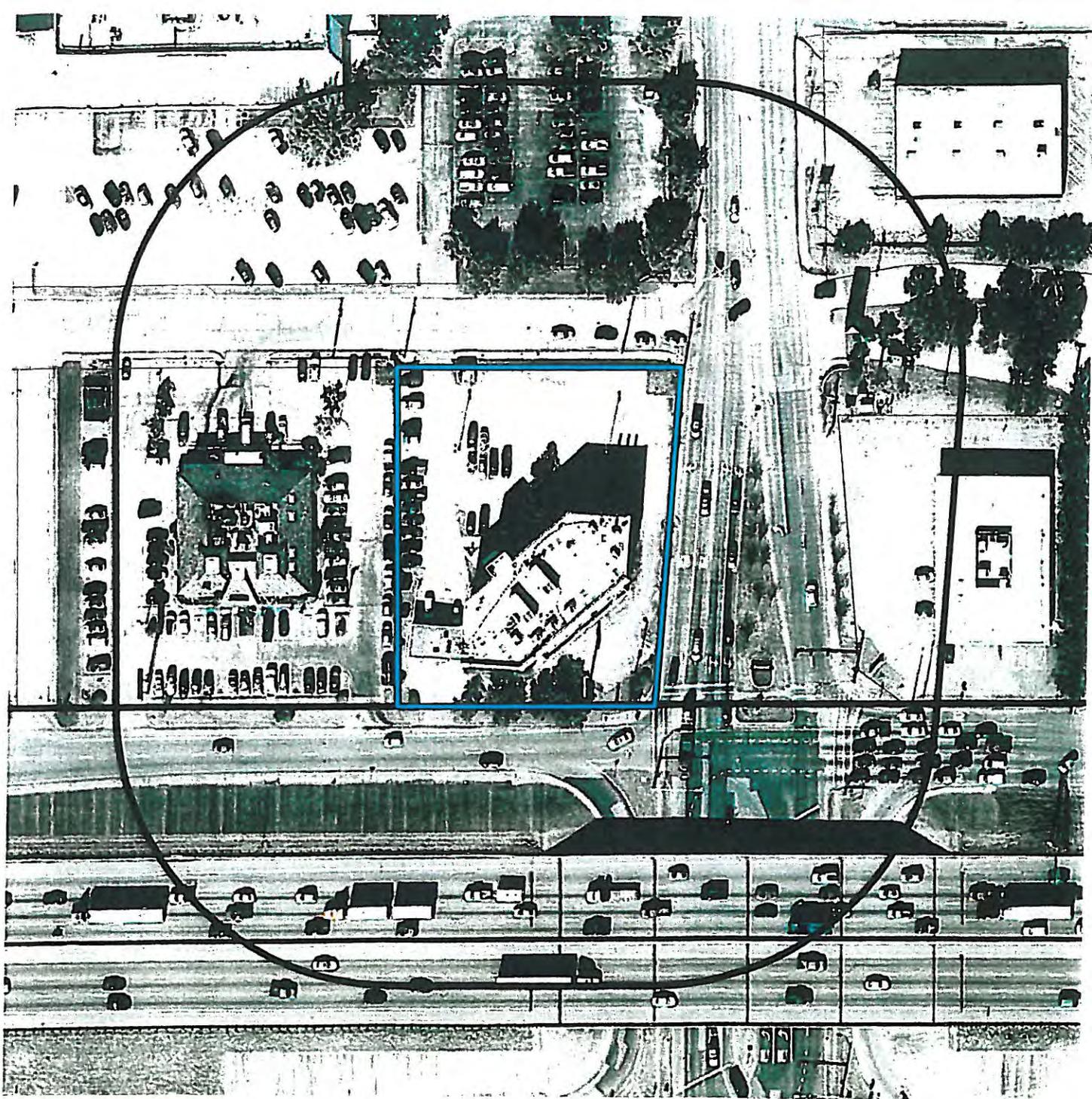
I, the undersigned owner, Greg Good (Option Holder, etc.) of the following described real property located in the City of Bedford, Texas, hereby make application for a change of zoning classification as provided in the City of Bedford Zoning Ordinance. I hereby certify that there are no existing dwellings or other buildings located on the property which would not conform to the construction standards, of the zoning classification being proposed, except as provided in Section 2.3, Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures & Nonconforming Uses of Structures & Premises of the City of Bedford Zoning Ordinance.

\*Signature certifies all information provided is true and correct.

**PROPERTY DESCRIPTION**

Project Name or Description of Development At + Mobility New Cellular Tower  
 Current Zoning H with CBD overlay & Special Exception (6/18/12)  
 Address 1851 Central Drive, Bedford, TX approved  
 Legal Description: Subdivision/Abstract Lot A Block 1 Dallas Federal Addition  
 Block/Abstract No. \_\_\_\_\_ Lots/Tracts \_\_\_\_\_

Include a narrative describing the use. The narrative should describe your business; list all of the operations that will be conducted. It should include your hours of operation and number of employees. Additional information may be requested during the review process.



## City of Bedford, Texas

Hearing Date: 9/13/12 S-055

Address: 1851 Central Drive  
Bedford, Texas 76021

Legal Description: Lot A1, Block 1  
Dallas Federal Addition



-  Parcel Boundary
-  Subject Parcel and Buffer

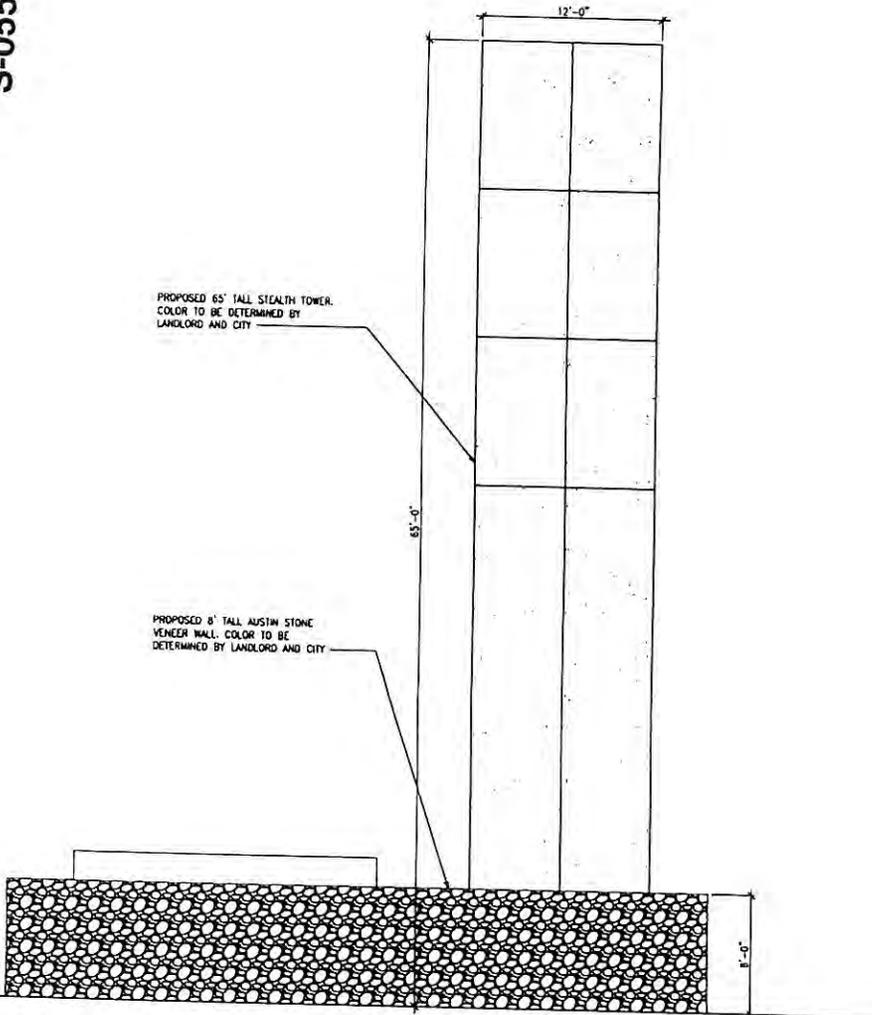
**DISCLAIMER**  
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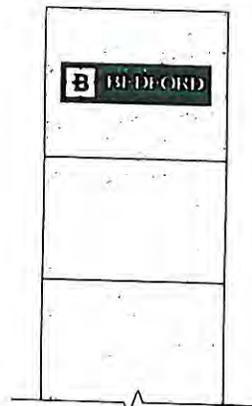
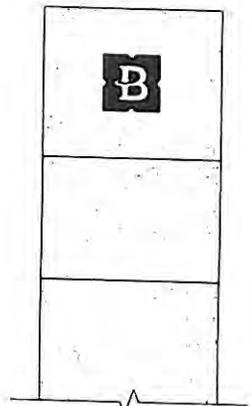


PROPOSED 65' TALL STEALTH TOWER.  
COLOR TO BE DETERMINED BY  
LANDLORD AND CITY

PROPOSED 8' TALL AUSTIN STONE  
VENEER WALL. COLOR TO BE  
DETERMINED BY LANDLORD AND CITY



1 TOWER ELEVATION  
SCALE: 1/4"=1'-0"



| REVISIONS       | DATE     |
|-----------------|----------|
| △ LEASE EXHIBIT | 04/20/12 |
| △ LEASE EXHIBIT | 05/20/12 |
| △ LEASE EXHIBIT | 06/12/12 |
|                 |          |
|                 |          |
|                 |          |
|                 |          |
|                 |          |
|                 |          |
|                 |          |

CELERS PROJECT NO: 12-3424

**Celeris**<sup>TM</sup>  
GROUP

2201 N. Collins St., Suite 125  
Arlington, TX 76011  
Office: 817.446.1700  
Fax: 817.496.0895  
TX Firm Reg. # F-13992

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**at&t**

1801 VALLEY VIEW LANE  
FARMERS BRANCH, TX 75234

SITE NAME  
**HWY 183 / CENTRAL**

SITE NUMBER  
**DX4218**

DRAWN BY:  
CRC

CHECKED BY:  
EPB

DATE:  
06/12/12

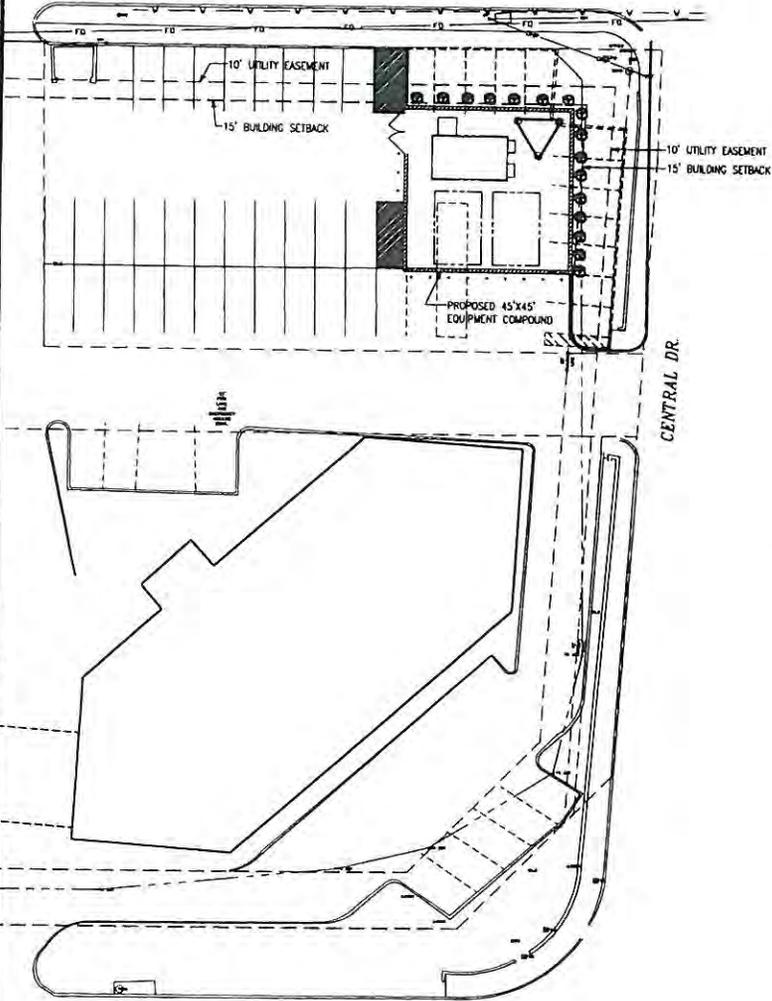
PLAN SCALE:  
1:1

REVISION NAME:  
TOWER ELEVATION & DETAILS

SHEET NO:  
**C02**

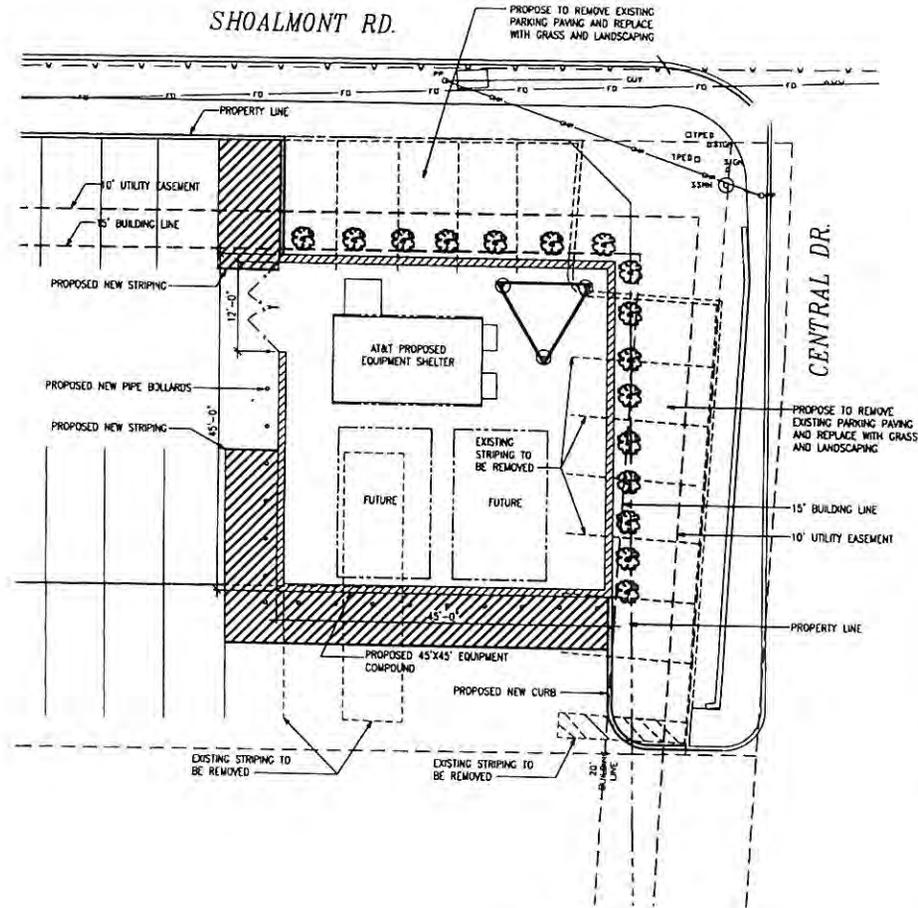
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SHOALMONT RD.



① SITE PLAN  
SCALE: 1/16"=1'-0"

SHOALMONT RD.



② DETAIL SITE PLAN  
SCALE: 1/8"=1'-0"



| REVISIONS       | DATE     |
|-----------------|----------|
| △ LEASE EXHIBIT | 04/30/12 |
| △ LEASE EXHIBIT | 05/30/12 |
| △ LEASE EXHIBIT | 06/12/12 |
| △ LEASE EXHIBIT | 06/29/12 |
| △ LEASE EXHIBIT | 7/10/12  |
|                 |          |
|                 |          |
|                 |          |
|                 |          |

CELLERS PROJECT NO 12-3424

**Celeris** GROUP  
 2201 N. Collins St., Suite 125  
 Arlington, TX 76011  
 Office: 817.446.1700  
 Fax: 817.499.0895  
 TX Firm Reg. # F-13992

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**at&t**

1801 VALLEY VIEW LANE  
FARMERS BRANCH, TX 75234

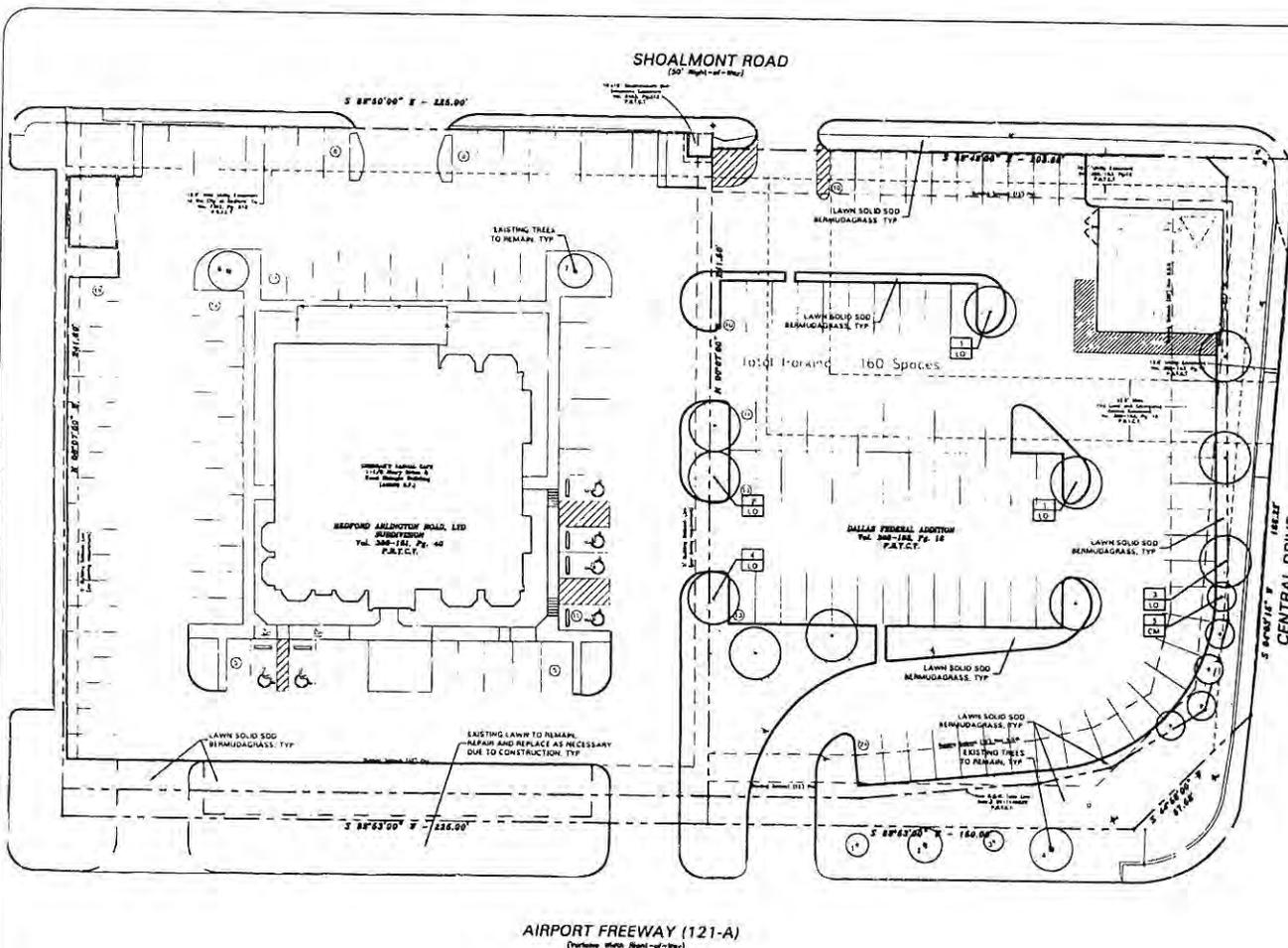
SITE NAME  
**HWY 183 / CENTRAL**

SITE NUMBER  
**DX4218**

|                |           |
|----------------|-----------|
| DESIGNED BY:   | MES       |
| CHECKED BY:    | ZC        |
| DATE:          | 7/10/12   |
| PLAN SCALE:    | 1:2       |
| DRAWING TITLE: | SITE PLAN |
| SHEET NO.:     | C01       |

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File Info: \\MNT\123424 - DX4218 Hwy 183-Central\Vendor\at&t\DX4218.dwg, 10/10/2012 - 4:36pm, Mes



**LANDSCAPE NOTES**

- 1 CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- 2 CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
- 3 CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
- 4 CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
- 5 CONTRACTOR SHALL CROWN ALL LANDSCAPE ISLANDS TO 1" HEIGHT TYPICAL AND UNIFORM THROUGHOUT THE SITE.
- 6 CONTRACTOR SHALL OBTAIN LANDSCAPE ARCHITECT'S APPROVAL OF FINE GRADING, CROWNS, AND BUNKS PRIOR TO INSTALLING LANDSCAPE. NOTIFY LANDSCAPE ARCHITECT 72 HOURS IN ADVANCE TO SCHEDULE A SITE VISIT.
- 7 ALL PLANTING BEDS AND LAWN AREAS SHALL BE SEPARATED BY STEEL EDGING. NO STEEL EDGING SHALL BE INSTALLED ADJACENT TO BUILDINGS, WALLS, OR CURBS. CUT STEEL EDGING AT 45 DEGREE ANGLE WHEN IT INTERSECTS WALLS AND CURBS.
- 8 TOP OF MOUND SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALLS AND CURBS.
- 9 ALL LAWN AREAS SHALL BE SOLID SOD BERMUDAGRASS UNLESS OTHERWISE NOTED ON THE DRAWINGS.
- 10 ALL REQUIRED LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM WITH RAIN AND FROZE SENSORS AND EVAPOTRANSPIRATION (ET) WEATHER BASED CONTROLS AND SCHED. IRRIGATION SYSTEM SHALL BE DESIGNED BY A QUALIFIED PROFESSIONAL AND INSTALLED BY A LICENSED IRRIGATOR.
- 11 CONTRACTOR SHALL PROVIDE BID PROPOSAL LISTING UNIT PRICES FOR ALL MATERIAL PROVIDED.
- 12 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.

**MAINTENANCE NOTES**

- 1 THE OWNER, TENANT AND THEIR AGENT IF ANY, SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPES.
- 2 ALL LANDSCAPES SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO LANDSCAPE MAINTENANCE.
- 3 ALL LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIAL OR PLANTS NOT PART OF THIS PLAN.
- 4 ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR.
- 5 ALL PLANT MATERIAL WHICH DIES SHALL BE REPLACED WITH PLANT MATERIAL OF EQUAL OR BETTER QUALITY.
- 6 CONTRACTOR SHALL PROVIDE SEPARATE BID PROPOSAL FOR ONE YEAR'S MAINTENANCE TO BEGIN AFTER FINAL ACCEPTANCE.

**GENERAL LAWN NOTES**

- 1 CONTRACTOR SHALL COORDINATE OPERATIONS AND AVAILABILITY OF EXISTING TOPSOIL WITH ON-SITE CONSTRUCTION MANAGER.
- 2 CONTRACTOR SHALL LEAVE LAWN AREAS 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
- 3 CONTRACTOR SHALL FINE GRADE AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED ON CIVIL PLANS. ADJUST CONTOURS AS NECESSARY TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM FINISHING AT TOP AND BOTTOM OF SLOPES AND OTHER AREAS TO BE GRADED. CORRECT INEQUITIES AND AREAS WHERE WATER MAY STAY.
- 4 ALL LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FINISH GRADE APPROVED BY THE OWNER'S CONSTRUCTION MANAGER OR LANDSCAPE ARCHITECT PRIOR TO LAWN INSTALLATION.
- 5 CONTRACTOR SHALL REMOVE ALL ROCKS 20" DIAMETER AND LARGER, DIRT CLODS, STECS, CONCRETE SPILLS, ETC. PRIOR TO PLACING TOPSOIL AND LAWN INSTALLATION.
- 6 CONTRACTOR SHALL PROVIDE AN ADD. ALTERNATE PRICE TO INSTALL 12" TWO INCHES OF IMPORTED TOPSOIL ON ALL LAWN AREAS BY LEVY OF USUALLY EXISTING TOPSOIL. ON-SITE IMPORTED TOPSOIL SHALL BE NATURAL, FRIGILE SOIL FROM THE REGION KNOWN AS BOTTOM LAND SOIL, FREE FROM LAMPS, CLAY, TOBACCO SUBSTANCES, ROOTS, DEBRIS, VEGETATION, STONES, CONTAINING NO SALT AND BLACK TO BROWN IN COLOR.
- 7 CONTRACTOR SHALL MAINTAIN ALL LAWN AREAS UNTIL FINAL ACCEPTANCE. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, MOWING, WATERING, WEEDING, CULTIVATING, CLEANING AND REPLACING DEAD OR BARE AREAS TO KEEP PLANTS IN A VIGOROUS, HEALTHY CONDITION.
- 8 CONTRACTOR SHALL GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND SHALL PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF NECESSARY.

**SOLID SOD NOTES**

- 1 PLANT SOD BY HAND TO COVER INDICATED AREAS COMPLETELY. ENSURE EDGES OF SOD ARE TOUCHING. TOP GREEK JOINTS BY HAND WITH TOPSOIL TO FILL VOIDS.
- 2 ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE. FREE FROM UNNATURAL UNDULATIONS.
- 3 WATER SOD THOROUGHLY AS SOD OPERATION PROGRESSES.
- 4 IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 31, OVERSEED BERMUDAGRASS SOD WITH WINTER RYEGRASS AT A RATE OF FOUR (4) POUNDS PER ONE THOUSAND (1000) SQUARE FEET.

**LANDSCAPE TABULATIONS**

THE CITY OF BEDFORD, TEXAS

**SITE LANDSCAPING**

1. Minimum of 20% of the job site to be landscaped area.

|                      |                |
|----------------------|----------------|
| Area of              | Perennial      |
| 516 sq ft ± 28,833 ± | 8,300 ± (17%)  |
| 7,331 sq ft ± 100%   | 8,100 ± (110%) |
|                      | 2,200 ± (118%) |
|                      | 200 ± (100%)   |

**FRONT YARD LANDSCAPING**

1. Minimum of 40% of the total required landscape area to be located in the designated front yard.

|                    |                |
|--------------------|----------------|
| Area of            | Perennial      |
| 3,172 sq ft ± 140% | 1,572 ± (145%) |

**PARKING LOT LANDSCAPING**

1. Minimum of 10% of the gross parking area to be landscaped.

|                                   |                |
|-----------------------------------|----------------|
| Gross Parking Area = 37,854 sq ft | Perennial      |
| 2,802 sq ft ± 110%                | 4,402 ± (112%) |

**PLANT LIST**

| SYMBO | SCIENTIFIC NAME (GEN) | COMMON NAME | CITY | SOIL   | REMARKS   |
|-------|-----------------------|-------------|------|--------|---|
| 236   | Cyperus tenuis        | Crabgrass   | 6    | 30 gal | Common grass. 2 1/2 inch high. 100% of area required. |
| 482   | Cyperus tenuis        | Crabgrass   | 6    | 30 gal | Common grass. 2 1/2 inch high. 100% of area required. |

NOTE: ALL TREES SHALL HAVE STRAIGHT TRUNKS AND BE WEATHERING WITHIN VANDERBILT PARK. THE MAIN AND 1/2" DIAMETER SHALL BE WEATHERED FOR 100% OF THE TRUNK. ALL PLANT MATERIAL SHALL BE AT LEAST 10% ABOVE THE GROUND.

**P&Z MTG, 9/13/12**  
**S-055**

SCALE 1" = 20'-0"

**Della D'Amico**  
2222 Rockwood Drive  
Bedford, TX 76011  
714-255-1234  
www.delladamico.com

| Issue Date: | Revision: | Date:                     |
|-------------|-----------|---------------------------|
| 1           | 1         | Owner Comments 08/09/12   |
| 2           | 2         | City Comments 08/14/12    |
| 3           | 3         | Site Plan Change 08/17/12 |
| 4           | 4         |                           |
| 5           | 5         |                           |
| 6           | 6         |                           |

**CROSS ENGINEERING CONSULTANTS**

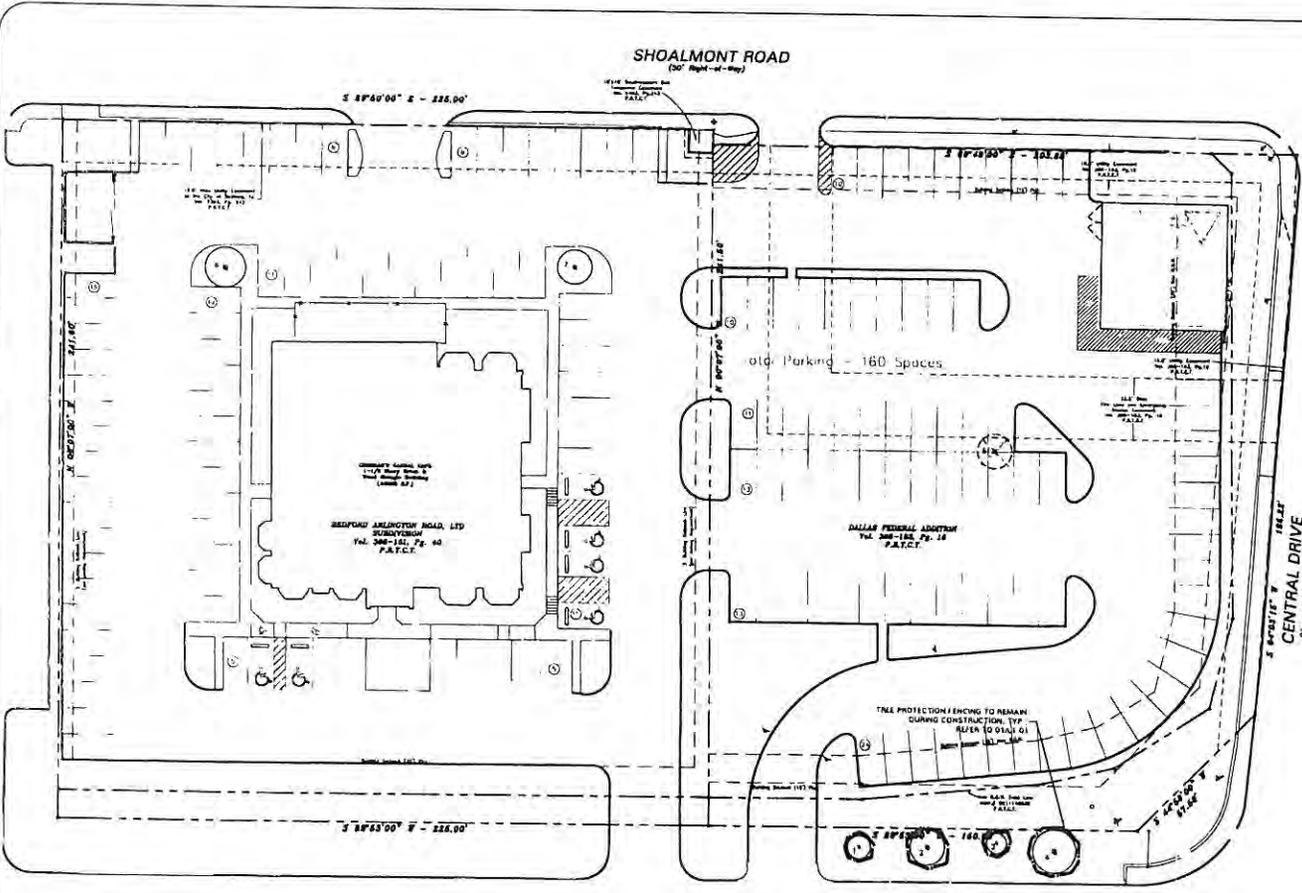
Drawn By: LPS  
Checked By: MAJE  
Scale: 1" = 20'-0"



**LANDSCAPE PLAN**  
**BEDFORD PARKING LOT EXPANSION**  
**CHEDDAR'S**  
**BEDFORD, TEXAS**

Sheet No. **L2.01**  
Project No. 12038

CHEDDAR'S BEDFORD PARKING LOT EXPANSION



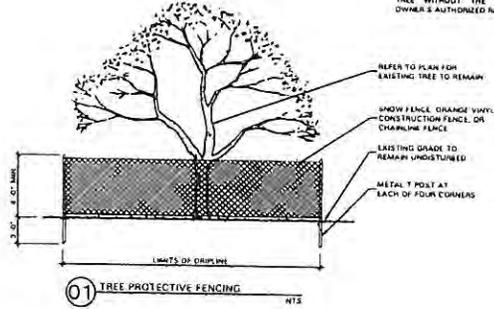
**EXISTING TREE LEGEND**

- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- TREE PROTECTION FENCING TO REMAIN DURING CONSTRUCTION REFER TO G11.01

| TREE SURVEY FIELD DATA            |               |                       |               |                          |
|-----------------------------------|---------------|-----------------------|---------------|--------------------------|
| No.                               | Dia. (Inches) | Species (Common Name) | Site          | Remarks                  |
| 1                                 | 8             | Live Oak              | To Remain     | Outside of Property Line |
| 2                                 | 12            | Live Oak              | To Remain     | Outside of Property Line |
| 3                                 | 7             | Live Oak              | To Remain     | Outside of Property Line |
| 4                                 | 10            | Live Oak              | To Remain     | Outside of Property Line |
| 5                                 | 12            | Pine                  | To Be Removed | In Proposed Parking      |
| 6                                 | 14            | Live Oak              | To Remain     | Outside of Property Line |
| 7                                 | 12            | Live Oak              | To Remain     | Outside of Property Line |
| Total Caliper Inches on Site      |               |                       |               | 112                      |
| Total Caliper Inches in Reference |               |                       |               | 12                       |

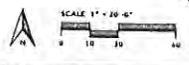
**TREE PRESERVATION NOTES**

1. EXISTING TREES TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION FROM TREE STRUCTURE DAMAGE AND COMPACTION OF SOIL UNDER AND AROUND DUMP LINE (CANOPY OF TREE)
2. IF ANY ROOT STRUCTURE IS DAMAGED DURING ADJACENT EXCAVATION / CONSTRUCTION, NOTIFY OWNER'S AUTHORIZED REPRESENTATIVE IMMEDIATELY. IT IS RECOMMENDED THAT A LICENSED ARBORIST BE SECURED FOR THE TREATMENT OF ANY POSSIBLE TREE WOUNDS.
3. NO DISTURBANCE OF THE SOIL CALIBER THAN 4" SHALL BE LOCATED CLOSER TO THE TREE TRUNK THAN 1/2 THE DISTANCE OF THE DUMP LINE TO THE TREE TRUNK. A MINIMUM OF 75% OF THE DUMP LINE AND ROOT ZONE SHALL BE PRESERVED AT NATURAL GRADE.
4. ANY FINE GRADING DONE WITHIN THE CRITICAL ROOT ZONES OF THE PROTECTED TREES MUST BE DONE WITH LIGHT MACHINERY SUCH AS A ROBOTIC OR LIGHT TRACTOR. NO EARTH MOVING EQUIPMENT WITH TRACKS IS ALLOWED WITHIN THE CRITICAL ROOT ZONE OF THE TREES.
5. NO MATERIALS INTENDED FOR USE IN CONSTRUCTION OR WASTE MATERIALS ACCUMULATED DUE TO EXCAVATION OR DEMOLITION SHALL BE PLACED WITHIN THE LIMITS OF THE DUMP LINE OR ANY TREE.
6. NO EQUIPMENT MAY BE CLEANED OR TOXIC SOLUTIONS OR OTHER LIQUID CHEMICALS SHALL BE DEPOSITED WITHIN THE LIMITS OF THE DUMP LINE OF A TREE INCLUDING BUT NOT LIMITED TO PAINT, OIL, SOLVENTS, ASPHALT, CONCRETE, MORTAR, FERRALS, ETC.
7. NO SIGNS, WHIPS OR OTHER ATTACHMENTS, OTHER THAN THOSE OF A PROTECTIVE NATURE, SHALL BE ATTACHED TO ANY TREE.
8. NO VEHICULAR / CONSTRUCTION EQUIPMENT TRAFFIC OR PARKING IS ALLOWED WITHIN THE LIMITS OF THE DUMP LINE OF TREES.
9. BORING OF UTILITIES MAY BE PERMITTED UNDER PROTECTED TREES IN CERTAIN CIRCUMSTANCES. THE MINIMUM LENGTH OF THE BORE SHALL BE THE WIDTH OF THE TREE'S CANOPY AND SHALL BE A MINIMUM DEPTH OF FORTY EIGHT INCHES.
10. IRRIGATION TRENCHING WHICH MUST BE DONE WITHIN THE CRITICAL ROOT ZONE OF A TREE SHALL BE SAID BY HAND AND ENTER THE AREA IN A RADIAL MANNER.
11. ALL TREES TO BE REMOVED FROM THE SITE SHALL BE FLAGGED BY THE CONTRACTOR WITH BROWN AND VINYL TAPE 1 1/2" WIDTH WRAPPED AROUND THE MAIN TRUNK AT A HEIGHT OF FOUR IN FEET ABOVE GRADE. FLAGGING SHALL BE APPROVED BY OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO ANY TREE REMOVAL. CONTRACTOR SHALL CONTACT OWNER'S AUTHORIZED REPRESENTATIVE WITH 72 HOURS NOTICE TO SCHEDULE ON-SITE MEETING.
12. ALL TREES TO REMAIN, AS NOTED ON DRAWINGS, SHALL HAVE PROTECTIVE FENCING LOCATED AT THE TREE DUMP LINE. THE PROTECTIVE FENCING MAY BE COMPOSED OF SNOW FENCING, ORANGE VINYL CONSTRUCTION FENCING, CHAIN LINK FENCE OR OTHER SIMILAR FENCING WITH A FOUR (4) FOOT APPROXIMATE HEIGHT. THE PROTECTIVE FENCING SHALL BE LOCATED AS INDICATED ON THE TREE PROTECTION DETAIL.
13. WHEN A LOW HANGING LIMB IS BROKEN DURING THE COURSE OF CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE OWNER'S AUTHORIZED REPRESENTATIVE IMMEDIATELY. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR PRUNE ANY PORTION OF THE DAMAGED TREE WITHOUT THE PRIOR APPROVAL BY THE OWNER'S AUTHORIZED REPRESENTATIVE.



**G11.01 TREE PROTECTIVE FENCING**

**P&Z MTG, 9/13/12**  
**S-055**



*Della D'Amico*  
Della D'Amico  
Landscape Architect  
www.delladamico.com

| Issue Date: | Revisions: | Date:                     |
|-------------|------------|---------------------------|
| 1           | 1          | Design Comments 06/08/12  |
| 2           | 2          | City Comments 06/14/12    |
| 3           | 3          | Site Plan Change 06/17/12 |
| 4           | 4          |                           |
| 5           | 5          |                           |
| 6           | 6          |                           |

**CROSS ENGINEERING CONSULTANTS**

Drawn By: LPS    Checked By: KAN    Scale: 1" = 20'-0"



**TREE PRESERVATION PLAN**  
**BEDFORD PARKING LOT EXPANSION**  
**CHEDDAR'S**  
**BEDFORD, TEXAS**

Sheet No. **L1.01**  
Project No. **12034**

CHILDREN'S BEDFORD PARKING LOT EXPANSION



# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 10/09/12

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

**ITEM:**

Consider an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 1. "Generally" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

**City Attorney Review:** Yes

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

**DISCUSSION:**

At their August 16, 2012 Work Session, Council discussed issues regarding attendance of Board and Commission members. There were several times that certain Boards and Commission could not meet due to a lack of quorum when certain members did not attend. Council directed staff to update the attendance provisions in the Code of Ordinances such that a member becomes eligible to be removed after two absences within a calendar year. The City Secretary's Office thereafter would send a letter to the member, copied to the Board or Commission chairperson, that they are eligible for removal and that they need to contact their chairperson. After that, it is up to the discretion of the chairperson to recommend to Council that the member be removed. Council reviewed and approved these changes at their September 20, 2012 Work Session.

Other changes approved by Council at the last Work Session include the following:

- Making "Quorum" a separate section in the ordinance and specifying that vacant positions would not be counted in terms of determining a quorum.
- Specifying that only members of Boards and Commissions with quasi-judicial authority need to receive an oath of office prior to taking office. These include the Ethics Commission, the Building and Standards Commission, the Planning and Zoning Commission and the Zoning Board of Adjustment.

One additional change not presented at the last Work Session is language stating that a person cannot serve concurrently on more than one Board, Commission or Committee. This provision is currently in the Council Rules of Order and Procedure; however, staff has determined it makes more sense for it to be in this portion of the Code of Ordinances. This does not affect such things as the Ethics Commission, where membership is made up of other Board and Commission chairpersons.

If passed, the attendance policy will be sent to each current Board and Commission member and be included in the packet of information to newly appointed members as well. The City Secretary's Office will also be meeting with the staff liaisons of each Board and Commission to coordinate the tracking of attendance. Attached is a draft of the procedures to be followed.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 1. "Generally" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

**FISCAL IMPACT:**

**N/A**

**ATTACHMENTS:**

**Ordinance  
Red-Line Ordinance  
Draft Procedures**

**ORDINANCE NO. 12-**

**AN ORDINANCE AMENDING CHAPTER 2. "ADMINISTRATION", ARTICLE IV. "BOARDS, COMMISSIONS AND COMMITTEES", DIVISION 1. "GENERALLY" OF THE CITY OF BEDFORD CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS, the City Council of Bedford, Texas has determined to make changes to the Code of Ordinances in regards to Board and Commission attendance, quorums and oaths of offices.**

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

**SECTION 1. That Chapter 2. "Administration", Article IV. Boards, Commissions and Committees, Division 1. "Generally" of the City of Bedford Code of Ordinances is hereby amended to read as follows:**

**Sec. 2-166. - Board, commission appointment residency requirement.**

**Any person appointed by the city council to a city board or commission must reside within the city when appointed, must have resided within this city for 12 consecutive months preceding the appointment and when serving on such board or commission. Any position on a city board or commission that is specified by the creating ordinance as requiring operation of a business within the city limits shall be exempt from the provisions of this section. Any board or commission with membership not requiring residency within the city limits shall be exempt from the provisions of this section. Any city employee serving as an ex officio member shall be exempt from the provisions of this section.**

**Sec. 2-167. - Expiration of terms.**

**Notwithstanding any other provision in this Code of Ordinance or Resolution, the terms of all Board, Commission, and Committee appointments shall continue until their respective successors have been duly qualified and appointed Prior to taking office, members of the Ethics Commission, the Planning and Zoning Commission, the Building and Standards Commission and the Zoning Board of Adjustment shall be properly given an oath of office.**

**Sec. 2-168. - Meetings.**

**All board, commission and committee meetings shall be held in accordance with the Open Meetings Act.**

**Sec. 2-169. - Quorum**

**A quorum for any board, committee or commission shall be established as a majority of regular members. Alternate members may act in a regular member's absence to establish a quorum. Vacant positions shall not be counted in determining a quorum.**

**Sec. 2-170 – Attendance**

**Any member of a City board, commission or committee who has two absences within a calendar year shall become eligible to be removed from said board, commission or committee. Upon the second absence, the City Secretary's Office shall send a letter via certified mail to the member, copied to the board, commission or committee chairperson, informing them that they are eligible to be removed and that they need to contact the chairperson. The chairperson shall then have the discretion to recommend to the City Council that the member be removed from their respective board, commission or committee.**

**Sec. 2.171 – Serving on multiple boards, commission or committees**

**No person may concurrently serve on more than one board, commission or committee unless their**

position is also a position on another board, commission or committee.

**SECTION 2.** That all other ordinances in conflict herewith are hereby repealed.

**SECTION 3.** That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not effect any of the remaining provisions of this ordinance.

**SECTION 4.** That this ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PRESENTED AND PASSED** this 9th day of October 2012, by a vote of \_\_\_ayes, \_\_\_nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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**Jim Griffin, Mayor**

**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 1. - GENERALLY

**DIVISION 1. - GENERALLY**

[Sec. 2-166. - Board, commission appointment residency requirement.](#)

[Sec. 2-167. - Expiration of terms.](#)

[Sec. 2-168. - Meetings.](#)

[Secs. 2-169—2-185. - Reserved.](#)

**Sec. 2-166. - Board, commission appointment residency requirement.**

Any person appointed by the city council to a city board or commission must reside within the city when appointed, must have resided within this city for 12 consecutive months preceding the appointment and when serving on such board or commission. ~~Any member of a city board or commission who has a second unexcused absence (to be defined as failure to inform the board or commission chairperson of the absence in advance) during any one twelve month period will be sent a letter by the chairperson asking the member to either report to the meetings, or to resign their position on the committee. Any third unexcused absence within any one twelve month period will be considered voluntary resignation of that member's position on said board or commission.~~ Any position on a city board or commission that is specified by the creating ordinance as requiring operation of a business within the city limits shall be exempt from the provisions of this section. Any board or commission with membership not requiring residency within the city limits shall be exempt from the provisions of this section. Any city employee serving as an ex officio member shall be exempt from the provisions of this section.

~~\_A quorum for any board, committee or commission will be established as a majority of regular members. Alternate members may act in a regular member's absence to establish a quorum.\_~~

(Code 1969, § 2-4; Ord. No. 2283, § 1, 12-12-95; Ord. No. 01-2600, § 1, 6-12-01)

**Sec. 2-167. - Expiration of terms.**

Notwithstanding any other provision in this Code of Ordinance or Resolution, the terms of all Board, Commission, and Committee appointments shall continue until their respective successors have been duly qualified and appointed ~~appointed, qualified~~ Prior to taking office, members of the Ethics Commission, the Planning and Zoning Commission, the Building and Standards Commission and the Zoning Board of Adjustment shall ~~be and~~ properly given an oath of office.

(Ord. No. 2525, § 1, 12-7-99)

**Sec. 2-168. - Meetings.**

All board, commission and committee meetings shall be held in accordance with the Open Meetings Act.

(Ord. No. 02-2663 § 1, 10-8-02)

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~~Secs. 2-169—2-185. — Reserved.~~

Sec. 2-169. - Quorum

A quorum for any board, committee or commission shall be established as a majority of regular members. Alternate members may act in a regular member's absence to establish a quorum. Vacant positions shall not be counted in determining a quorum.

Sec. 2-170 – Attendance

Any member of a City board, commission or committee who has two absences within a calendar year shall become eligible to be removed from said board, commission or committee. Upon the second absence, the City Secretary's Office shall send a letter via certified mail to the member, copied to the board, commission or committee chairperson, informing them that they are eligible to be removed and that they need to contact the chairperson. The chairperson shall then have the discretion to recommend to the City Council that the member be removed from their respective board, commission or committee.

Sec. 2.171 – Serving on multiple boards, commission or committees

No person may concurrently serve on more than one board, commission or committee unless their position is also a position on another board, commission or committee.

### **Board and Commission Attendance Tracking Procedures**

- 1) The staff liaison for each Board and Commission is responsible to take attendance at each meeting of their respective Board and Commission using the attached sheet.
- 2) The attached sheet shall be returned to the City Secretary's Office the day after the meeting or as soon as possible thereafter.
- 3) The City Secretary's Office will enter the attendance information into a database.
- 4) Based on the information in the database, if a member misses a second meeting within a calendar year, the City Secretary will send a letter via certified mail to the member, notifying them that they are eligible to be removed from their respective Board or Commission and that they need to contact their chairperson. The same letter will be copied to the Board or Commission chairperson.
- 5) Based on their discretion, the Board or Commission chairperson may request that Council remove said member.





# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 10/09/12

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

**ITEM:**

Consider an ordinance updating Board and Commission ordinances to reflect changes in attendance requirements; providing a severability clause; and declaring an effective date.

**City Attorney Review:** Yes

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

**DISCUSSION:**

The City Council will be discussing and possibly approving changes to the attendance policy for Board and Commission members. If approved, this will require changes to the ordinances that regulate each of the Boards and Commissions.

The attached ordinance both removes previous language regarding absences and/or removal of members from the Ordinances regulating the Building and Standards Commission, the Library Board, the Senior Citizen Board, the Beautification Commission and the Community Affairs Commission. It further adds language stating that absences from meetings are regulated by Section 2-170 of the Code of Ordinances.

Not included in this ordinance are the following:

- Animal Shelter and Animal Control as they are in the process of being combined into one board.
- Planning and Zoning as they are regulated by Article IX of the City's Charter.
- Teen Court as they are not regulated by ordinance but by an interlocal agreement between the cities of Bedford, Eules and Hurst.
- Zoning Board of Adjustment as they are regulated by the Zoning Ordinance and will need to be approved by the Planning and Zoning Commission before it can be presented to Council.
- Parks and Recreation as there are other changes that need to be made in regards to outdated language about alternate members and will be part of a separate ordinance.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance updating Board and Commission ordinances to reflect changes in attendance requirements; providing a severability clause; and declaring an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance  
Red-Line ordinances

**ORDINANCE NO. 12-**

**AN ORDINANCE UPDATING BOARD AND COMMISSION ORDINANCES TO REFLECT CHANGES IN ATTENDANCE AND QUORUM REQUIREMENTS; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS, the City Council of Bedford, Texas has amend the attendance and quorum requirements for City's Citizen Boards and Commissions.**

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

**SECTION 1. That Chapter 22. "Buildings and Building Regulations", Article II. "Building and Standards Commission", Section 22-33. "Proceedings" of the City of Bedford Code of Ordinances is hereby amended to read as follow:**

**Sec. 22-33. - Proceedings.**

**(a) Hearings by the building and standards commission shall be conducted as provided by V.T.C.A., Local Government Code ch. 54 and as provided by Code of Ordinances, City of Bedford, Texas section 22-32(c).**

**(b) Commission meetings shall be held at the call of the chairperson and at other times as determined by the commission.**

**(c) All meetings and hearings of the commission shall be held in accordance with the Texas Open Meetings Act (V.T.C.A., Local Government Code ch. 551).**

**(d) All minutes of commission hearings and meetings shall be kept as provided by V.T.C.A., Local Government Code ch. 54, or any successor thereto.**

**(e) Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.**

**SECTION 2. That Chapter 74. "Library", Article II. "Library Board", Section 74-34. "Meetings" of the City of Bedford Code of Ordinances is hereby amended to read as follow:**

**The library board shall meet at least once each month. All meetings shall be open to the public. A permanent record of proceedings shall be maintained. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.**

**SECTION 3. That Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 2. "Senior Citizen Board" Sections 2-187. "Appointment; terms; filling vacancies; removal" and 2-189 "Rules; meetings" of the City of Bedford Code of Ordinances are hereby amended to read as follow:**

**Sec. 2-187. - Appointment; terms; filling vacancies**

**The members of the senior citizen board shall be appointed by the council for two-year staggered terms. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. The members of the board shall serve without compensation.**

**Sec. 2-189. - Rules; meetings.**

**The senior citizen board shall promulgate its own rules consistent with the ordinances of the city and laws of this state. The board shall hold at least one meeting each calendar quarter, and such special meetings as it deems necessary. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.**

**SECTION 4. That Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 3. "Beautification Commission" Sections 2-206.**

**“Composition”, Subsection (e) of the City of Bedford Code of Ordinances is hereby amended to read as follows:**

**(e) The beautification commission shall promulgate its own rules consistent with the ordinances of the city and the laws of the state. The commission shall hold quarterly meetings and such special meetings as it deems necessary. The members of the commission shall meet as soon after their appointments as practicable for the purpose of organization. A full and complete record of proceedings of this commission shall be kept on file with the city secretary. Meetings shall be held at the call of the chairman, or of the mayor, and at such other times as the commission may determine. All meetings shall be open to the public as provided in the Open Meetings Act (V.T.C.A., Government Code ch. 551). Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.**

**SECTION 5. That Chapter 2. “Administration”, Article IV. “Boards, Commissions and Committees”, Division 4. “Community Affairs Commission”, Section 2-230. “Meetings” of the City of Bedford Code of Ordinances is hereby amended to read as follows:**

**Sec. 2-230. - Meetings.**

**The community affairs commission shall meet quarterly or as called at a time and date to be decided by the commission. The commissioners shall designate one of their members to serve as chairman and one member to serve as vice chairman, such officers to serve terms of one year each. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.**

**SECTION 6. That all other ordinances in conflict herewith are hereby repealed.**

**SECTION 7. That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not effect any of the remaining provisions of this ordinance.**

**SECTION 8. That this ordinance shall be in full force and effect from and after its passage and publication as required by law.**

**PRESENTED AND PASSED this 9th day of October 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**

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ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 3. - BEAUTIFICATION COMMISSION

**DIVISION 3. - BEAUTIFICATION COMMISSION** <sup>[8]</sup>

<sup>(8)</sup> **Cross reference**— Buildings and building regulations, ch. 22.

[Sec. 2-206. - Composition.](#)

[Sec. 2-207. - Purpose.](#)

[Secs. 2-208—2-225. - Reserved.](#)

**Sec. 2-206. - Composition.**

(a) There is hereby created a beautification commission which shall be composed of 15 members of the city public at large and no alternate members.

(b) There shall be two ex officio members of the commission as follows:

(1) The city manager or a designee.

(2) One councilmember appointed by the city council shall serve as an ex officio member and shall serve as liaison between the commission and the city council.

(c) The members of the beautification commission and their successors shall be appointed by the council for two-year staggered terms or until their successors are appointed. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. The members of the commission shall serve without compensation and must be residents of the city and have resided within the city for 12 consecutive months preceding the appointment. Provided, however, that the representative appointed from the business community within the city does not have to be a resident of the city in order to qualify for appointment to this commission.

(d) The council shall appoint the initial chairperson of the commission from the appointed members, and thereafter the commission shall annually select its own chairperson. The commission shall also select a vice-chair and secretary from its own members.

(e) The beautification commission shall promulgate its own rules consistent with the ordinances of the city and the laws of the state. The commission shall hold quarterly meetings and such special meetings as it deems necessary. The members of the commission shall meet as soon after their appointments as practicable for the purpose of organization. A full and complete record of proceedings of this commission shall be kept on file with the city secretary. ~~A majority shall constitute a quorum for the transaction of business.~~ Meetings shall be held at the call of the chairman, or of the mayor, and at such other times as the commission may determine. All meetings shall be open to the public as provided in the Open Meetings Act (V.T.C.A., Government Code ch. 551). **Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.**

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(f) The beautification commission shall act as advisory body to the council in the creation and development of a beautification program.

(g) Any officer or employee or member of the board acting for the city in the discharge of prescribed duties shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties.

(Code 1969, § 2-101; Ord. No. 2290, § 1, 12-12-95; Ord. No. 01-2627, § 2, 11-27-01; Ord. No. 02-2663, § 2, 10-8-02; Ord. No. 04-2776, § 1, 12-14-04; Ord. No. 07-2864, § 1, 8-14-07; Ord. No. 09-2926, § 1, 4-14-09)

**Sec. 2-207. - Purpose.**

(a) The purpose of the beautification program will be to make the city a clean and attractive city in which to live, to maintain a healthy environment, to educate the city's citizens as to the ongoing process of keeping their city beautiful, and to generally beautify the city.

(b) The commission shall consider the following aspects of a potential beautification program and shall make recommendations of each to the city council: landscaping of city rights-of-way and city property; award programs for businesses and residential areas that beautify their areas through landscaping, maintenance, the abatement of litter or other methods; voluntary recycling, including the promotion and education of the need for recycling; the possibility of joining state or nation-wide groups that are focused on beautification; and how to involve the general public, the school system, the business community and homeowners in a beautification program.

(Code 1969, § 2-102)

**Secs. 2-208—2-225. - Reserved.**

## ARTICLE II. - BUILDING AND STANDARDS COMMISSION <sup>[22]</sup>

<sup>(22)</sup> **Cross reference**— Administration, ch. 2; officer and employee liability plan, § 2-141 et seq.

[Sec. 22-31. - Membership; responsibilities.](#)

[Sec. 22-32. - Authority regarding substandard buildings.](#)

[Sec. 22-33. - Proceedings.](#)

[Sec. 22-34. - Officials to present cases to commission.](#)

[Sec. 22-35. - Appeals to commission meetings on decision of building official or fire marshal.](#)

[Sec. 22-36. - Notice of commission meetings for appeal of a building official or fire marshal decision.](#)

[Secs. 22-37—22-50. - Reserved.](#)

### **Sec. 22-31. - Membership; responsibilities.**

(a) The city council shall appoint a building and standards commission, which shall have all the powers, duties and obligations as provided by this chapter, by Code of Ordinances, City of Bedford, Texas, chapter 58, by V.T.C.A., Local Government Code § 54.031 et seq., or by V.T.C.A., Local Government Code § 214.001 et seq., or any successors thereto.

(b) The membership of the building and standards commission shall consist of five members, all members must be residents of the city and must have resided within this city for 12 consecutive months preceding the appointment, and shall include two representatives from the general public; one building contractor; one registered engineer; and one licensed architect. If a building contractor, registered engineer or licensed architect is not available, the city council may appoint such other person as it deems qualified to serve as a representative of the general public. Each member shall serve for a two-year term.

(c) The city council may appoint five alternate members of the commission to serve in the absence of one or more regular members as provided by state law.

(d) The commission shall have separate areas of responsibility which shall include:

(1) The quasi-judicial enforcement of city ordinances on health and safety under V.T.C.A., Local Government Code § 54.031 et seq., or any successor thereto (hereinafter referred to as a commission hearing);

(2) The enforcement of city ordinances on dangerous and substandard buildings under V.T.C.A., Local Government Code § 214.001 et seq., or any successor thereto (hereinafter referred to as a commission hearing);

(3) Such other duties and authority as the city council may provide to the commission by ordinance or direction, and any duty or authority assigned to the building commission (hereinafter referred to as a commission meeting); and

(4) Through commission meetings, the submission to the city council of recommendations for the improvement and revision of the construction codes as it may, from time to time, deem necessary

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Chapter 22 - BUILDINGS AND BUILDING REGULATIONS  
ARTICLE II. - BUILDING AND STANDARDS COMMISSION

and proper in light of the development of new materials, methods, or techniques which would result in a better and more economical installation. All requests for use of materials or methods not covered in the construction codes shall be fully supported by factual evidence or prior approval from a recognized testing agency or such impartial qualified authority acceptable to the commission.

(5) All appeals from the sign ordinance and from the building code relative to material shall be to the building and standards commission. The building and standards commission's decision shall be final.

(Code 1969, § 6-100; Ord. No. 2285, § 1, 12-12-95; Ord. No. 2346, § 1, 12-17-96; Ord. No. 01-2627, § 7, 11-27-01; Ord. No. 04-2772, § 1, 11-23-04)

**Sec. 22-32. - Authority regarding substandard buildings.**

(a) The building and standards commission may require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building in accordance with the provisions of V.T.C.A., Local Government Code § 214.001 et seq., or any successor thereto.

(b) The minimum standards for the continued use and occupancy of all buildings which are to be enforced by the commission are contained in Code of Ordinances, City of Bedford, Texas, sections 22-373 and 22-374

(c) Notice and public hearing requirements that are required to be given to the owner of a building of any proceeding before the commission under the provisions of V.T.C.A., Local Government Code § 214.001 et seq., or any successor thereto, shall be given in accordance with the notice and public hearing requirements contained in V.T.C.A., Local Government Code § 54.031 et seq., or any successor thereto.

(d) The building official shall have the power to secure any building in accordance with V.T.C.A., Local Government Code § 214.0011, or any successor thereto, and any hearing which may be requested by the owner of such secured property shall be conducted by the commission.

(Code 1969, § 6-101)

**Sec. 22-33. - Proceedings.**

(a) Hearings by the building and standards commission shall be conducted as provided by V.T.C.A., Local Government Code ch. 54 and as provided by Code of Ordinances, City of Bedford, Texas section 22-32(c).

(b) Commission meetings shall be held at the call of the chairperson and at other times as determined by the commission.

(c) All meetings and hearings of the commission shall be held in accordance with the Texas Open Meetings Act (V.T.C.A., Local Government Code ch. 551).

(d) All minutes of commission hearings and meetings shall be kept as provided by V.T.C.A., Local Government Code ch. 54, or any successor thereto.

**(e) Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.**

(Code 1969, § 6-102)

**Sec. 22-34. - Officials to present cases to commission.**

The building official and the fire marshal are hereby designated the appropriate officials of the city to present all cases before the building and standards commission.

(Code 1969, § 6-103)

**Sec. 22-35. - Appeals to commission meetings on decision of building official or fire marshal.**

(a) Any person aggrieved by any interpretation or by any decision or ruling of the building official under the construction codes or the fire marshal under fire protection codes, shall have the right to make an appeal to the building and standards commission. Notice of appeal shall be in writing and must be filed within 30 days. A fee of \$100.00 shall accompany such notice of appeal. Such an appeal shall be considered at a commission meeting and shall be subject to the regulations contained herein for commission meetings.

(b) Within a period of 30 days from the filing of the appeal, the commission shall hear the appeal, together with the testimony of all parties concerned, and render a decision thereon within three days thereafter. In hearing such an appeal, the commission shall not have the power to waive or set aside the requirements of the construction or fire protection codes, but shall have the power to interpret its provisions, and in case of alternate types of construction or materials, shall determine whether such alternate types of construction or material is in fact equal to the standards of the construction codes, considering adequacy, stability, strength, sanitation and safety to the public health and welfare.

(c) Any person who may be aggrieved by the decision of the commission from a commission hearing shall have a right of appeal to the city council within ten days from the date of the commission decision. Such appeal shall be perfected by written notice addressed to the mayor and the city council and must state a request for a hearing by the city council. Action by the city council on such an appeal from a commission meeting shall be final.

(Code 1969, § 6-104)

**Sec. 22-36. - Notice of commission meetings for appeal of a building official or fire marshal decision.**

(a) Written notice of all building and standards commission meetings at which there is an appeal of a decision of the building official under this chapter or of the fire marshal under Code of Ordinances, City of Bedford, Texas, chapter 58, must be given to the owner, occupant, mortgagee, lessee, agent or other person having an interest in such building as shown by the county deed records, and by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.

(b) The notice shall be deposited in the U.S. mail properly addressed and mailed not less than ten days prior to the date of the scheduled hearing. In addition, the notice must be published in a newspaper of general circulation in the city on one occasion before the tenth day before the date fixed for the scheduled hearing.

(c) If the true owner is unknown, such notice shall be published in a paper of general circulation in the county, for two consecutive weeks.

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ARTICLE II. - BUILDING AND STANDARDS COMMISSION

(Code 1969, § 6-105)

**Secs. 22-37—22-50. - Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 4. - COMMUNITY AFFAIRS COMMISSION

**DIVISION 4. - COMMUNITY AFFAIRS COMMISSION** <sup>[9]</sup>

<sup>(9)</sup> **Editor's note**— Ord. No. 06-2818, § 1, adopted February 28, 2006, amended division 4 in its entirety to read as herein set out. Formerly, division 4 pertained to similar subject matter, and derived from Ord. No. 2200, § 1(a—f), adopted October 25, 1994; Ord. No. 2221, § 1, adopted January 25, 1995; Ord. No. 2236, § 1, adopted November 11, 1995; Ord. No. 2287, § 1, adopted December 12, 1995; Ord. No. 2390, § 1, adopted July 8, 1997; Ord. No. 2454, §§ 1—4, adopted July 28, 1998; Ord. No. 01-2627, § 3, adopted November 27, 2001; Ord. No. 02-2663, § 3, adopted October 8, 2002; Ord. No. 04-2776, § 2, adopted December 14, 2004.

[Sec. 2-226. - Creation.](#)

[Sec. 2-227. - Ex officio members.](#)

[Sec. 2-228. - Terms staggered.](#)

[Sec. 2-229. - Powers and duties.](#)

[Sec. 2-230. - Meetings.](#)

[Sec. 2-231. - Mission.](#)

**Sec. 2-226. - Creation.**

(a) There is hereby created a community affairs commission, which shall be composed of 12 members, five of which are business owners in the city, one of which is a member of the HEB Chamber of Commerce and six of which are residents.

(b) Each member of the commission will apply for membership on the commission and be formally appointed by the city council.

(c) The member either needs to operate a business within the city or meet the residency requirements in order to qualify for appointment to this board.

(Ord. No. 06-2818, § 1, 2-28-06; Ord. No. 07-2864, § 2, 8-14-07)

**Sec. 2-227. - Ex officio members.**

One ex officio member shall be a member of the city council and shall serve as liaison between the commission and the city council.

(Ord. No. 06-2818, § 1, 2-28-06)

**Sec. 2-228. - Terms staggered.**

Except for the ex officio member, the members of the community affairs commission shall serve for a two-year period. The term of the commissioners shall be staggered so that six members of the commission shall be appointed in even numbered years and six members in odd numbered years. The ex officio member shall serve a one-year term.

(Ord. No. 06-2818, § 1, 2-28-06)

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**Sec. 2-229. - Powers and duties.**

The community affairs commission shall:

- (1) Serve as an advisory board and shall provide the city council with feedback on business and residential concerns.
- (2) Provide specific input on any items that make doing business with the city difficult and point out areas of concern.
- (3) Explore issues of public interest as identified and designated by the city council, collect information on these issues and make constructive recommendations to council and staff if any action should be taken by the city to satisfy those issues.

(Ord. No. 06-2818, § 1, 2-28-06)

**Sec. 2-230. - Meetings.**

The community affairs commission shall meet quarterly or as called at a time and date to be decided by the commission. The commissioners shall designate one of their members to serve as chairman and one member to serve as vice chairman, such officers to serve terms of one year each. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.

(Ord. No. 06-2818, § 1, 2-28-06)

**Sec. 2-231. - Mission.**

The mission of the community affairs commission is to serve businesses, residents, homeowners associations, apartment associations, care centers and faith based organizations.

(Ord. No. 10-2970, § 1, 7-13-10)

## ARTICLE II. - LIBRARY BOARD <sup>[58]</sup>

<sup>(58)</sup> **Cross reference**— Administration, ch. 2; officer and employee liability plan, § 2-141 et seq.; boards, commissions and committees, § 2-166 et seq.

[Sec. 74-31. - Created, composition, appointment, terms.](#)

[Sec. 74-32. - Member qualifications.](#)

[Sec. 74-33. - Organization.](#)

[Sec. 74-34. - Meetings.](#)

[Sec. 74-35. - Function.](#)

[Sec. 74-36. - Budget.](#)

[Sec. 74-37. - Employees.](#)

[Sec. 74-38. - Agreements involving expenditures.](#)

### **Sec. 74-31. - Created, composition, appointment, terms.**

There is hereby created a library board to be composed of nine members and no alternate members appointed by the council for two-year terms and until their respective successors have been appointed and qualified; at the expiration of each of the terms as provided for herein, a successor shall be appointed for a term of two years. Vacancies shall be filled for any unexpired term in the same manner as provided for regular appointments.

(Code 1969, § 15-15; Ord. No. 2235, § 1, 4-11-95; Ord. No. 2336, § 1, 10-8-96; Ord. No. 01-2627, § 9, 11-27-01; Ord. No. 02-2663, § 9, 10-8-02; Ord. No. 04-2776, § 3, 12-14-04; Ord. No. 07-2864, § 3, 8-14-07; Ord. No. 09-2926, § 3, 4-14-09)

### **Sec. 74-32. - Member qualifications.**

All members of the library board must be residents of the city and must have resided within this city for 12 consecutive months preceding the appointment.

(Code 1969, § 15-16; Ord. No. 2291, § 1, 12-12-95)

### **Sec. 74-33. - Organization.**

The library board shall appoint one member of the library board to serve as chairman of the library board, to serve in that capacity for one year, at which time the chairman may be reappointed or succeeded. The membership, at its first meeting and annually thereafter, shall select one member to serve as secretary of the library board. A majority of the regularly appointed and qualified members shall constitute a quorum, and the board shall adopt its own rules and order of business. There shall be one exofficio member of the city council on this board and they shall serve as liaison between the committee and the city council.

(Code 1969, § 15-17; Ord. No. 2291, § 2, 12-12-95)

**Sec. 74-34. - Meetings.**

The library board shall meet at least once each month. All meetings shall be open to the public. A permanent record of proceedings shall be maintained. ~~Absence from any two successive meetings without being excused by the membership in regular meeting shall disqualify any member, and that member's successor shall be appointed as provided herein.~~ Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.

(Code 1969, § 15-18)

**Sec. 74-35. - Function.**

The library board shall serve as a consulting and advisory body. It shall be the duty of the library board to act in an advisory capacity to the city manager and city council and to study and recommend policies relating to the operation, promotion, enlargement and future planning of the city library.

(Code 1969, § 15-19)

**Sec. 74-36. - Budget.**

The city manager shall call on the library director for a proposed budget for the city library. The library director shall prepare the proposal and submit it to the library board for review. After review of the proposed budget, the library director shall deliver it to the city manager for incorporation in the proposed general budget of the city for submission to the city council.

(Code 1969, § 15-20)

**Sec. 74-37. - Employees.**

It shall be the duty of the library board to secure applicants for the position of library director and to interview the same, submitting favorable applications with recommendations to the city manager, who shall have sole power to employ the same.

(Code 1969, § 15-21)

**Sec. 74-38. - Agreements involving expenditures.**

The library board shall, before entering into any agreement for the expenditure of funds, submit such proposed agreement to the city manager for review and approval. No such agreement shall be finally executed unless approved by the city council.

(Code 1969, § 15-23)

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 2. - SENIOR CITIZEN BOARD

**DIVISION 2. - SENIOR CITIZEN BOARD**

[Sec. 2-186. - Created; membership; member qualifications.](#)

[Sec. 2-187. - Appointment; terms; filling vacancies. ~~;-removal.~~](#)

[Sec. 2-188. - Organization.](#)

[Sec. 2-189. - Rules; meetings.](#)

[Sec. 2-190. - Function.](#)

[Secs. 2-191—2-205. - Reserved.](#)

**Sec. 2-186. - Created; membership; member qualifications.**

There is created and established for the city a senior citizen board, which shall be composed of seven members and no alternates. All members shall have resided within the city for 12 consecutive months preceding their appointment. There shall be one ex-officio member of the city council on this board and they shall serve as liaison between the committee and the city council.

(Code 1969, § 2-31; Ord. No. 2292, § 1(2-31), 12-12-95; Ord. No. 09-2930, § 1, 6-23-09)

**Sec. 2-187. - Appointment; terms; filling vacancies. ~~;-removal.~~**

The members of the senior citizen board shall be appointed by the council for two-year staggered terms. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. ~~Members of the board may be removed by the city council, after public hearing and for cause assigned in writing.~~ The members of the board shall serve without compensation.

(Code 1969, § 2-32)

**Sec. 2-188. - Organization.**

The senior citizen board shall annually select its own chairman. The board shall also select a vice-chairman and secretary from its members.

(Code 1969, § 2-34)

**Sec. 2-189. - Rules; meetings.**

The senior citizen board shall promulgate its own rules consistent with the ordinances of the city and laws of this state. The board shall hold at least one meeting each calendar quarter, and such special meetings as it deems necessary. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.

(Code 1969, § 2-35)

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 2. - SENIOR CITIZEN BOARD

**Sec. 2-190. - Function.**

The senior citizen board shall act as an advisory body to the council in the procurement, development, supervision and administration of the Bedford Senior Center and its activities as related to the senior citizens of the city.

(Code 1969, § 2-36; Ord. No. 09-2930, § 2, 6-23-09)

**Secs. 2-191—2-205. - Reserved.**



# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 10/09/12

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

**ITEM:**

Consider an ordinance amending Chapter 86. "Park and Recreation", Article II. "Park and Recreation Board" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

**City Attorney Review:** Yes

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

**DISCUSSION:**

The City Council will be discussing and possibly approving changes to the attendance policy for Board and Commission members. If approved, this will require changes to the ordinances that regulate each of the Boards and Commissions.

The attached ordinance both removes language regarding removal of Park and Recreation Board members and adds language to the Park and Recreation Board Ordinance stating that absences from meetings shall be regulated by Section 2-170 of the Code of Ordinances. Outdated language regarding alternate members has also been removed.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending Chapter 86. "Park and Recreation", Article II. "Park and Recreation Board" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance  
Red-Line Ordinance

**ORDINANCE NO. 12-**

**AN ORDINANCE AMENDING CHAPTER 86. "PARK AND RECREATION", ARTICLE II. "PARK AND RECREATION BOARD", OF THE CITY OF BEDFORD CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS, the City Council of Bedford, Texas has amended the attendance requirements for the City's Citizen Boards and Commissions.**

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

**SECTION 1. That Chapter 86. "Park and Recreation", Article II. "Parks and Recreation Board", of the City of Bedford Code of Ordinances is hereby amended to read as follows:**

**Sec. 86-46. - Created; composition.**

**There is hereby created and established for the city a park and recreation board which shall be composed of 11 members. There shall be one ex officio member of the city council on this board and they shall serve as liaison between the board and the city council. All members must be residents of the city and must have resided within this city for 12 consecutive months preceding the appointment.**

**Sec. 86-47. - Appointment; terms; filling vacancies.**

**The members of the park and recreation board shall be appointed by the council for two-year staggered terms. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. Members of the board shall serve without compensation.**

**Sec. 86-48. - Organization.**

**The park and recreation board shall annually select its own chairman. The board shall also select a vice chairman and secretary from its own members.**

**Sec. 86-49. - Rules; meetings.**

**The park and recreation board shall promulgate its own rules consistent with the ordinances of the city and laws of this state. The board shall hold regular monthly meetings, and such special meetings as it deems necessary. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.**

**Sec. 86-50. - Function.**

**The park and recreation board shall act as an advisory body to the council in the procurement, development, supervision and administration of city public recreational activities within or without the city.**

**SECTION 2. That all other ordinances in conflict herewith are hereby repealed.**

**SECTION 3. That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not effect any of the remaining provisions of this ordinance.**

**SECTION 4. That this ordinance shall be in full force and effect from and after its passage and publication as required by law.**

**PRESENTED AND PASSED this 9th day of October 2012, by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.**

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**Jim Griffin, Mayor**

**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**

## ARTICLE II. - PARK AND RECREATION BOARD <sup>[65]</sup>

<sup>(65)</sup> **Cross reference**— Administration, ch. 2; officer and employee liability plan, § 2-141 et seq.; boards, commissions and committees, § 2-166 et seq.

[Sec. 86-46. - Created; composition.](#)

[Sec. 86-47. - Appointment; terms; filling vacancies; ~~removal.~~](#)

[Sec. 86-48. - Organization.](#)

[Sec. 86-49. - Rules; meetings.](#)

[Sec. 86-50. - Function.](#)

### **Sec. 86-46. - Created; composition.**

There is hereby created and established for the city a park and recreation board which shall be composed of 11 members ~~and no alternate members~~. There shall be one ex officio member of the city council on this board and they shall serve as liaison between the ~~committee board~~ and the city council. All members must be residents of the city and must have resided within this city for 12 consecutive months preceding the appointment.

(Code 1969, § 17-31; Ord. No. 2214, § 1, 12-13-94; Ord. No. 2228, § 1, 3-14-95; Ord. No. 2284, § 1, 12-12-95; Ord. No. 01-2627, § 10, 11-27-01; Ord. No. 02-2663, § 10, 10-8-02; Ord. No. 04-2776, § 4, 12-14-04; Ord. No. 07-2864, § 4, 8-14-07; Ord. No. 09-2926, § 2, 4-14-09)

### **Sec. 86-47. - Appointment; terms; filling vacancies; ~~removal.~~**

The members ~~and alternate members~~ of the park and recreation board shall be appointed by the council for two-year staggered terms. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. ~~Members and alternate members of the board may be removed by the council, after public hearing and for cause assigned in writing.~~ Members ~~and alternate members~~ of the board shall serve without compensation.

(Code 1969, § 17-32; Ord. No. 2214, § 1, 12-13-94)

### **Sec. 86-48. - Organization.**

The park and recreation board shall annually select its own chairman. The board shall also select a vice chairman and secretary from its own members. ~~Alternate members shall serve with all of the duties and privileges of a member when requested to attend the meeting for a member who may be absent.~~

(Code 1969, § 17-34; Ord. No. 2214, § 1, 12-13-94)

### **Sec. 86-49. - Rules; meetings.**

The park and recreation board shall promulgate its own rules consistent with the ordinances of the city and laws of this state. The board shall hold regular monthly meetings, and such special meetings as it

PART II - CODE OF ORDINANCES  
Chapter 86 - PARKS AND RECREATION  
ARTICLE II. - PARK AND RECREATION BOARD

deems necessary. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.

(Code 1969, § 17-35)

**Sec. 86-50. - Function.**

The park and recreation board shall act as an advisory body to the council in the procurement, development, supervision and administration of city public recreational activities within or without the city.

(Code 1969, § 17-36)



# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 10/09/12

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

**ITEM:**

Consider an ordinance amending Chapter 2. "Administration", Article III. "Officers and Employees", Division 3. "Ethics", Section 2-114. "Ethics Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

**City Attorney Review:** Yes

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

**DISCUSSION:**

At their August 16, 2012 Work Session, Council discussed amending the membership of the Ethics Commission. Currently, it is made up of seven residents of the City; only four of those places are filled at this time. They only meet once a year or as needed. Staff is of the opinion that it would be more practical for the Commission to be made up of the chairpersons of several of the other Boards and Commissions. Staff presented a draft ordinance to Council at their September 20, 2012 Work Session changing the membership of the Commission to the chairpersons of the following Boards and Commissions: Beautification, Community Affairs, Cultural, Library, Park and Recreation, Planning and Zoning and the Zoning Board of Adjustment. Council directed staff to move forward with this resolution with the change to keep one resident on the Commission and removing the chairperson of the Zoning Board of Adjustment.

If approved, the City Secretary's Office will inform the three members who will no longer be on the Commission of the change. They will be invited to submit a new application (or have their current one on file be submitted on their behalf) for consideration by Council for appointment to another Board or Commission during the regular appointment process in December.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending Chapter 2. "Administration", Article III. "Officers and Employees", Division 3. "Ethics", Section 2-114. "Ethics Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance  
Red-Line Ordinance

**ORDINANCE NO. 12-**

**AN ORDINANCE AMENDING CHAPTER 2. "ADMINISTRATION", ARTICLE III. "OFFICERS AND EMPLOYEES", DIVISION 3. "ETHICS", SECTION 2-114 "ETHICS COMMISSION" OF THE CITY OF BEDFORD CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS, the City Council of Bedford, Texas has determined to change the membership of the Ethics Commission to be made up of the chairpersons of the City's Boards and Commissions and one resident member.**

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

**SECTION 1. That Chapter 2. "Administration", Article III. "Officers and Employees", Division 3. "Ethics", Section 2-114. "Ethics Commission" of the City of Bedford Code of Ordinances is hereby amended to read as follow:**

**Sec. 2-114. - Ethics commission.**

**(a) Creation. There is hereby created an ethics commission which shall have the duties and powers, unless otherwise provided, to hear complaints and recommend the appropriate disposition of complaints heard under this division.**

**(b) Appointment of members. The commission shall consist of seven members to include the chairpersons of the following City boards and commissions: Beautification, Community Affairs, Cultural, Library, Park and Recreation and Planning and Zoning; and one resident of the City of Bedford appointed by the city council. Each member, upon assuming a position as commissioner, shall take an oath of office comparable to that taken by councilmembers. One commissioner shall be designated by the board as chairperson. The employee in charge of finance shall serve as an ex officio member of the commission. All members must be residents of the city and must have resided within this city for 12 consecutive months preceding the appointment. No commission member may be an elected official, an employee of the city, or a family member of such officials or employees. No commission member may contract with or do business with the city. Any action taken or recommended by the commission must be by the affirmative vote of a majority of the total membership of the commission.**

**(c) Terms. The resident member of the Commission shall serve for a two-year term.**

**(d) Compensation. No commissioner shall receive a salary but may be reimbursed for expenses in accordance with city policy.**

**(e) Meetings. The commission shall establish regular meeting times, with no less than one meeting per year. Special meetings may be called as needed by the chairperson or by any two members. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.**

**(f) Duties. The commission's duties shall include:**

**(1) Hearing complaints on violations of this division by officials or employees.**

**(2) Giving nonbinding advice to the city council or other officials or employees on ethical questions. This includes rendering advisory opinions as described in section 2-116**

**(3) Giving nonbinding recommendations to the city council on new and existing city policies on ethics.**

**(4) Reviewing city councilmembers' expense reports, travel vouchers and requests for reimbursement for the purpose of rendering advisory opinions as described in section 2-116**

**(g) Chairperson. The commission member appointed to serve as chairperson shall preside over**

all commission meetings and may call special commission meetings as needed, but otherwise shall have power equal to that of other commission members.

(h) **Rules.** The commission shall adopt rules in accordance with this division. The rules may establish procedures for use in commission meetings and procedures for use in meetings at which hearings are conducted.

(i) **Quorum.** All commission meetings must be heard by at least four members. At commission meetings, four shall constitute a quorum for the transaction of business, unless otherwise provided herein. Any action taken or recommended by the commission must be by the affirmative vote of a majority of the total membership of the commission.

(j) **Meetings to be open.** All meetings of the commission, except actual hearings of complaints, shall be open to the public. Hearings on complaints shall be closed to the public unless the party charged with a violation of this division requests that the hearing be open. The chairperson or an acting chairperson may administer oaths to witnesses at commission hearings.

(k) **Minutes.**

(1) The commission shall keep minutes of its meetings showing the vote of each member on each question or the fact that the member is absent or fails to vote. The commission shall keep records of its examinations and other official action. The minutes and records shall be filed immediately with the city secretary.

(2) Hearings will be recorded and transcribed by a court reporter or the equivalent. Transcripts of hearings shall be filed with the city secretary.

**SECTION 2.** That all other ordinances in conflict herewith are hereby repealed.

**SECTION 3.** That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not effect any of the remaining provisions of this ordinance.

**SECTION 4.** That this ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PRESENTED AND PASSED** this 9th day of October 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

## Sec. 2-114. - Ethics commission.

(a) *Creation.* There is hereby created an ethics commission which shall have the duties and powers, unless otherwise provided, to hear complaints and recommend the appropriate disposition of complaints heard under this division.

(b) *Appointment of members.* The commission shall consist of seven members to include the chairpersons of the following City boards and commissions: Beautification, Community Affairs, Cultural, Library, Park and Recreation and Planning and Zoning; and one resident of the City of Bedford appointed by the city council. ~~to be appointed by the city council.~~ Each member, upon assuming a position as commissioner, shall take an oath of office comparable to that taken by councilmembers. One commissioner shall be designated by the board as chairperson. The employee in charge of finance shall serve as an ex officio member of the commission. All members must be residents of the city and must have resided within this city for 12 consecutive months preceding the appointment. No commission member may be an elected official, ~~an appointed official serving on any other board, commission or agency of the city,~~ an employee of the city, or a family member of such officials or employees. No commission member may contract with or do business with the city. Any action taken or recommended by the commission must be by the affirmative vote of a majority of the total membership of the commission.

(c) *Terms.* The resident member of the Commission ~~members~~ shall serve for a two-year staggered terms. ~~Of the first members appointed, four shall serve for two years, and three shall serve for one year. Thereafter, each commissioner shall serve for a term of two years.~~

~~(d) Vacancies. All vacancies shall be filled for the unexpired terms.~~

~~(e)~~(d) *Compensation.* No commissioner shall receive a salary but may be reimbursed for expenses in accordance with city policy.

~~(f)~~(e) *Meetings.* The commission shall establish regular meeting times, with no less than one meeting per year. Special meetings may be called as needed by the chairperson or by any two members. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.

~~(g)~~(f) *Duties.* The commission's duties shall include:

- (1) Hearing complaints on violations of this division by officials or employees.
- (2) Giving nonbinding advice to the city council or other officials or employees on ethical questions. This includes rendering advisory opinions as described in section 2-116
- (3) Giving nonbinding recommendations to the city council on new and existing city policies on ethics.
- (4) Reviewing city councilmembers' expense reports, travel vouchers and requests for reimbursement for the purpose of rendering advisory opinions as described in section 2-116

~~(h)~~(g) *Chairperson.* The commission member appointed to serve as chairperson shall preside over all commission meetings and may call special commission meetings as needed, but otherwise shall have power equal to that of other commission members.

~~(i)~~(h) *Rules.* The commission shall adopt rules in accordance with this division. The rules may

establish procedures for use in commission meetings and procedures for use in meetings at which hearings are conducted.

~~(j)~~(i) *Quorum.* All commission meetings must be heard by at least four members. At commission meetings, four shall constitute a quorum for the transaction of business, unless otherwise provided herein. Any action taken or recommended by the commission must be by the affirmative vote of a majority of the total membership of the commission.

~~(k)~~(i) *Meetings to be open.* All meetings of the commission, except actual hearings of complaints, shall be open to the public. Hearings on complaints shall be closed to the public unless the party charged with a violation of this division requests that the hearing be open. The chairperson or an acting chairperson may administer oaths to witnesses at commission hearings.

~~(l)~~(k) *Minutes.*

(1) The commission shall keep minutes of its meetings showing the vote of each member on each question or the fact that the member is absent or fails to vote. The commission shall keep records of its examinations and other official action. The minutes and records shall be filed immediately with the city secretary.

(2) Hearings will be recorded and transcribed by a court reporter or the equivalent. Transcripts of hearings shall be filed with the city secretary.

(Code 1969, § 8½-4; Ord. No. 2288, § 1, 12-12-95)



# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 10/09/12

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

**ITEM:**

Consider an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 5. "Cultural Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

**City Attorney Review:** Yes

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

**DISCUSSION:**

At their August 16, 2012 Work Session, Council discussed expanding the membership of the Cultural Commission by the addition of two alternate members. A draft ordinance making that change was presented to and approved by Council at their September 20, 2012 Work Session. Council did make one additional change specifying that the two alternate members be residents of the City of Bedford as opposed to having to belong to a certain organization. Language was also included regarding the attendance policy previously presented to Council.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending Chapter 2. "Administration", Article IV. "Boards, Commissions and Committees", Division 5. "Cultural Commission" of the City of Bedford Code of Ordinances; providing a severability clause; and declaring an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance  
Red-Line Ordinance

**ORDINANCE NO. 12-**

**AN ORDINANCE AMENDING CHAPTER 2. "ADMINISTRATION", ARTICLE IV. "BOARDS, COMMISSIONS AND COMMITTEES", DIVISION 5. "CULTURAL COMMISSION" OF THE CITY OF BEDFORD CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS, the City Council of Bedford, Texas has determined to increase the membership of the Cultural Commission with the addition of two alternate members.**

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

**SECTION 1. That Chapter 2. "Administration", Article IV. Boards, Commissions and Committees, Division 5. "Cultural Commission" of the City of Bedford Code of Ordinances is hereby amended to read as follow:**

**Sec. 2-232. - Creation.**

**(a) There is hereby created a cultural commission, which shall be composed of seven members, four of which are residents of the City of Bedford, two of which are members of ARTSNET to include the president and one additional board member, and one community member representing the HEB Chamber of Commerce. The commission shall also include two alternate members, each a resident of the City of Bedford, to serve in the absence of one or more of the regular members.**

**(b) Each member of the commission, excluding the ARTSNET members and Chamber representative, will apply for membership on the commission and be formally appointed by the city council.**

**(c) The city council will appoint the chairperson and vice-chairperson of the commission.**

**Sec. 2-233. - Ex officio members.**

**One ex officio member shall be a member of the city council and shall serve as liaison between the commission and the city council. One ex officio member shall be the city manager or his/her designee.**

**Sec. 2-234. - Terms staggered.**

**Except for the ex officio members, the members of the cultural commission shall serve for a two-year period. The term of the commissioners shall be staggered so that four members of the commission shall be appointed in even numbered years and three members in odd numbered years. One alternate member shall be appointed in an even numbered year and one alternate member shall be appointed in an odd numbered year.**

**Sec. 2-235. - Powers and duties.**

**The duties of the cultural district commission include, but are not limited to:**

- (1) Develop a strategic plan for the Bedford Cultural District.**
- (2) Create an identity and awareness for the cultural district.**
- (3) Identify various types of artists and their associations and encourage the use of the Bedford Cultural District for their diverse artistic activities to continue and strengthen the relationship already established within the art community.**
- (4) Coordinate with ARTSNET, OnStage, the local/regional art community, and the school district.**
- (5) Work with staff and outside groups to develop a plan and flow chart of activities that will**

take place during the year.

- (6) Continuously communicate cultural district activities to the general public and council, mayor and staff, and provide periodic reports to the council.
- (7) Explore and seek out federal, state and local grant opportunities.
- (8) Provide input on the types of business ideally suited for the cultural district.
- (9) Assist economic development, as directed, in researching to identify target businesses likely to locate in a cultural district.
- (10) Other duties as directed by the city council from time to time.

**Sec. 2-236. - Meetings.**

The cultural commission shall meet as called at a time and date to be decided by the commission. The city council will appoint a chair and vice-chair, such officers to serve terms of one year each. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.

**SECTION 2.** That all other ordinances in conflict herewith are hereby repealed.

**SECTION 3.** That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not effect any of the remaining provisions of this ordinance.

**SECTION 4.** That this ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PRESENTED AND PASSED** this 9th day of October 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

## DIVISION 5. - CULTURAL COMMISSION

[Sec. 2-232. - Creation.](#)

[Sec. 2-233. - Ex officio members.](#)

[Sec. 2-234. - Terms staggered.](#)

[Sec. 2-235. - Powers and duties.](#)

[Sec. 2-236. - Meetings.](#)

[Secs. 2-237—2-265. - Reserved.](#)

### **Sec. 2-232. - Creation.**

(a) There is hereby created a cultural commission, which shall be composed of seven members, four of which are residents of the City of Bedford, two of which are members of ARTSNET to include the president and one additional board member, and one community member representing the HEB Chamber of Commerce. The commission shall also include two alternate members, each a resident of the City of Bedford, to serve in the absence of one or more of the regular members.

(b) Each member of the commission, excluding the ARTSNET members and Chamber representative, will apply for membership on the commission and be formally appointed by the city council.

(c) The city council will appoint the chairperson and vice-chairperson of the commission.

(Ord. No. 11-2993, § 1, 4-12-11)

### **Sec. 2-233. - Ex officio members.**

One ex officio member shall be a member of the city council and shall serve as liaison between the commission and the city council. One ex officio member shall be the city manager or his/her designee.

(Ord. No. 11-2993, § 1, 4-12-11)

### **Sec. 2-234. - Terms staggered.**

Except for the ex officio members, the members of the cultural commission shall serve for a two-year period. The term of the commissioners shall be staggered so that four members of the commission shall be appointed in even numbered years and three members in odd numbered years. One alternate member shall be appointed in an even numbered year and one alternate member shall be appointed in an odd numbered year.

(Ord. No. 11-2993, § 1, 4-12-11)

### **Sec. 2-235. - Powers and duties.**

The duties of the cultural district commission include, but are not limited to:

- (1) Develop a strategic plan for the Bedford Cultural District.
- (2) Create an identity and awareness for the cultural district.

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES  
DIVISION 5. - CULTURAL COMMISSION

- (3) Identify various types of artists and their associations and encourage the use of the Bedford Cultural District for their diverse artistic activities to continue and strengthen the relationship already established within the art community.
- (4) Coordinate with ARTSNET, OnStage, the local/regional art community, and the school district.
- (5) Work with staff and outside groups to develop a plan and flow chart of activities that will take place during the year.
- (6) Continuously communicate cultural district activities to the general public and council, mayor and staff, and provide periodic reports to the council.
- (7) Explore and seek out federal, state and local grant opportunities.
- (8) Provide input on the types of business ideally suited for the cultural district.
- (9) Assist economic development, as directed, in researching to identify target businesses likely to locate in a cultural district.
- (10) Other duties as directed by the city council from time to time.

(Ord. No. 11-2993, § 1, 4-12-11)

**Sec. 2-236. - Meetings.**

The cultural commission shall meet as called at a time and date to be decided by the commission. The city council will appoint a chair and vice-chair, such officers to serve terms of one year each. Absences from meetings shall be regulated pursuant to Section 2-170 of the Code of Ordinances.

(Ord. No. 11-2993, § 1, 4-12-11)

**Secs. 2-237—2-265. - Reserved.**



# Council Agenda Background

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**PRESENTER:** Roy Savage, Community Affairs Commission  
Member

**DATE:** 10/09/12

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

**ITEM:**

Consider a resolution authorizing the Community Affairs Commission to hold a City of Bedford Expo.

**City Attorney Review:** N/A

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

**DISCUSSION:**

Roy Savage of the Community Affairs Commission will present an overview of a proposed City of Bedford Expo for Council's consideration.

**RECOMMENDATION:**

The Community Affairs Commission recommends the following motion:

Approval of a resolution authorizing the Community Affairs Commission to hold a City of Bedford Expo.

**FISCAL IMPACT:**

Unknown at this time

**ATTACHMENTS:**

Resolution  
Presentation  
Letter of Request

**RESOLUTION NO. 12-**

**A RESOLUTION AUTHORIZING THE COMMUNITY AFFAIRS COMMISSION TO HOLD A CITY OF BEDFORD EXPO.**

**WHEREAS, the Community Affairs Commission desires to hold a City of Bedford Expo in order to disseminate information as to the workings of government to the citizens of the City; and,**

**WHEREAS, the City Council of Bedford, Texas agrees that the Community Affairs Commission should hold a City of Bedford Expo.**

**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 Community Affairs Commission to hold a City of Bedford Expo.**

**PASSED AND APPROVED this 9th day of October 2012, by a vote of \_ ayes, \_ nays and \_ abstention, 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**

## PRESENTATION TO CITY COUNCIL FOR EXPO

IN AN EFFORT TO DISSEMINATE INFORMATION AS TO THE WORKINGS OF THE CITY GOVERNMENT FOR THE CITIZENS OF BEDFORD THE COMMUNITY AFFAIRS COMMISSION MEMBERS HAS BEEN IN THE PROCESS OF BRAIN STORMING DIFFERENT IDEAS AS TO HOW TO INFORM OUR CITIZENRY OF THE BENEFITS AND FUNCTION OF THE CITY GOVERNMENT.

IN THIS LIGHT WE WOULD LIKE TO PRESENT TO YOU A BRIEF OVERVIEW OF ONE OF THE IDEAS THE COMMISSION MEMBERS BELIEVES TO BE THE MOST EXPEDIENT AVENUE TO GET THE INFORMATION TO THE GENERAL PUBLIC AS TO THE FUNCTIONS OF THEIR CITY GOVERNMENT. SPECIFICALLY CITY COUNCIL, GOALS AND VISIONS FOR THE CITY. ALSO THE DUTIES OF THE CITY STAFF IN CARRYING OUT THESE GOALS AND VISIONS OF THE COUNCIL. THE COMMISSION SEES THIS VENUE AS A CONTINUING EFFORT TO MARKET THE CITY AND IT'S SERVICES THROUGH CITIZEN PARTICIPATION THINGS LIKE HOW YOUR CITY UTILITIES ARE MAINTAINED

AND DELIVERED TO THE CITIZENS. TO ACCOMPLISH THIS WE  
THE COMMUNITY AFFAIRS COMMISSION PURPOSES TO BRING  
TOGETHER ALL CITY DEPARTMENTS AND OUR MAJOR SERVICE  
PROVIDERS SUCH AS ALLIED WASTE, ONCOR ELECTRIC  
ETC: AT THE LIBRARY FOR A TWO TO FOUR HOUR CITY OF  
BEDFORD EXPO.

THE GENERAL IDEA IS FOR EACH MAJOR DEPARTMENT TO SET  
UP A TABLE WITH INFORMATION AS TO THE DUTIES OF THAT  
PARTICULAR DEPARTMENT. SUCH AS FINANCE DEPARTMENT  
POSSIBLY COULD TAKE THE AVERAGE CITY OF BEDFORD TAX  
BILL PUT IN PIE CHART FORM TO ILLUSTRATE JUST HOW  
MUCH BENEFIT EACH CITIZEN RECEIVES FROM HIS OR HER  
LOCAL TAXES ON A DAILY BASIS, COST PER DAY ETC:.

PARTICIPATION WOULD BE OFFERED TO A LIST THAT WOULD  
INCLUDE THE FOLLOWING: ALLIED WASTE, ANIMAL  
CONTROL WHO COULD ACCENT THEIR ADOPTION PROGRAM  
ETC; BRAC, CERT, CITIZENS FIRE ALUMNI ASSOCIATION,  
CITIZENS POLICE ALUMNI ASSOCIATION, CUSTOMER SERVICE,

FIRE DEPARTMENT, POLICE DEPARTMENT, HAM RADIO OPERATORS, HOTEL ASSOCIATION, LIBRARY, **PUBLIC WORKS TO INCLUDE WATER, STREETS, SEWER, DRAINAGE, FINANCE DEPARTMENT, TEEN COURT, SENIOR CENTER, AND OTHERS.FOR INFORMATIONAL PURPOSES WE COULD HAVE A FIRE TRUCK, THE** POLICE COMMAND CENTER VEHICLE TO CREATE MORE INTEREST IN THE WORKINGS OF THE COMMUNITY.

SATURDAY MARCH 2, OR 23, 2013 HAS BEEN DISCUSSED AS A POSSIBLE DATE FOR THE EVENT. THESE DATES WON'T INTERFERE WITH HEB ISD SPRING BREAK OR OTHER EVENTS IN THE AREA AND WOULD GIVE US SUFFICIENT TIME BETWEEN THIS EVENT AND THE ENERGY FAIR SPONSORED BY THE COMMISSION.

THE IDEA OF HAVING THE EXPO ON SATURDAY WILL GIVE MORE CITIZENS THE OPPORTUNITY TO PARTICIPATE I HEAR VIA THE GRAPEVINE OTHER CITIES HAVE HELD SIMILAR EVENTS WITH TREMENDOUS SUCCESS VERY POPULAR WITH THE CITIZENS.

SHOULD YOU WANT TO DO THIS WE WOULD LIKE TO GET IT  
ADVERTISED IN THE WATER BILL, THE BEDFORD CONNECTION.  
LINK TO THE CITIES WEB SITE. WE WOULD ALSO GET THE  
WORD OUT IN VARIOUS OTHER WAYS E-MAIL, MAILING THE  
HOA LIST ETC. IS THERE ANY QUESTIONS I MAY BE ABLE TO  
ANSWER?

THEN OUR QUESTION TO YOU IS WOULD THE COUNCIL WANT  
TO PURSUE AN EXPO AND IF SO DO WE HAVE YOUR BLESSINGS  
TO CONTINUE PLANNING THE EVENT. :

**From:** [mark.masse](#)  
**To:** [Miller, David](#); [Wells, Michael](#)  
**Cc:** [mark.masse](#)  
**Subject:** Fwd: Bedford Ex-po  
**Date:** Wednesday, September 26, 2012 8:12:01 PM  
**Attachments:** [9-11-2012 Presentation to City Council for EXPO.doc](#)  
[ATT00001.htm](#)

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for city council

Begin forwarded message:

**From:** Roy Savage  
**Subject:** Bedford Ex-po  
**Date:** September 26, 2012 10:31:44 AM CDT  
**To:** Mark Massey

Mark we are ready to present the City of Bedford Expo to the Council for their approval, or dis-approval. We would like for you to place a request on the 10-9-2012 City Council Agenda for consideration and possible action. Would like for it to be a regular Agenda item so the Council can Vote on it.

I have prepared a short presentation and will attach a copy for your review. Any comments or suggestions for improvement will be welcome.

Thanks

Roy Savage \\

Community Affair's Commission member



# Council Agenda Background

**PRESENTER:** John F. Kubala, P.E., Public Works Director

**DATE:** 10/09/12

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

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a professional services contract with J. Richard Perkins, P.E., for the following: (1) periodic staff review of plats and construction/site plans for private developments within the City; (2) periodic review of construction plans from other engineering consultants under contract with the City for the design of public improvements; (3) consulting, review, oversight, design and general administration of ongoing City projects and other public works projects as determined by the Public Works Director.

**City Attorney Review:** Yes

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

**DISCUSSION:**

The Public Works Department proposes to continue the professional services contract with J. Richard Perkins, P.E. Mr. Perkins was a principal in the firm of Teague Nall and Perkins, Inc. He has retired from the firm but continues to practice on a part time basis. Mr. Perkins's experience uniquely qualifies him for the job. He is a long time resident of Bedford and is very familiar with the infrastructure in Bedford. While employed with Teague Nall and Perkins, Inc., he was directly involved in public and private development in the City. The breadth and depth of his experience will be invaluable.

Total payments for expenses, costs, and professional services shall be made at an hourly reimbursable rate of \$85.00 per hour and shall not exceed \$65,000 per year. This is the same rate as last year's contract. Last year, Mr. Perkins's contract was increased from \$40,000 to \$65,000 because of the extensive work necessary for reviewing plans involved with construction of the North Tarrant Expressway (NTE). Some of the funds spent reviewing NTE work will be refunded to the City by the developer, NTE Mobility Partners. At this time, staff has no way of estimating how much that will be. The term of the contract shall be for a period of one year from the date of City Council award. The contract can be renewed for two successive full year periods upon mutual agreement of both parties. This contract will provide significant savings to the City as opposed to hiring a full time employee to perform this work.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a professional services contract with J. Richard Perkins, P.E., for the following: (1 ) periodic staff review of plats and construction/site plans for private developments within the City; (2) periodic review of construction plans from other engineering consultants under contract with the City for the design of public improvements; (3) consulting, review, oversight, design and general administration of ongoing City projects and other public works projects as determined by the Public Works Director.

**FISCAL IMPACT:**

Funding for this contract will come from the Engineering Services Division of the Public Works Department.

**ATTACHMENTS:**

Resolution  
Contract

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH J. RICHARD PERKINS, P.E., FOR THE FOLLOWING: (1) PERIODIC STAFF REVIEW OF PLATS AND CONSTRUCTION/SITE PLANS FOR PRIVATE DEVELOPMENTS WITHIN THE CITY; (2) PERIODIC REVIEW OF CONSTRUCTION PLANS FROM OTHER ENGINEERING CONSULTANTS UNDER CONTRACT WITH THE CITY FOR THE DESIGN OF PUBLIC IMPROVEMENTS; (3) CONSULTING, REVIEW, OVERSIGHT, DESIGN AND GENERAL ADMINISTRATION OF ONGOING CITY PROJECTS AND OTHER PUBLIC WORKS PROJECTS AS DETERMINED BY THE PUBLIC WORKS DIRECTOR.

WHEREAS, the City Council of Bedford, Texas determines that a professional services contract be awarded to J. Richard Perkins, P.E.; and,

WHEREAS, this contract will provide significant savings to the City of Bedford.

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

SECTION 1. That the City Manager is authorized to enter into a professional services contract with J. Richard Perkins, P.E., for the following: (1) periodic staff review of plats and construction/site plans for private developments within the City; (2) periodic review of construction plans from other engineering consultants under contract with the City for the design of public improvements; (3) consulting, review, oversight, design and general administration of ongoing City projects and other public works projects as determined by the Public Works Director.

SECTION 2. That the term of this contract shall be for a period of one year from the date of City Council award and that this contract can be renewed for two successive full year periods upon mutual agreement of both parties.

SECTION 3. That funding for this contract will come from the Engineering Services Division budget of the Public Works Department.

PASSED AND APPROVED this the 9th day of October 2012, by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas,.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary

APPROVED AS TO FORM:

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Stan Lowry, City Attorney

**STATE OF TEXAS**

**COUNTY OF TARRANT**

**ENGINEERING SERVICES CONTRACT**

**THIS CONTRACT**, by and between the **CITY OF BEDFORD**, a municipal corporation located in Tarrant County, Texas, hereinafter called "City", and J. Richard Perkins, a registered professional engineer, hereinafter called "Engineer", evidences the following:

**WHEREAS**, the City desires professional services for the following: (1) periodic staff review of plats and construction/site plans for private developments within the City; (2) periodic review of construction plans from other engineering consultants under contract with the City for the design of public improvements (except as enumerated in paragraph 3 below); (3) consulting, review, oversight, design, and general administration of ongoing City projects and other public works projects as determined by the Public Works Director that may be initiated during the term of this Agreement.

**WHEREAS**, Engineer represents that he is qualified and capable of performing the professional services proposed herein and is willing to enter into this Contract with City to perform said services;

**NOW THEREFORE**, the parties in consideration of the terms and conditions contained herein agree as follows:

**1. EMPLOYMENT OF THE PROFESSIONAL**

Engineer agrees to perform professional services as set forth in the following sections of this Contract, and City agrees to pay, and Engineer agrees to accept fees as set forth in the following sections as full and final compensation for all services provided under this Contract.

**2. CONTRACT ADMINISTRATION**

Its duly authorized official shall administer this Contract on behalf of the City by the City Manager or his/her designated representatives, and on behalf of the Engineer.

**3. ENGINEER'S SERVICES**

The Engineer agrees to render services as outlined herein, with the exception of the review of construction plans prepared by Teague Nall and Perkins, Inc. Others could construe such reviews as a conflict of interest due to Engineer's previous association with this firm.

**4. PAYMENT FOR SERVICES**

- A. Payment for services will be computed on an hourly reimbursable basis to determine the payment due for services.
- B. Payments shall also include Direct Non-Labor expenses, which in general include expenses for supplies, reproduction, transportation, equipment, travel, communication, subsistence and lodging away from home, and similar incidentals.

The Direct Non-Labor expenses shall be reimbursable at actual invoice cost plus 10%, except for living and travel expenses when away from the Engineer's home on business connected with the Contract services. All travel outside of the Dallas/Fort Worth Metropolitan Area to be made, which are reimbursable at actual invoice cost, by the Engineer in connection with this Contract must first be approved in writing by the Public Works Director.

- C. Subcontractor cost shall be reimbursed at the actual invoice cost plus 10%.
- D. Engineer shall submit itemized monthly reports for Services, Direct Non-Labor Expenses, and for subcontractor's costs incurred. The City shall make monthly payments of the amounts shown in the Engineer's monthly reports.
- E. Total payments for expenses, costs, and professional services, shall be made at an hourly reimbursable rate of \$85.00 per hour and shall not exceed \$65,000.00 per year for each year of the contract.
- F. Nothing contained in this article shall require City to pay for any work which is unsatisfactory as reasonably determined by the Public Works Director or which is not submitted in compliance with the terms of this Contract. City shall not be required to make any payments to the Engineer when the Engineer is in default under this Contract; nor shall this paragraph constitute a waiver of any right, at law or in equity, which City may have if the Engineer is in default, including the right to bring legal action for damages or for specific performance of this Contract.

**5. OWNERSHIP OF DOCUMENTS**

All information and other data given to, prepared, or assembled by Engineer under this Contract, and other related items shall become the sole property of City and shall be delivered to City, without restriction on future use. Engineer may make copies of any and all documents and items for his files. Engineer shall have no liability for changes made to or use of the documents generated during the term of this Contract by anyone subsequent to the completion of the Contract.

City shall require that any such change or other use shall be sealed by the Engineer making that change or use and shall be appropriately marked to reflect what was

changed or modified.

**6. SERVICES BY CITY**

City shall provide the following services under this Contract.

- A. Provide available criteria and information to the Engineer as City's requirement for each assignment related to the Contract. Such data would include, but not be limited to, contract documents of current projects, studies, well logs, master plans, FEMA 100-year flood maps, etc.
- B. Provide all available City of Bedford drawings, maps, and notes relating to existing public facilities within the scope of each Contract assignment.

**7. CONTRACT PERIOD**

The term of this contract shall be for a period of one year from the date of City Council award. This contract can be renewed for two successive full year periods upon mutual agreement of both parties.

**8. NOTICE TO PROCEED**

City shall have complete control of the services to be rendered and no work shall be done under this Contract until the Engineer is instructed in writing to proceed.

**9. TERMINATION OF CONTRACT**

City may indefinitely suspend further work hereunder or terminate this Contract or any phase of this Contract upon thirty days prior written notice to the Engineer with the understanding that immediately upon the receipt of such notice all work and labor being performed under this Contract shall cease immediately. Before the end of the thirty day period, Engineer shall invoice the City for all work accomplished by him prior to the receipt of such notice. No amount shall be due for lost or anticipated profits. All data related to the Contract shall become property of the City upon termination of the Contract and shall be promptly delivered to City in a reasonably organized form without restriction on future use except as stated in Article 5. Should City subsequently contract with a new consultant for continuation of services on the Contract, Engineer shall cooperate in providing information.

**10. RESPONSIBILITY FOR CLAIMS AND LIABILITIES**

Approval by City shall not constitute nor be deemed a release of the responsibility and liability of the Engineer, its employees, associates, agents, and consultants for the accuracy and competency of their work; nor shall approval be deemed to be an assumption of such responsibility by City for any defect in the work prepared by the Engineer, its employees, subcontractors, agents, and consultants.

**11. EQUAL EMPLOYMENT OPPORTUNITY**

- A. The Engineer shall not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, ancestry, national origin, or place of birth. The Engineer shall take affirmative action to insure that applicants are employed and that employees are treated during their employment without regard to their race, age, color, religion, sex, ancestry, national origin, or place of birth.
- B. If the Engineer fails to comply with the Federal Laws relating to Equal Employment Opportunity, it is agreed that the City at its option may do either or both of the following:
  - 1) Cancel, terminate, or suspend the Contract in whole or in part;
  - 2) Declare the Engineer ineligible for further City Contracts until he is determined to be in compliance.

**12. AMENDMENTS**

This Contract may be amended or supplemented in any particular only by written instrument and only as approved by resolution of City Council or the City Manager, except for termination under Section 9, TERMINATION OF CONTRACT, which may be accomplished by the City Manager or his/her designated representative as identified in Section 9, TERMINATION OF CONTRACT.

**13. COMPLIANCE WITH LAWS, CHARTERS, AND ORDINANCES, ETC.**

The Engineer, his consultants, agents, employees, and subcontractors shall comply with all applicable Federal and State Laws, the Charter and Ordinances of the City of Bedford, and with all applicable rules and regulations promulgated by all local, state, and national boards, bureaus, and agencies existing and published before the date of this contract.

**14. RIGHT OF REVIEW**

Engineer agrees that City may review any and all of the work performed by Engineer under this Contract. City is hereby granted the right to audit at City's election, all of the Engineer's records and billings related to the performance of this Contract. Engineer agrees to retain such records for a minimum of three (3) years following completion of this Contract.

**15. CONFLICT OF INTEREST**

No officer or employee shall have any financial interest, direct or indirect, in any contract with the City or be financially interested, directly, in the sale to the City of any land, materials, supplies, or services, except on behalf of the City as an officer or employee. Any violation of this section shall constitute malfeasance in office, and any officer or employee guilty thereof shall thereby forfeit his office or position with the City. Any violation of this section with knowledge, expressed or implied, of the person or corporation contracting with the City shall render the Contract involved

void able by the City Manager or the City Council.

**16. CONTRACT PERSONAL**

This Contract is for personal and professional services, and the Engineer shall not assign this Contract, in whole or in part, without the prior written consent of the City.

**17. NOTICES**

All notices, communications, and reports required or permitted under this Contract shall be personally delivered or mailed to the respective parties by depositing the same in the United States Mail at the address shown below unless and until either party is otherwise notified in writing by the other party at the following addresses. Mailed notices shall be deemed communicated after five days.

**If intended for Bedford to:**

Beverly Griffith  
**Contact Person**

City Manager  
**Title**

City of Bedford  
2000 Forest Ridge Drive  
Bedford, Texas 76021  
(817) 952-2109

**If intended for Engineer, to:**

J. Richard Perkins, P.E.  
**Contact Person**

Consultant  
**Title**

J. Richard Perkins, P.E.  
**Firm Name**

3925 Laurel Lane  
**Address**

Bedford, Texas 76021  
**City, State, Zip Code**

(817) 354-8750  
**Telephone No.**

**18. INDEPENDENT CONTRACTOR**

In performing services under this Contract, Engineer is performing services of the type performed prior to this Contract; and Engineer by the execution of this Contract does not change the independent status of the Engineer. No term, or provision hereof, or act of Engineer in the performance of this Contract shall be construed as making Engineer the agent, servant, or employee of the City of Bedford.

**19. INDEMNITY**

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

This provision shall not be deemed to apply liability for damage that is caused by or results from the negligence of the City of Bedford or its employees or other's agents.

**20. INSURANCE**

Engineer agrees to maintain workmen's compensation insurance to cover all of its own personnel engaged in performing services for client under this agreement. Engineer also agrees to maintain public liability insurance covering claims against Engineer for damages resulting from bodily injury, death or property damage from accidents arising in the course of services performed under this agreement.

**21. VENUE**

The obligations of the parties to this Contract are performable in Tarrant County, Texas; and if legal action is necessary to enforce it, exclusive venue shall lie in Tarrant County, Texas.

**22. APPLICABLE LAWS**

This Contract is made subject to the provisions of the Bedford Code, other City Ordinances, Standards, Bedford Specifications for materials and construction, as amended, and all State and Federal Laws.

**23. GOVERNING LAWS**

This Contract shall be governed by and construed in accordance with the laws and decisions of the State of Texas.

**24. LEGAL CONSTRUCTION**

In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof; and this Contract shall be considered as if such invalid, illegal, or unenforceable provision had never been contained in this Contract.

**25. PUBLISHED MATERIAL**

Engineer agrees that the City shall review and approve any written material about City projects and/or activities prior to being published by the Engineer.

**26. CAPTIONS**

The captions to the various clauses of this Contract are for informational purposes only and shall not alter any substance of the terms and conditions of this Contract.

**27. SUCCESSORS AND ASSIGNS**

This Contract shall be binding upon and inure to the benefit of the parties hereto

and their respective heirs, executors, administrators, successors, and, except as otherwise provided in this Contract, their assigns.

**28. ENTIRE AGREEMENT**

This Contract (pages 1 thru 7) embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties and relating to matters in this Contract, and except as otherwise provided herein, cannot be modified without written agreement of the parties to be attached to and made a part of this Contract.

**IN WITNESS WHEREOF**, the parties hereby have executed this agreement in duplicate originals on this date, the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
J. Richard Perkins, P.E.  
**Firm Name**

**CITY OF BEDFORD**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Consultant  
**Title**

\_\_\_\_\_  
3925 Laurel Lane  
**Address**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Bedford, Texas 76021

\_\_\_\_\_

**City, State, Zip Code**

**City Attorney**

**ATTEST** \_\_\_\_\_



# Council Agenda Background

**PRESENTER:** John F. Kubala, P.E., Public Works Director

**DATE:** 10/09/12

**Council Mission Area:** Protect the vitality of neighborhoods.

**ITEM:**

Consider a resolution approving Change Order #1 with RKM Utility Services, Inc. in the amount of \$57,993.41 for the Schumac Lane/Monterrey Street Storm Drainage Improvement Project.

**City Attorney Review:** N/A

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

**DISCUSSION:**

On April 10, 2012, City Council entered into a contract with RKM Utility Services, Inc in the amount of \$1,081,600 for the Schumac Lane/Monterrey Street Storm Drainage Improvement Project. During the construction of approximately 4,000 feet of 60", 48", 36" 24" and 18" diameter pipe, several conflicts were encountered. Item #1 in the amount of \$5,097.61 is for a change to the construction of the headwall at the point the 60" storm drain discharges into a natural creek. A buried AT&T concrete conduit was encountered while excavating for the headwall. It was necessary to make changes to the design of the headwall in order to accommodate the conduit. Item #1 covers the cost of those changes.

Item #2 in the amount of \$27,446 covers the relocation of a 6" sanitary sewer line that was necessitated by conflicts between sanitary sewer services and the 60" storm sewer. The existing sanitary sewer services were in the grade of the 60" storm sewer and would have been severed by the 60" storm sewer. It was necessary to run a parallel sanitary sewer line in order to provide service.

Item #3 in the amount of \$7,170 is for modifications that needed to be made to the existing curb inlet on Schumac Lane in order to connect the new storm sewer. The bottom of the existing inlet was higher than the grade of the new storm sewer and significant modifications had to be made to the inlet.

Item #4 in the amount of \$18,279.80 covers the cost of switching to high early strength concrete for the 6 inches of backfill in the ditch line in order for traffic to drive on the concrete sooner. This allowed property owners to be able to drive across the ditch in order to access their driveways within 24 hours of the concrete being placed. Otherwise, they would have had to wait seven days for the concrete to cure before they could cross it.

The total cost of the items is \$57,993.41 or 5.4% of the total project cost. 4% to 6% is considered normal for construction projects of this magnitude. The original cost estimate for this project was \$1,245,850.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution approving Change Order #1 with RKM Utility Services, Inc. in the amount of \$57,993.41 for the Schumac Lane/Monterrey Street Storm Drainage Improvement Project.

**FISCAL IMPACT:**

**\$57,993.41 from the 2011 Stormwater Certificate of Obligation**

**ATTACHMENTS:**

**Resolution  
Change Order #1**

**RESOLUTION NO. 12-**

**A RESOLUTION APPROVING CHANGE ORDER #1 WITH RKM UTILITY SERVICES, INC. IN THE AMOUNT OF \$57,993.41 FOR THE SCHUMAC LANE/MONTERREY STREET DRAINAGE IMPROVEMENT PROJECT.**

**WHEREAS, the City Council of Bedford, Texas determines the necessity for these storm drainage improvements; and,**

**WHEREAS, the City of Bedford, Texas has determined these improvements will increase the safety of the citizens during storm events.**

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

**SECTION 1. That the City Council approves Change Order #1 with RKM Utility Services, Inc. in the amount of \$57,993.41 for the Schumac Lane/Monterrey Street Storm Drainage Improvement Project.**

**SECTION 2. That funding in the amount of \$57,993.41 will come from the 2011 Stormwater Certificate of Obligation.**

**PASSED AND APPROVED this 9th day of October 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**

**CITY OF BEDFORD  
DEPARTMENT OF PUBLIC WORKS ENGINEERING  
CHANGE ORDER # 1**

09/12/2012

Schmac Lane. / Monterrey Street. Storm Drainage Improvements

CONTRACTOR: RKM Utility Services

|                           |                |
|---------------------------|----------------|
| Original Contract Price : | \$1,081,600.00 |
| Previous Change Orders :  | 0              |
| This Change Order :       | \$57,993.41    |

Total Change Orders to Date : 1

Per Cent(%) of Original Contract Price 5.36%

**CHANGE DATA**

| ITEM NUM           | DESCRIPTION                     | QUANT | UNITS | UNIT PRICE  | ADDED DAYS | AMOUNT      |
|--------------------|---------------------------------|-------|-------|-------------|------------|-------------|
| 1                  | Headwall Adjustment             | 1     | LS    | \$5,097.61  | 10         | \$5,097.61  |
| 2                  | Relocate 6" Sanitary Sewer      | 1     | LS    | \$27,446.00 | 5          | \$27,446.00 |
| 3                  | Modify Curb Inlet               | 1     | LS    | \$7,170.00  | 0          | \$7,170.00  |
| 4                  | 6" High Early Strenght Concrete | 4748  | SY    | \$3.85      | 0          | \$18,279.80 |
| <b>This Page</b>   |                                 |       |       |             |            | \$57,993.41 |
| <b>Other Pages</b> |                                 |       |       |             |            |             |
| <b>TOTAL</b>       |                                 |       |       |             |            |             |

Contractor \_\_\_\_\_ Date \_\_\_\_\_

Inspector \_\_\_\_\_ Date \_\_\_\_\_

DPW / City Engineer \_\_\_\_\_ Date \_\_\_\_\_

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

|                         |                       |
|-------------------------|-----------------------|
| Original Contract Price | <b>\$1,081,600.00</b> |
| Plus All Change Orders  | <b>\$57,993.41</b>    |

Adjusted Contract Price **\$1,139,593.41**



# Council Agenda Background

**PRESENTER:** John F. Kubala, P.E., Public Works Director

**DATE:** 10/09/12

**Council Mission Area:** Protect the vitality of neighborhoods.

**ITEM:**

Consider a resolution authorizing the City Manager to purchase a replacement 2013 HD Chevrolet Crew Cab Diesel truck in the amount of \$39,885 from Caldwell Country through the BuyBoard Cooperative Purchasing Agreement.

**City Attorney Review:** N/A

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

**DISCUSSION:**

On September 11, 2012, the City Council passed an ordinance adopting the FY 2012/13 Budget. Funds in the amount of \$39,500 were allocated within the Water and Sewer Fund budget for the purchase of a replacement 2013 HD Chevrolet Crew Cab Diesel truck.

The one ton truck is utilized for water and sanitary sewer repairs. The replacement will be equipped with a Knapheide utility bed and a gooseneck hitch to allow for the pulling of an equipment trailer. The current service truck is not capable of pulling the equipment trailer because of inadequate power and lack of a gooseneck hitch. The replacement truck will be able to carry increased parts for repairs and pull an equipment trailer thereby reducing the number of trips to the Service Center for parts and equipment.

The Local Government Purchasing Cooperative was created to increase the purchasing power of government entities and to simplify their purchasing by using a customized electronic purchasing system, called the BuyBoard.

The Local Government Purchasing Cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code. Its purpose is to obtain the benefits and efficiencies that can accrue to members of a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services. The Cooperative also relieves the burdens of governmental purchasing by effectively using current technology and realizing economies of scale.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to purchase a replacement 2013 HD Chevrolet Crew Cab Diesel truck in the amount of \$39,885 from Caldwell Country through BuyBoard Cooperative Purchasing Agreement.

**FISCAL IMPACT:**

Public Works Water Distribution Division - \$39,885

**ATTACHMENTS:**

Resolution  
Truck Quote

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A REPLACEMENT 2013 HD CHEVROLET CREW CAB DIESEL TRUCK IN THE AMOUNT OF \$39,885 FROM CALDWELL COUNTRY THROUGH THE BUYBOARD COOPERATIVE PURCHASING AGREEMENT.

WHEREAS, the City Council of Bedford, Texas determines the necessity to purchase a replacement one ton truck with funds approved in the FY 2012/13 Water and Sewer budget; and,

WHEREAS, the City Council of Bedford, Texas determines that to meet the demands for water and sanitary sewer repairs, the existing one ton truck must be replaced; and,

WHEREAS, the City Council of Bedford, Texas determines that the purchase of said replacement one ton truck be through the BuyBoard Cooperative Purchasing Agreement.

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

SECTION 1. That the City Manager is hereby authorized to purchase a replacement 2013 HD Chevrolet Crew Cab Diesel truck in the amount of \$39,885 from Caldwell Country through the BuyBoard Cooperative Purchasing Agreement.

SECTION 2. That funding in the amount of \$39,885 will be paid out of the Public Works Water Distribution Division Budget.

PASSED AND APPROVED this 9th day of October 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

QUOTE# 001A

CONTRACT PRICING WORKSHEET

|  |  |
|--|--|
| End User: CITY OF BEDFORD  | Contractor: CALDWELL COUNTRY                 |
| Contact Name: SAM DELANEY<br>KENNY OVERSTREET                            | CALDWELL COUNTRY                             |
| Email: SAM.DELANEY@BEDFORDTX.GOV<br>KENNETH.OVERSTREET@BEDFORDTX.GOV     | Prepared By: Averyt Knapp                    |
| Phone #: 817-952-2236<br>817-688-1648 CELL<br>(817-952-2223 KENNY-WATER) | Email:<br>aknapp@caldwellcountry.com         |
| Fax #:   | Phone #: 800-299-7283 or 979-567-6116        |
| Location City & State: BEDFORD, TX                                       | Fax #: 979-567-0853                          |
| Date Prepared: SEPTEMBER 1, 2012   | Address: P. O. Box 27,<br>Caldwell, TX 77836 |
| Contract Number: BUY BOARD #358-10                                       | Tax ID # 14-1856872                          |

Product Description: 2013 CHEVROLET 3500HD SILVERADO CREW CAB CC31043

|                         |          |
|-------------------------|----------|
| A Base Price & Options: | \$39,485 |
|-------------------------|----------|

B Published Options

| Code       | Description   | Cost | Code | Description           | Cost |
|------------|---|------|------|-----------------------|------|
|            | 60" CA, 4X2-CREW CAB,<br>6.6L DURAMAX DIESEL,<br>6-SPD ALLISON<br>AUTOMATIC, AMFM-<br>STEREO, AIR<br>CONDITION, TILT, 40-<br>20-40 VINYL<br>FRONT/REAR, FULL<br>RUBBER FLOOR, 3.73<br>LOCKING REAR AXLE<br>DIFFERENTIAL,<br>INTEGRATED TRAILER<br>BRAKE CONTROLLER,<br>13200#GVWR,<br>KNAPHEIDE<br>6108D54J/RKI-ULTRA<br>LO SERVICE BODY,<br>GOOSENECK HITCH,<br>16000# RECEIVER,<br>DIMENSIONS | INCL |      |                       |      |
|            | GM WARRANTY<br>5YR/100,000 MILES<br>POWERTRAIN @ N/C  | INCL |      | CALDWELL COUNTRY      |      |
|            |   |      |      | PO BOX 27             |      |
|            |   |      |      | CALDWELL, TEXAS 77836 |      |
|            |   |      |      |                       |      |
| Subtotal B |   |      |      |                       | INCL |

C Unpublished Options

| Code | Description | Cost | Code | Description | Cost |
|------|-------------|------|------|-------------|------|
|------|-------------|------|------|-------------|------|

|  |  |  |  |                          |               |
|--|--|--|--|--------------------------|---------------|
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|  |  |  |  |                          |               |
|  |  |  |  |                          |               |
|  |  |  |  |                          |               |
| Subtotal C   |  |  |  |                          |               |
| D Other Price Adjustments (Installation, Delivery, Etc...) |  |  |  |                          |               |
| Subtotal D   |  |  |  |                          | INCL          |
| E Unit Cost Before Fee & Non-Equipment Charges(A+B+C+D)    |  |  |  |                          |               |
| Quantity Ordered   |  |  |  |                          | \$39,485      |
| X  |  |  |  |                          | 1             |
| Subtotal E   |  |  |  |                          | \$39,485      |
| F Non-Equipment Charges (Trade-In, Warranty, Etc...)       |  |  |  |                          |               |
| BUY BOARD  |  |  |  |                          | \$400         |
| G. Color of Vehicle: WHITE                                 |  |  |  |                          |               |
| H. Total Purchase Price (E+F)                              |  |  |  |                          | \$39,885      |
|  |  |  |  | Estimated Delivery Date: | 120 DAYS APPX |



# Council Agenda Background

**PRESENTER:** John F. Kubala, P.E., Public Works Director

**DATE:** 10/09/12

**Council Mission Area:** Protect the vitality of neighborhoods.

**ITEM:**

Consider a resolution authorizing the City Manager to purchase a 2013 Ford Transit Connect XL truck in the amount of \$21,682.38 from Philpott Motors through the BuyBoard Cooperative Purchasing Agreement.

**City Attorney Review:** N/A

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

**DISCUSSION:**

On September 11, 2012, the City Council passed an ordinance adopting the FY 2012/13 Budget. Funds in the amount of \$26,800 were allocated within the Water and Sewer Fund budget for the purchase of a 2013 Ford Transit Connect XL Truck.

The requested vehicle will replace a  $\frac{3}{4}$  ton truck that is utilized by the Water Quality Specialist to collect water bacteriological samples and water samples for chemical analysis. The Water Quality Specialist also uses this vehicle to flush fire hydrants, check well operations, and perform tank inspections.

The Local Government Purchasing Cooperative was created to increase the purchasing power of government entities and to simplify their purchasing by using a customized electronic purchasing system, called the BuyBoard.

The Local Government Purchasing Cooperative is an administrative agency created in accordance with Section 791.001 of the Texas Government Code. Its purpose is to obtain the benefits and efficiencies that can accrue to members of a cooperative, to comply with state bidding requirements, and to identify qualified vendors of commodities, goods, and services. The Cooperative also relieves the burdens of governmental purchasing by effectively using current technology and realizing economies of scale.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to purchase a 2013 Ford Transit Connect XL truck in the amount of \$21,682.38 from Philpott Motors through the BuyBoard Cooperative Purchasing.

**FISCAL IMPACT:**

Public Works Water Distribution Division -  
\$21,682.38

**ATTACHMENTS:**

Resolution  
Transit Connect Truck Quote

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A 2013 FORD TRANSIT CONNECT XL TRUCK IN THE AMOUNT OF \$21,682.38 FROM PHILPOTT MOTORS THROUGH THE BUYBOARD COOPERATIVE PURCHASING AGREEMENT.

WHEREAS, the City Council of Bedford, Texas determines the necessity to purchase a 2013 Ford Transit Connect XL truck with funds approved in the FY 2012/13 Water and Sewer budget; and,

WHEREAS, the City Council of Bedford, Texas determines that purchase of a 2013 Ford Transit Connect XL truck is necessary to remain in compliance with the Environmental Protection Agency Safe Drinking Water Act; and,

WHEREAS, the City Council of Bedford, Texas determines that the purchase of a 2013 Ford Transit Connect XL be through the BuyBoard Cooperative Purchasing Agreement.

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

SECTION 1. That the City Manager is hereby authorized to purchase a 2013 Ford Transit Connect XL in the amount of \$21,682.38 through the BuyBoard Cooperative Purchasing Agreement.

SECTION 2. That funding in the amount of \$21,682.38 will be paid out of the Public Works Water Distribution Division Budget.

PASSED AND APPROVED this 9th day of October 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:** John. F. Kubala, P.E., Public Works Director      **DATE:** 10/09/12

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

**ITEM:**

Consider a resolution terminating the contract with Fast Solutions in the amount of \$113,604.43 for the Asbestos Abatement and Demolition of seven properties at various locations in the City of Bedford and authorizing the City Manager to enter into a contract with the second low bidder, Clean Air Remediation in the amount of \$120,877.07.

**City Attorney Review:** Yes

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

**DISCUSSION:**

On August 14, 2012, the City Council awarded a contract to Fast Solutions in the amount of \$113,604.43 for the Asbestos Abatement and Demolition of seven properties at various locations in the City of Bedford. Fast Solutions was unable to meet the bonding requirements for the contract. As a result Fast Solutions were required to forfeit their bid bond, in the amount of \$5,675, in accordance with the attached Instructions to Bidder - Bonds, Insurance & Indemnity. The Public Works Department proposes to terminate the contract with Fast Solutions and award the contract to the second low bidder, Clean Air Remediation in the amount of \$120,877.07. Funding will come from the 2011 Stormwater General Obligation Bonds.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution terminating the contract with Fast Solutions in the amount of \$113,604.43 for the Asbestos Abatement and Demolition of seven properties at various locations in the City of Bedford and authorizing the City Manager to enter into a contract with the second low bidder, Clean Air Remediation in the amount of \$120,877.07.

**FISCAL IMPACT:**

\$120,877.07 from the 2011 Stormwater General Obligation Bonds.

**ATTACHMENTS:**

Resolution  
Bid Tabulation  
Instructions to Bidders

**RESOLUTION NO. 12-**

**A RESOLUTION TERMINATING THE CONTRACT WITH FAST SOLUTIONS IN THE AMOUNT OF \$113,604.43 FOR THE ASBESTOS ABATEMENT AND DEMOLITION OF SEVEN PROPERTIES AT VARIOUS LOCATIONS IN THE CITY OF BEDFORD AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE SECOND LOW BIDDER, CLEAN AIR REMEDIATION IN THE AMOUNT OF \$120,877.07.**

**WHEREAS, the City Council of Bedford, Texas determines the necessity for the removal of these structures from the 100-YR floodplain; and,**

**WHEREAS, the removal of these structures will provide for a safer environment; and;**

**WHEREAS, Fast Solutions was unable to obtain bonding for the project.**

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

**SECTION 1. That the City Council terminates the contract with Fast Solutions in the amount of \$113,604.43 for the Asbestos Abatement and Demolition of seven properties at various locations in the City of Bedford and authorizing the City Manager to enter into a contract with the second low bidder, Clean Air Remediation in the amount of \$120,877.07.**

**SECTION 2. Funding in the amount of \$120,877.07 will come from the 2011 Stormwater General Obligation Bonds.**

**PASSED AND APPROVED the 9th day of October 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**

# ASBESTOS ABATEMENT AT VARIOUS LOCATIONS

**BID TABULATION REPORT**

**CITY OF BEDFORD, TEXAS**

**PROJECT DESCRIPTION: Asbestos Abatement at Various Locations**

**BID REFERENCE NUMBER: 12-SW-3**

**BID DATE: JULY 17, 2012**

**BID TIME: 10:00 A.M.**

| ITEM NO.                      | DESCRIPTION OF ITEMS   | BIDDERS         |            | BIDDERS               |            | BIDDERS                    |            | BIDDERS                  |            | BIDDERS                     |            |             |
|-------------------------------|--|-----------------|------------|-----------------------|------------|----------------------------|------------|--------------------------|------------|-----------------------------|------------|-------------|
|                               |  | Fast Solution's |            | Clean Air Remediation |            | North Star Abatement Corp. |            | 1 Priority Environmental |            | Intercon Enviornmental Inc. |            |             |
|                               |  | QUANTITY        | UNIT PRICE | TOTAL                 | UNIT PRICE | TOTAL                      | UNIT PRICE | Total                    | UNIT PRICE | TOTAL                       | UNIT PRICE | TOTAL       |
| <b>1100 SHADY OAKS COURT</b>  |  |                 |            |                       |            |                            |            |                          |            |                             |            |             |
| 1                             | Popcorn Ceiling Texture/Joint Compound                           | 2,075 SF        | \$1.75     | \$3,631.25            | \$1.908    | \$3,959.10                 | \$1.75     | \$3,631.25               | \$1.25     | \$2,593.75                  | \$1.65     | \$3,423.75  |
| 2                             | Smooth Ceiling Texture/Joint Compound                            | 400 SF          | \$1.75     | \$700.00              | \$1.908    | \$763.20                   | \$1.75     | \$700.00                 | \$1.25     | \$500.00                    | \$1.65     | \$660.00    |
| 3                             | Drywall Texture/Joint Compound (Walls)                           | 6,958 SF        | \$1.25     | \$8,697.50            | \$1.908    | \$13,275.86                | \$1.75     | \$12,176.50              | \$1.25     | \$8,697.50                  | \$1.65     | \$11,480.70 |
| 4                             | Demolition   | 2,475 SF        | \$2.51     | \$6,212.25            | \$3.0310   | \$7,501.42                 | \$2.75     | \$6,806.25               | \$3.65     | \$9,033.75                  | \$3.06     | \$7,573.50  |
| <b>1101 SHADY OAKS COURT</b>  |  |                 |            |                       |            |                            |            |                          |            |                             |            |             |
| 1                             | Popcorn Ceiling Texture/Joint Compound                           | 1,500 SF        | \$1.75     | \$2,625.00            | \$1.92     | \$2,880.00                 | \$1.75     | \$2,625.00               | \$1.25     | \$1,875.00                  | \$1.65     | \$2,475.00  |
| 2                             | Smooth Ceiling Texture/Joint Compound                            | 450 SF          | \$1.75     | \$787.50              | \$1.92     | \$864.00                   | \$1.75     | \$787.50                 | \$1.25     | \$562.50                    | \$1.65     | \$742.50    |
| 3                             | Drywall Texture/Joint Compound (Walls)                           | 5,890 SF        | \$1.25     | \$7,362.00            | \$1.92     | \$11,308.80                | \$1.75     | \$10,307.50              | \$1.25     | \$7,362.50                  | \$1.65     | \$9,718.50  |
| 4                             | Window/Door Caulk  | 217 LF          | \$5.00     | \$1,085.00            | \$0.00     | \$0.00                     | \$5.00     | \$1,085.00               | \$3.00     | \$650.00                    | \$4.50     | \$978.50    |
| 5                             | Wood Floor Mastic  | 400 SF          | \$3.00     | \$1,200.00            | \$1.92     | \$768.00                   | \$2.00     | \$800.00                 | \$1.35     | \$540.00                    | \$2.50     | \$1,000.00  |
| 6                             | 9" x 9" Floor Tile/Mastic  | 12 SF           | \$5.00     | \$60.00               | \$1.92     | \$23.04                    | \$1.00     | \$12.00                  | \$30.00    | \$360.00                    | \$1.40     | \$16.80     |
| 7                             | Transite Flue Pipe   | 10 LF           | \$5.00     | \$50.00               | \$1,216.00 | \$12.16                    | \$1.00     | \$10.00                  | \$25.00    | \$250.00                    | \$0.00     | \$0.00      |
| 8                             | Ceramic Floor Tile Mastic  | 75 SF           | \$5.00     | \$375.00              | \$1.92     | \$144.00                   | \$5.00     | \$375.00                 | \$5.00     | \$375.00                    | \$3.50     | \$262.50    |
| 9                             | Demolition   | 1,950 SF        | \$3.18     | \$6,201.00            | \$3.08     | \$6,000.00                 | \$2.75     | \$5,362.50               | \$4.56     | \$8,892.00                  | \$4.17     | \$8,131.50  |
| <b>1105 SHADY OAKS COURT</b>  |  |                 |            |                       |            |                            |            |                          |            |                             |            |             |
| 1                             | Popcorn Ceiling Texture/Joint Compound                           | 1,485 SF        | \$1.75     | \$2,598.75            | \$2.04     | \$3,029.40                 | \$1.75     | \$2,598.75               | \$1.25     | \$1,856.25                  | \$1.65     | \$2,450.25  |
| 2                             | Smooth Ceiling Texture/Joint Compound                            | 400 SF          | \$1.75     | \$700.00              | \$2.04     | \$816.00                   | \$1.75     | \$700.00                 | \$1.25     | \$500.00                    | \$1.65     | \$660.00    |
| 3                             | Drywall Texture/Joint Compound (Walls)                           | 4,900 SF        | \$1.25     | \$6,125.00            | \$2.04     | \$9,996.00                 | \$1.75     | \$8,575.00               | \$1.25     | \$6,125.00                  | \$1.65     | \$8,085.00  |
| 4                             | Black Mastic (Flooring)  | 580 SF          | \$3.00     | \$1,740.00            | \$2.04     | \$1,183.20                 | \$2.00     | \$1,160.00               | \$1.75     | \$1,015.00                  | \$1.40     | \$812.00    |
| 5                             | Demolition   | 1,885 SF        | \$3.29     | \$6,201.65            | \$3.17     | \$5,975.45                 | \$2.75     | \$5,183.75               | \$4.80     | \$9,048.00                  | \$3.97     | \$7,483.45  |
| <b>2057 SHADY BROOK DRIVE</b> |  |                 |            |                       |            |                            |            |                          |            |                             |            |             |
| 1                             | Drywall Ceiling Texture (Crows Foot/Popcorn) with Joint Compound | 1,944 SF        | \$1.75     | \$3,402.00            | \$1.87     | \$3,635.28                 | \$1.75     | \$3,402.00               | \$1.25     | \$2,430.00                  | \$1.65     | \$3,207.60  |
| 2                             | Drywall Texture/Joint Compound (Walls)                           | 7,198 SF        | \$1.25     | \$8,997.50            | \$1.87     | \$13,460.28                | \$1.75     | \$12,596.50              | \$1.25     | \$8,997.50                  | \$1.65     | \$11,876.70 |
| 3                             | 4" x 4" Ceramic Wall Tile/Grout                                  | 80 SF           | \$8.00     | \$640.00              | \$1.87     | \$149.60                   | \$1.00     | \$80.00                  | \$10.00    | \$800.00                    | \$1.65     | \$132.00    |
| 4                             | Cauk   | 236 LF          | \$10.00    | \$2,360.00            | \$0.00     | \$0.00                     | \$5.00     | \$1,180.00               | \$4.00     | \$944.00                    | \$4.50     | \$1,062.00  |
| 5                             | Demolition   | 1,944 SF        | \$4.62     | \$9,007.94            | \$2.57     | \$4,996.08                 | \$4.85     | \$9,428.40               | \$6.36     | \$12,363.84                 | \$8.18     | \$15,901.92 |

## ASBESTOS ABATEMENT AT VARIOUS LOCATIONS

### 2061 SHADY BROOK DRIVE

|   |  | Fast Solution's |         | Clean Air Remediation |        | North Star Abatement Corp. |        | 1 Priority Environmental |        | Intercon Environmental Inc. |        |             |
|---|--|-----------------|---------|-----------------------|--------|----------------------------|--------|--------------------------|--------|-----------------------------|--------|-------------|
| 1 | Drywall Ceiling Texture (Crows Foot/Popcorn) with Joint Compound | 1,954 SF        | \$1.75  | \$3,419.50            | \$1.77 | \$3,458.28                 | \$1.75 | \$3,419.50               | \$1.25 | \$2,442.50                  | \$1.65 | \$3,224.10  |
| 2 | Drywall Texture/Joint Compound (Walls)                           | 5,962 SF        | \$1.25  | \$7,452.25            | \$1.77 | \$10,552.74                | \$1.75 | \$10,433.50              | \$1.25 | \$7,452.50                  | \$1.65 | \$9,837.30  |
| 3 | Garage Door Caulk  | 60 LF           | \$10.00 | \$600.00              | \$0.00 | \$0.00                     | \$5.00 | \$300.00                 | \$4.00 | \$240.00                    | \$4.50 | \$270.00    |
| 4 | 9" x 9" Floor Tile/Mastic  | 10 SF           | \$3.00  | \$30.00               | \$1.77 | \$17.70                    | \$1.00 | \$10.00                  | \$6.00 | \$600.00                    | \$1.40 | \$14.00     |
| 5 | Demolition   | 1,954 SF        | \$4.61  | \$9,007.94            | \$2.55 | \$4,982.70                 | \$4.85 | \$9,476.90               | \$6.02 | \$11,763.08                 | \$7.24 | \$14,146.96 |

ITEM NO.

DESCRIPTION OF ITEMS

|                         | QUANTITY      | UNIT PRICE | TOTAL   | UNIT PRICE          | TOTAL   | UNIT PRICE          | TOTAL  | UNIT PRICE          | TOTAL   | UNIT PRICE          | TOTAL   |                     |
|-------------------------|---------------|------------|---------|---------------------|---------|---------------------|--------|---------------------|---------|---------------------|---------|---------------------|
| <b>1412 DONNA LANE</b>  |               |            |         |                     |         |                     |        |                     |         |                     |         |                     |
| 1                       | Demolition    | 1,820 SF   | \$3.30  | \$6,006.00          | \$2.75  | \$5,005.00          | \$3.00 | \$5,460.00          | \$5.14  | \$9,354.80          | \$6.42  | \$11,684.40         |
| <b>1421 DONNA LANE</b>  |               |            |         |                     |         |                     |        |                     |         |                     |         |                     |
| 1                       | Mirror Mastic | 12 SF      | \$10.00 | \$120.00            | \$10.00 | \$120.00            | \$1.00 | \$12.00             | \$50.00 | \$600.00            | \$10.00 | \$120.00            |
| 2                       | Demolition    | 2,620 SF   | \$2.37  | \$6,209.40          | \$2.29  | \$5,999.80          | \$2.75 | \$7,205.00          | \$4.52  | \$11,842.40         | \$4.47  | \$11,711.40         |
| <b>TOTAL AMOUNT BID</b> |               |            |         | <b>\$113,604.43</b> |         | <b>\$120,877.07</b> |        | <b>\$125,899.80</b> |         | <b>\$130,066.87</b> |         | <b>\$149,140.33</b> |

# **INSTRUCTIONS TO BIDDERS**

## **1. BID SUBMISSION ADDRESS AND DEADLINE**

Completed bids will be received in the Public Works Office, 1813 Reliance Parkway, Bedford, Texas 76021 until the bid submission deadline (closing time and date) as stated in the Notice to Bidders. Bid responses received after the closing time and date will be returned to the sender unopened.

If you do not wish to bid at this time, but wish to remain on the bid list for this service or commodity, please submit a "No Bid" by the same time and date at the same location as stated for bidding. If you wish to be removed from the bid list, or changed to the bid list for another commodity, please advise us in writing.

## **2. SIGNATURES**

All bid responses are required to be signed by an authorized representative of the bidding entity. Bid responses received unsigned will not be considered.

## **3. ALTERING BIDS**

Bids cannot be altered, amended or withdrawn by the Bidder after the bid opening deadline. Any interlineations, alteration, or erasure made before this deadline, must be initialed by the signer of the bid, guaranteeing authenticity.

## **4. BID WITHDRAWAL OR REJECTION**

The City reserves the right to withdraw the request for bids for any reason or to reject any or all bids or parts of all of any specific bid or bids. The City further reserves the right to accept part or all of any specific bid or bids, and to accept any bid or bids with or without trade-in.

## **5. LATE BIDS**

The City of Bedford is not responsible for lateness or non-delivery of mail, carrier, etc. to the City, and the time and date recorded in the Public Works Office shall be the official time of receipt.

## **6 IDENTICAL BIDS**

In the event of two or more identical low bids, the agreement will be awarded as prescribed by Chapter 271, Subchapter Z, Section 271.901 of Vernon's Texas Codes Annotated.

## **7. TERMINATION OF AGREEMENT**

The City reserves the right to terminate this agreement with ten (10) days written notice if the successful Bidder fails to perform in a manner deemed acceptable to the City. Upon delivery of such notice by the City to the successful Bidder, the successful Bidder shall discontinue all services in connection with the performance of this agreement and shall proceed to cancel promptly all existing orders and contracts insofar as such order or contracts are chargeable to this agreement. As soon as practicable after receipt of

notice of termination, the Bidder shall submit a statement to the City for payment of that portion of agreement successfully performed.

#### **8. ASSIGNMENT**

The successful Bidder's rights and duties awarded by the agreement may not be assigned to another without written consent of the City signed by the City's authorized agent. Such consent shall not relieve the assigner of the liability in the event of default by the assignee.

#### **9. BID AMBIGUITY**

Any ambiguity in the bid as a result of omission, error, lack of clarity or non-compliance by the Bidder with specifications, instructions and all conditions of bidding shall be construed in the favor of the City.

#### **10. CHANGE ORDERS**

No oral statement of any person shall modify or otherwise change, or affect the terms, conditions, or specifications. All change orders to the agreement will be made in writing and shall not be effective unless signed by an authorized representative of the City.

#### **11. MODIFICATIONS AND AMENDMENTS**

The City shall have the right to modify the specifications prior to the bid submission deadline and will endeavor to notify all potential Bidders that have received a copy of the bid specifications, but failure to notify shall impose no obligation or liability on the City.

#### **12. LIENS**

The successful Bidder agrees to and shall indemnify and save harmless the City against any and all liens and encumbrances for all labor, goods and services which may be provided under the City's request, by seller or seller's vendor(s) and if the City requests, a proper release of all liens or satisfactory evidence of freedom from liens shall be delivered to the City.

#### **13. DISQUALIFICATION OF BIDDER(S)**

Any bidder(s) may be disqualified and their bid not considered for award by any the following specific reasons:

- a. The bidder is party to any litigation against the City of Bedford, Texas.
- b. The bidder is delinquent in performance of an existing contract or has defaulted on a previous contract with the City of Bedford, Texas, or with another party for the same or similar kinds of work.
- c. Reasonable grounds exist for believing that the bidder lacks competency or capacity to satisfactorily and timely perform based on the bidder's financial statement, experience, equipment, existing contractual commitment, etc.

#### **14. PATENT INDEMNITY**

The successful Bidder hereby warrants that the use or sale of the products and materials delivered hereunder will not infringe on the rights of any patent, copyright, or registered trademark, covering such materials and the successful Bidder agrees to indemnify and hold harmless the City for any and all costs, expenses, judgments, and damages which the City may have to pay or incur.

15. **GRATUITIES/BRIBES**

The City may, by written notice to the successful Bidder, cancel this agreement without liability to the successful Bidder if it is determined by the City that gratuities or bribes in the form of entertainment, gifts, or otherwise, were offered or given by the successful Bidder, or its agent or representative to any City officer, employee or elected representative with respect to the performance of the agreement. In addition, the successful Bidder may be subject to penalties stated in Title 8 of the Texas Penal Code.

16. **RESPONSE FORM TO BE USED**

The bid proposal must be submitted on the form provided herein.

17. **MATERIAL SAFETY DATA SHEETS (MSDS)**

Each bid shall include an MSDS for the product quoted, if applicable.

18. **PAYMENT**

Contractor shall submit to the City a monthly invoice for services performed that month. The City is exempt from Federal Excise and State Sales Tax; therefore, tax must not be included in the bid price.

19. **REFERENCES**

Each Bidder is to provide a minimum of three (3) verifiable references in which the Bidder has provided this service or a similar product.

20. **SPECIFICATION CLARIFICATION**

For clarification of these specifications, please contact Bill Shelton at (817) 952-2220.

21. **NON-DISCRIMINATION**

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

22. **ADDENDUM**

The Owner reserves the right to issue an addendum to the Contract prior to accepting bids for the work. Such addendum(s) shall be, and are hereby made a part of these specifications. Upon receipt of the addendum(s), the Contractor shall acknowledge their

receipt by listing the addendum(s) and signing in the appropriate spaces in the Proposal. A statement acknowledging receipt of each addendum identified by its number should be shown on the bid envelope.

## 23. **WARRANTY**

The work performed under this Contract shall be warranted to be free from defects in materials and workmanship for a period of one (1) year from the date of acceptance of that year's project. If the Owner determines that the process has failed during the warranty period, the Contractor will perform and make all repairs at no additional cost to the Owner.

## 24. **CONTRACT TIME AND LIQUIDATED DAMAGES**

As time is of the essence on this Contract, the Contractor agrees to commence work under this Contract within ten (10) days from the date specified in the "Notice to Proceed" and to totally complete the work within 60 consecutive calendar days after the date specified in the "Notice to Proceed", subject to such extensions of time as are indicated in the General Provisions. The Contractor further agrees to pay as liquidated damages, the sum of \$500.00 for each calendar day that any work remains uncompleted after the time specified above or after any extensions of time as are provided in the General Provisions. It is understood between the parties hereto that the sum of \$500.00 per day shall be treated as liquidated damages and not as a penalty, and the Owner may withhold from the Contractor's compensation such sums as liquidated damages.

## **BONDS, INSURANCE & INDEMNITY**

### **BONDS**

Bidders must submit with the Bid a Cashier's or Certified Check payable to the City of Bedford, in the amount of 5% of the maximum price bid, or submit a Bid Bond in the same amount from a Surety Company to the City, as a guarantee that the bidder will enter into a contract and execute the required bonds after the acceptance of the bid and award of the contract.

In accordance with Chapter 2253 of the Local Government Code of Texas, V.T.C.A., the successful bidder will be required to furnish Performance, Payment, and Maintenance Bonds in the full amount of the contract. The Bonds must be executed by an approved Surety Company holding a permit from the State of Texas to act as Surety. Each Bond shall be accompanied by a "Power of Attorney" authorizing the attorney-in-fact to bind the Surety and certified to include the date of the bond.

### **INSURANCE**

The successful Bidder shall meet the minimum Texas State Financial Responsibility Act requirements for the operation of vehicle(s) used while performing services in the City.

## **INDEMNITY**

The successful Bidder 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, costs, and expenses of persons or property that may arise out of, or be occasioned by, or from any negligent act, or omission of the successful Bidder, or any agent, servant, or employee of the successful Bidder in the execution of performance of this agreement, without regard to whether such persons are under the direction of City agents or employees.



# Council Agenda Background

**PRESENTER:** John F. Kubala, P.E., Public Works Director

**DATE:** 10/09/12

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

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a Purchase Agreement with Fuelman of DFW for the purchase of various types of automotive and equipment fuels.

**City Attorney Review:** Yes

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

**DISCUSSION:**

The City of Bedford currently purchases its fuel from Fuelman of DFW. This system provides for the purchase of fuel utilizing individual fueling locations wholesale price. The City does not have its' own storage tanks or fueling station. Fuel pricing is calculated on a "Cost Plus" formula. "Cost Plus" is defined as the OPIS (Organization of Petroleum Information Services) rack and brand information assigned to the network location plus applicable non-exempt state and federal fees. Fuelman mark-up per gallon is \$0.13 per gallon over OPIS for unleaded and diesel fuel. This cost per gallon is generally \$0.40 to \$0.60 per gallon below the pump price. This agreement is valid through July, 2014.

The Fuelman System operates by providing individual fuel cards for each City vehicle and piece of equipment. Fuel can be purchased at any participating fueling stations. There is no charge for reporting, data delivery or card replacement. Reports are provided to the Public Works Fleet Division that detail mileage, gallons purchased, cost, and miles per gallon for each vehicle or piece of equipment. The reports are monitored for fuel efficiency and any irregularities. The City currently spends approximately \$382,500 per year for fuel. Each Department budgets for its' own fuel cost.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a Purchase Agreement with Fuelman of DFW for the purchase of various types of automotive and equipment fuels.

**FISCAL IMPACT:**

\$382,500 spread out among the various Departments.

**ATTACHMENTS:**

Resolution  
Fuelman of DFW Agreement

**RESOLUTION NO. 12-**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH FUELMAN OF DFW FOR THE PURCHASE OF VARIOUS TYPES OF AUTOMATIVE AND EQUIPMENT FUELS.**

**WHEREAS, the City Council of Bedford, Texas determines the necessity for the purchase of fuel to operate it's vehicles and equipment; and,**

**WHEREAS, Fuelman of DFW has a system to effectively deliver and monitor fuel purchases.**

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

**SECTION 1. That the City Council authorizing the City Manager to enter into a Purchase Agreement with Fuelman of DFW for the purchase of various types of automotive and equipment fuels.**

**SECTION 2. That funding will come from the various Departmental operating budgets.**

**PASSED AND APPROVED this 9th day of October 2012, by a vote of \_\_ ayes, \_\_ nays and \_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.**

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**Jim Griffin, Mayor**

**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**



**Fuelman of DFW**  
 P.O. Box 1260  
 Fort Worth, TX 76101-1260  
 Phone: (817) 838-0123 • Fax: (817) 222-3456  
[creditservices@fuelmandfw.com](mailto:creditservices@fuelmandfw.com)

# ACCOUNT AGREEMENT – Monthly Billing Net 14

## Terms and Agreement

This Account Agreement ("Agreement") is subject to all appropriate laws, rules, and regulations of both the U.S. and the State of Texas, and is subject to the following special terms and conditions. Fuelman of DFW (FM) reserves the right to change the terms and conditions at anytime with prior notice being given to Customer.

1. All payments are due in fourteen (14) days after invoice.
2. Monthly billing for all purchases made during the Fuelman month.
3. Select a delivery method of weekly reports and invoice. You may only choose one method:  
 Web Access       Email       Mail

**\*Fuelman of DFW agrees to extend the current terms, services and pricing until July 31, 2014.**

Fuel pricing will be calculated on a "cost plus" formula. "Cost Plus" is defined as the OPIS rack and brand information assigned to the network location, plus all state and federal fees/ taxes, plus freight, plus Fuelman standard administration charges that are currently \$.13 per gallon for regular unleaded gasoline and \$.13 for diesel. This administration charge provides weekly settlement to merchants, all transaction costs; standard data retrieval and report generation delivered electronically and supplies necessary for account maintenance. Fuelman reserves the right to increase or decrease such administrative charges from time to time depending on market factors, interest rates, inflation, etc.

Customer understands that FM is a service company providing customers with electronic purchase and credit authorization, transaction processing, and management reporting services. Customer will be entitled to all the privileges of a FM customer and may purchase fuel and any other goods or services, as authorized by FM, at participating FM locations throughout the United States.

**Customer agrees that if Customer defaults in the timely payment of any invoiced amounts, past due amounts will bear interest from the *past due* date, as reflected on the FM billing statement, at the rate of one and one-half percent (1½%) per month from and after the due date and, if placed in the hands of an attorney or other third party for collection, FM will ask the court to award all attorneys' and other collection fees, court costs, and filing fees as part of any judgment. Nothing herein will allow for the collection of interest in violation of any state or federal laws and any amount charged or collected in excess of the allowable limits will be credited to the balance of this account or, if the account has been paid in full, refunded to Customer. Any disputed charges must be identified by Customer within 60-days of original invoice date. After 60-days, all charges are considered valid.**

If Customer asks for a copy of any historic information pertaining to its account, Customer agrees to pay Fuelman's then-current retrieval/research fee that is computed on a per-hour basis with a two hour minimum for any report/data retrieval services.

To ensure effective communication among your Fleet Manager, your Accounts Payable Representative, and FM, provide the requested contact information. Up-to-date information about your account will be communicated through these channels. If your account becomes past due or exceeds the assigned credit limit, the listed individual may be notified electronically to avoid a disruption in service. Upon approval of your FM account, a test notice will be sent to each of the contacts. Please contact FM customer service if any of this information changes, such as a new Accounts Payable or Fleet Manager contacts.

Customer agrees to the terms and provisions of this Agreement as set forth herein. Customer further agrees that, upon receipt of FM access cards and personal identification numbers (PINs), Customer will verify that the Customer's census of persons designated to acquire fuel on the Customer's account is correct and complete. Moreover, Customer agrees to designate one or more persons that are authorized to make changes and will notify FM in writing of the name(s) of such authorized person(s) and of any and all authorized changes in vehicles or personnel approved to acquire fuel for use by Customer's fleet. Customer also agrees to keep current its information on the designated and authorized personnel who may interact with FM regarding Customer's account.

Agreed to and accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Company: \_\_\_\_\_

Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_

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

1399



**Individual location pricing**

Utilizing the Individual Fueling locations wholesale price (Calculated from the OPIS Thursday Afternoon True Close at the supplying “rack”) as a base price, plus Fuelman mark-up per gallon (see below), plus **actual** freight rate for fueling location. Plus any applicable non-exempt State Excise Taxes or Federal fees.

(Federal excise tax exempted at the pump)

(Fuelman margin)

- \$0.13 per gallon over OPIS for Unleaded (price does not include freight)
- \$0.13 per gallon over OPIS for Diesel (price does not include freight)

Freight per gallon will vary slightly by location depending on distance from wholesale source (rack). Usually \$0.015 to \$0.035 per gallon. (All freight rates verified accurate and available for audit.)

Price reset each week and remains unchanged for the entire week at each location.  
(Monday 12:01 am through following Sunday 11:59pm)

There is no other fees or account maintenance charges. The City of Bedford only pays for the gallons they use. No charge for reporting, data delivery or card replacement.



# Council Agenda Background

**PRESENTER:** Roger Gibson, Police Chief

**DATE:** 10/09/12

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

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Haltom City, Hurst, North Richland Hills and the County of Tarrant, Texas for the 2012 Byrne Justice Assistance Grant (JAG) Formula Program Award.

**City Attorney Review:** Yes

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

**DISCUSSION:**

In May 2012, the Police Department along with the cities of Fort Worth, Arlington, Haltom City, Hurst, North Richland Hills and the County of Tarrant made application for the 2012 Byrne Justice Assistance Grant (JAG) Formula Program Award.

Through this grant, the Police Department will be seeking funding to purchase four replacement SWAT vests and four replacement ballistic shields.

The grant requires all cities within Tarrant County to seek funding under one application. The City of Fort Worth has assumed the role of fiscal agent and therefore will be considered the award 'recipient' with all the other entities, including the City of Bedford, being a 'subrecipient.' The City of Fort Worth will facilitate and manage the grant throughout the life of the grant as required by the grant award contract.

This MOU is the first of two MOU's required by the grant. This MOU outlines the parties, 16% funding to Tarrant County, subrecipient award amounts and other grant provisions as required by the grant. The second MOU will be forthcoming to award the grant contract and outline the provisions contained within the award document.

Since the County is considered disparate, all cities participating in the 2012 Byrne Justice Assistance Grant must provide Tarrant County with 16% of the award allocation. The City of Bedford's 16% allocation to Tarrant County equates to \$2,632.

The 2012 Byrne Justice Assistance Grant (JAG) Program Award funding does not require a cash match from the City of Bedford.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Haltom City, Hurst, North Richland Hills and the County of Tarrant, Texas for the 2012 Byrne Justice Assistance Grant (JAG) Formula Program Award.

**FISCAL IMPACT:**

2012 Byrne Justice Assistance Grant has allocated \$16,451 to the City of Bedford, of which \$2,632 will be reallocated to Tarrant County, leaving a funding balance of \$13,819.

**ATTACHMENTS:**

Resolution  
Memorandum of Understanding

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BEDFORD AND THE CITIES OF FORT WORTH, ARLINGTON, HALTOM CITY, HURST, NORTH RICHLAND HILLS AND THE COUNTY OF TARRANT, TEXAS FOR THE 2012 BYRNE JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM AWARD.

WHEREAS, the City Council of Bedford, Texas finds that the grant funds to be requested will benefit the City; and,

WHEREAS, the City Council of Bedford, Texas acknowledges the City of Fort Worth as the fiscal agent and distributor of all 2012 Byrne Justice Assistance Grant (JAG) Formula Program Award funds between the cooperating parties; and,

WHEREAS, the City Council of Bedford, Texas acknowledges that 16% of the 2012 Byrne Justice Assistance Grant (JAG) will be provided to Tarrant County per grant guidelines.

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 (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Haltom City, Hurst, North Richland Hills and the County of Tarrant, Texas for the 2012 Byrne Justice Assistance Grant (JAG) Formula Program Award.

PASSED AND APPROVED this 9th day of October 2012, by a vote of \_\_ ayes, \_\_ nays and \_\_ abstention, at a regular meeting of the City Council of the City of Bedford, Texas.

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Jim Griffin, Mayor

ATTEST:

---

Michael Wells, City Secretary

APPROVED AS TO FORM:

---

Stan Lowry, City Attorney

THE STATE OF TEXAS

COUNTIES OF TARRANT,  
DENTON AND WISE

KNOW ALL BY THESE PRESENT

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITIES OF FORT WORTH, ARLINGTON,  
BEDFORD, HALTOM CITY, HURST, NORTH RICHLAND HILLS,  
AND COUNTY OF TARRANT, TEXAS**

**2012 BYRNE JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM AWARD**

This Agreement is made and entered into this \_\_\_ day of \_\_\_\_\_ 2012, by and between the COUNTY of TARRANT, acting by and through its duly authorized representative, hereinafter referred to as COUNTY, the CITY of FORT WORTH, acting by and through its duly authorized representative, hereinafter referred to as CITY, and the Cities of Arlington, Bedford, Haltom City, Hurst, North Richland Hills, acting by and through their duly authorized representatives, and hereinafter collectively referred to as SUBRECIPIENT or individually by name, located entirely within the State of Texas, witnesseth:

**WHEREAS**, each governing body finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Agreement; and

**WHEREAS**, under the 2012 Byrne Justice Assistance Grant (JAG), the Department of Justice (DOJ) has awarded a total of \$561,566.00 to be distributed to the parties to this Agreement, hereafter referred to as JAG award; and

**WHEREAS**, the CITY has agreed to serve as the fiscal agent for the JAG award, and distribute all such funds between the cooperating parties; and

**WHEREAS**, the CITY, COUNTY and SUBRECIPIENTS believe it to be in their best interests to reallocate the JAG award as set forth herein.

**NOW THEREFORE**, the CITY, COUNTY, and SUBRECIPIENTS agree as follows:

**Section 1.**

CITY agrees to provide the COUNTY \$53,620.00 from the JAG award.  
ARLINGTON agrees to provide the COUNTY \$26,553.00 from the JAG award.  
BEDFORD agrees to provide the COUNTY \$2,632.00 from the JAG award.  
HALTOM CITY agrees to provide the COUNTY \$2,049.00 from the JAG award.  
HURST agrees to provide the COUNTY \$2,241.00 from the JAG award.  
NORTH RICHLAND HILLS agrees to provide the COUNTY \$2,754.00 from the JAG award.

**Section 2.**

CITY agrees to reimburse the COUNTY a total of \$89,849.00 from the JAG award.  
CITY agrees to reimburse SUBRECIPIENT ARLINGTON a total of \$139,406.00 from the JAG award.  
CITY agrees to reimburse SUBRECIPIENT BEDFORD a total of \$13,819.00 from the JAG award.  
CITY agrees to reimburse SUBRECIPIENT HALTOM CITY a total of \$ 10,760.00 from the JAG award.  
CITY agrees to reimburse SUBRECIPIENT HURST a total of \$11,765.00 from the JAG award.

JAG Memorandum of Understanding between the Cities of Fort Worth, Arlington, Bedford, Haltom City, Hurst, North Richland Hills, and the County of Tarrant, Texas

CITY agrees to reimburse SUBRECIPIENT NORTH RICHLAND HILLS a total of \$14,461.00 from the JAG award.

**Section 3.**

The above parties agree to utilize their jurisdiction's individual award as outlined in a separate Memorandum of Understanding between CITY and the individual SUBRECIPIENTS or COUNTY.

**Section 4.**

It is expressly understood and agreed that, in the execution of this Agreement, no party waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

**Section 5.**

Each party to this Agreement will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by any other party.

**Section 6.**

This Agreement creates no rights in any third party.

**Section 7.**

As to each individual party, this Agreement incorporates by reference the terms and conditions contained in the following three additional documents, as if set forth at length herein: (1) the Memorandum of Understanding between CITY and the individual SUBRECIPIENTS or COUNTY; (2) the applicable Grant Award Agreement; and (3) the individual SUBRECIPIENT'S budget submitted in connection with this grant award. With the exception of those aforementioned agreements and/or documents, this Agreement contains all commitments and agreements of the parties, and no oral or written commitments have any force or effect to alter any term or condition of this Agreement, unless in writing and signed by authorized representatives of all parties.

IN WITNESS WHEREOF, the following authorized representatives execute this Agreement:

CITY OF FORT WORTH, TEXAS

ATTEST:

\_\_\_\_\_  
Jeffrey Halstead  
Chief of Police

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

\_\_\_\_\_  
Charles W. Daniels  
Assistant City Manager

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

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Jessica Sangsvang  
Assistant City Attorney

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

ATTEST:

\_\_\_\_\_  
Mary Kayser  
City Secretary

Contract No.: \_\_\_\_\_

M&C No.: \_\_\_\_\_

COUNTY OF TARRANT, TEXAS

By: \_\_\_\_\_  
B. Glen Whitley  
County Judge

APPROVED AS TO FORM:

By: \_\_\_\_\_  
District Attorney's Office

CITY OF ARLINGTON, TEXAS

By: \_\_\_\_\_  
Trey Yelverton  
Deputy City Manager

CITY OF BEDFORD, TEXAS

By: \_\_\_\_\_  
Beverly Griffith  
City Manager

CITY OF HALTOM CITY, TEXAS

By: \_\_\_\_\_  
Thomas J. Muir  
City Manager

CITY OF HURST, TEXAS

By: \_\_\_\_\_  
W. Allan Weegar  
City Manager

CITY OF NORTH RICHLAND HILLS, TEXAS

By: \_\_\_\_\_

Mark Hindman  
City Manager



# Council Agenda Background

**PRESENTER:** Roger Gibson, Police Chief

**DATE:** 10/09/12

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

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Hurst, Euless and Grapevine for the creation of the Northeast Tarrant County Area SWAT Team (NETCAST).

**City Attorney Review:** Yes

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

**DISCUSSION:**

The Police Department along with the cities of Hurst, Euless and Grapevine have agreed to combine their resources, manpower, administrative tasks and equipment to create the Northeast Tarrant County Area SWAT Team (NETCAST).

Member cities recognize the need for special training to respond to incidents, including, but not limited to: barricaded persons, hostage situations, high-risk warrant services, and acts of terrorism. These tasks are best accomplished with a small group of highly disciplined officers specifically trained to deal with such emergencies, utilizing special weapons, tactics and equipment.

By combining resources into a regionalized team, member cities will benefit from economies of scale in SWAT equipment purchases and potentially in overtime allocations.

The MOU outlines the purpose, utilization, deployment, command staff, powers, privileges, immunities, cost, and cancellation procedures for the regionalized team.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Hurst, Euless and Grapevine for the creation of the Northeast Tarrant County Area SWAT Team (NETCAST).

**FISCAL IMPACT:**

Estimate \$33,000 in potential savings in overtime, equipment and uniforms.

**ATTACHMENTS:**

Resolution  
Memorandum of Understanding

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BEDFORD AND THE CITIES OF HURST, EULESS AND GRAPEVINE FOR THE CREATION OF THE NORTHEAST TARRANT COUNTY AREA SWAT TEAM (NETCAST).

WHEREAS, the City Council of Bedford, Texas determines that the creation of a regionalized SWAT Team will benefit the City with economies of scale; and,

WHEREAS, the City Council of Bedford, Texas agrees to participate and/or cooperate with the creation of a regional SWAT Team designed to intervene in tactical scenarios on behalf of member agencies.

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 (MOU) between the City of Bedford and the cities of Hurst, Euleless and Grapevine for the creation of the Northeast Tarrant County Area SWAT Team (NETCAST).

PASSED AND APPROVED this 9th day of October 2012, by a vote of \_ ayes, \_ nays and \_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary

APPROVED AS TO FORM:

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Stan Lowry, City Attorney

## MEMORANDUM OF UNDERSTANDING

### Northeast Tarrant County Area SWAT Team

This memorandum of understanding is made this \_\_\_ day of \_\_\_\_\_, 2012 between the named law enforcement agencies, for the creation of the Northeast Tarrant County Area SWAT Team, hereafter known as NETCAST.

Whereas, the Cities of Hurst, Euless, Bedford and Grapevine recognize economies of scale and as such have agreed to combine their resources, manpower, administrative tasks, and equipment to create the Northeast Tarrant County Area SWAT Team. Member cities recognize the need for special training to respond to incidents, such as barricaded persons, hostage situations, high-risk warrant services, or acts of terrorism. These tasks are best accomplished with a small group of highly disciplined officers, specifically trained to deal with such emergencies, utilizing special weapons, tactics, and equipment. Due to prolonged operational periods and current mutual aid practices, member cities recognize the need for unity of command provided by this MOU.

#### Section I Purpose

Members of NETCAST agree to participate and or cooperate with the creation of a regional SWAT Team designed to intervene in tactical scenarios on behalf of member agencies.

#### Section II Utilization

The Primary function of NETCAST is to assist and support members of the Hurst, Euless, Bedford, and Grapevine Police Departments and other law enforcement agencies that require tactical assistance or specialized training and equipment, included, but not limited to:

- Special Threat Situations (i.e. hostage situations, active shooter, barricaded suspects, and acts of terrorism)
- Natural Disasters
- Personal Security Details
- High-Risk Warrant Service/Apprehension
- Crowd and Riot Control
- Any specialized functions as approved by the NETCAST Commander or his designee

NETCAST shall function as division in each of the City's *Incident Command System (ICS)*. Unless requested by the agency with primary law enforcement jurisdiction, NETCAST members will not act as the Incident Commander.

#### Section III Deployment

The concept behind SWAT teams is based on teamwork. This is the reason SWAT will only be activated as a team. When a request for NETCAST is received, all on-call team members will be notified. If the situation requires specialized tactics or weapons/equipment, the entire on-call team will be mobilized.

#### Section IV Command Staff

NETCAST will be commanded by a Tactical Commander, chosen by the representative agencies Chiefs of Police. During a tactical incident, The NETCAST Tactical Commander will be in overall command of the tactical operation and report to the host agency's Chief of Police, or the Chief's designee. NETCAST will be divided into two (2) tactical teams and one (1) negotiations team, each commanded by an Assistant Commander. The respective Assistant Commanders will report to the Tactical Commander. The Tactical Commander and the Assistant Commanders are deemed to be the Command Staff of NETCAST.

#### Section V Powers, Privileges, Immunities and Costs

NETCAST members of each participating agency when actually engaging under the terms of this MOU in assistance outside their original jurisdictional limits, shall, pursuant to the Laws of the State of Texas, have the same powers, duties, rights, privileges, immunities (from suit and liabilities), and exemptions from laws, ordinances and rules, as if the NETCAST member were performing duties inside the political subdivisions in which they are normally employed.

Each participating agency agrees to furnish necessary equipment, resources and facilities and/or capital funds to its participating members who are acting pursuant to this MOU, provided however that no participating agency shall be required to unreasonably deplete its own equipment, resources, facilities and/or capital funds. Each participating agency that furnishes equipment pursuant to this MOU must bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance of that equipment.

Each participating agency furnishing assistance pursuant to this MOU shall compensate its members during the time such assistance is rendered and shall assume all costs and expenses that would normally be due to members if they were performing their duties as employees for the participating agency, including but not limited to pension, insurance, relief, disability, worker's compensation, salary, personal injury or death benefits, travel, maintenance expenses and any other benefits that apply to the activity of a NETCAST member when performing duties as an employee within the territorial limits of the member's agency. The provisions of this section shall apply with equal effect to paid, volunteer, and reserve employees.

Each participating agency agrees to be responsible for any civil liability that arises from the furnishing of services pursuant to this MOU by its participating members. However, nothing herein shall be construed to expand or enlarge the legal liability of a party to this MOU for any alleged acts or omissions of any employee beyond that which might exist in the absence of this MOU. Nothing herein shall be construed as a waiver of any legal defense of any nature whatsoever to any claim against a party hereunder or against an officer or employee of a party hereunder. Nothing herein adds to or changes the liability limits and immunities for a governmental unit provided by the Texas Tort Claims Act, Chapter 101, Civil Practice and Remedies Code, or any other law.

Nothing herein shall prevent the participating agency from requesting supplemental appropriations from other member entities of NETCAST for reimbursement for itself and the assisting team for any actual costs or expenses incurred by the participating agency performing hereunder.

#### Section VI Cancellation

Any participating agency may cancel their participation in this MOU at any time upon delivery of written notice to the other participating agencies.

AGREED TO AND ACKNOWLEDGED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Chief Roger Gibson  
Bedford Police Department

\_\_\_\_\_  
Beverly Griffith – City Manager  
City of Bedford, Texas

\_\_\_\_\_  
Chief Michael Brown  
Eules Police Department

\_\_\_\_\_  
Gary McKamie – City Manager  
City of Eules, Texas

\_\_\_\_\_  
Chief Eddie Salame  
Grapevine Police Department

\_\_\_\_\_  
Bruno Rumbelow – City Manager  
City of Grapevine, Texas

\_\_\_\_\_  
Chief Steve Moore  
Hurst Police Department

\_\_\_\_\_  
Allan Weegar – City Manager  
City of Hurst, Texas



# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 10/09/12

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

**ITEM:**

Consider a resolution removing inactive members from the Community Affairs Commission and the Beautification Commission.

**City Attorney Review:** Yes

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

**DISCUSSION:**

The City Council discussed an attendance policy for Board and Commission members at Work Sessions on August 16 and September 20. The Council directed staff to move forward with drafting an attendance policy, which will be presented for approval at tonight's meeting. In the meantime, Council directed staff to bring forward a resolution immediately removing inactive members of Boards and Commissions pursuant to Section 2.10 of the City Charter as attached. This was in order to handle current problems with meeting quorum requirements.

Staff is recommending the removal of the following members:

Donald Bates – Community Affairs Commission  
Alexander Wolfe – Community Affairs Commission  
Baxter Wade – Beautification Commission

Records indicate that none of these members have attended a meeting since at least January. An email was sent to the chairpersons of both Commissions, copied to both the Council and staff liaisons, informing them of this pending action. If approved, a certified letter, notifying the member of their removal, will be sent from the City Secretary's Office.

**RECOMMENDATION:**

Staff recommends the following motion:

Consider a resolution removing inactive members from the Community Affairs Commission and the Beautification Commission

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution  
Section 2.10 of the City Charter

RESOLUTION NO. 12-

**A RESOLUTION REMOVING INACTIVE MEMBERS FROM THE COMMUNITY AFFAIRS COMMISSION AND THE BEAUTIFICATION COMMISSION.**

**WHEREAS, the City Council of Bedford, Texas recognizes the important work of the City's Citizen Boards and Commissions; and,**

**WHEREAS, the City Council of Bedford, Texas wishes to assist the Citizen Boards and Commissions in being able to meet their quorum requirements; and,**

**WHEREAS, the Board and Commission members listed below in Section 1 have not attended meetings since at least January of 2012; and,**

**WHEREAS, the City Council of Bedford, Texas has the authority to remove Board and Commission members without notice pursuant to Section 2.10 of the City Charter.**

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

**SECTION 1. That the City Council hereby removes Donald Bates and Alexander Wolfe from the Community Affairs Commission and Baxter Wade from the Beautification Commission.**

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

**PASSED AND APPROVED this 9th day of October 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**

**Sec. 2.10. - Removal of other appointive officials.**

The council may, upon the affirmative vote of a majority of the full membership of the council, including the mayor as a voting member, remove members of its appointive boards or commissions without notice, unless otherwise provided by state law.



# Council Agenda Background

**PRESENTER:** Beverly Griffith, City Manager

**DATE:** 10/09/12

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

**ITEM:**

Consider a resolution authorizing the City Manager to change a Council meeting in December and schedule the Council meetings for December 4, 2012 and December 11, 2012.

**City Attorney Review:** N/A

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

**DISCUSSION:**

At the September 25, 2012 Council meeting, the City Manager advised Council that the second meeting in December would fall on Christmas Day. She suggested moving the second Council meeting date and for the December meetings to be scheduled for December 4 and December 11. She also suggested that the December 4 meeting be used solely for Board and Commission interviews.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to change a Council meeting in December and schedule the Council meetings for December 4, 2012 and December 11, 2012.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution

RESOLUTION NO. 12-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CHANGE A COUNCIL MEETING IN DECEMBER AND TO SCHEDULE THE COUNCIL MEETINGS FOR DECEMBER 4, 2012 AND DECEMBER 11, 2012.

WHEREAS, staff proposes that the Council consider changing the regular meeting dates in December due to the Christmas holiday.

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

SECTION 1. That the City Manager is hereby authorized to change a Council meeting date in December and to schedule the Council meetings for December 4, 2012 and December 11, 2012.

PASSED AND APPROVED this 9th day of October 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