

# **AMENDED AGENDA**

**Regular Meeting of the Bedford City Council  
Tuesday, February 25, 2014  
Bedford City Hall Building A  
2000 Forest Ridge Drive  
Bedford, Texas 76021**

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

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

## **WORK SESSION**

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

## **EXECUTIVE SESSION**

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

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation regarding 533 Bedford Road.

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

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

**INVOCATION (Senior Pastor Nosa Onaiwu, Arise and Shine International Ministries)**

### **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. Employee Service Recognition
2. Proclamation declaring March 2014 as Multiple Myeloma Awareness Month in the City of Bedford. (Amended Item)

### **APPROVAL OF THE MINUTES**

3. Consider approval of the following City Council minutes:
  - a) February 11, 2014

## **PERSONS TO BE HEARD**

4. The following individuals have requested to speak to the Council tonight under Persons to be Heard.
  - a) Norman Ashton, 3304 Norman Lane, Bedford, Texas 76021 – Requested to speak to the Council regarding home businesses.

## **OLD BUSINESS**

5. Consider a resolution authorizing the City Manager to enter into a Marketing License Agreement with Utility Service Partners (d/b/a Service Line Warranties of America) for the National League of Cities (NLC) Service Line Warranty Program.

## **NEW BUSINESS**

6. Public hearing and consider an ordinance to rezone the property known as Lots CR, and ER, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas; amending Ordinance Number 00-2554 from Heavy Commercial/Specific Use Permit/Auto Sales, and Ordinance Number 02-2655 from Heavy Commercial/Amended Specific Use Permit/Auto Sales, Service and Repair, to Heavy Commercial/Amended Specific Use Permit/New & Used Cars & Truck Sales/Service specific to Section 3.2.c(8)d, NEW AND USED CARS AND TRUCK SALES AND SERVICE of the City of Bedford Zoning Ordinance allowing for used car sales for Mac Churchill AutoMall. The property is generally located north of State Highway 183 and east of State Highway 121. (Z-245)
7. Consider an ordinance calling an election to be held on May 10, 2014, in the City of Bedford, Texas for the purpose of submitting to the qualified voters of the City of Bedford for the adoption or rejection of proposed amendments to the existing city charter; designating the official polling places and appointing election officials; prescribing the form of the ballots; providing for notice of the election; and providing generally for the conduct of the election.
8. Consider a resolution authorizing the City Manager to expend funds for an annual payment in the amount of \$45,072 for the renewal of the extended maintenance, technical support agreement and server replacement plan with Innovative Interfaces, Inc.
9. Consider a resolution accepting the report from the independent auditor and the audited financial statements for the fiscal year ended September 30, 2013 and providing an effective date.
10. Consider a resolution authorizing the City Manager to enter into an additional software license agreement with New World Systems for the replacement of the City's Municipal Public Administration Software application in an amount not to exceed \$617,240, which includes a one-time technology upgrade of \$572,240 in software costs and \$45,000 in travel and training costs.
11. Consider a resolution authorizing the City Manager to approve Change Order Number One for the Northwest Pressure Plane Project in an amount not to exceed \$15,500.
12. Consider a resolution authorizing the City Manager to enter into a professional services contract with Pacheco Koch, LLC in the amount of \$22,446 for the Simpson Terrace Elevated Storage Tank Interior Coating Project.
13. Report on most recent meeting of the following Boards and Commissions:
  - ✓ Animal Shelter Advisory Board - Councilmember Boyter
  - ✓ Beautification Commission - Councilmember Turner
  - ✓ Community Affairs Commission - Councilmember Boyter
  - ✓ Cultural Commission - Councilmember Nolan
  - ✓ Investment Committee - Councilmember Turner

- ✓ **Parks & Recreation Board - Councilmember Davisson**
- ✓ **Senior Citizen Advisory Board - Councilmember Turner**
- ✓ **Teen Court Advisory Board - Councilmember Champney**

#### **14. Council member reports**

#### **15. City Manager/Staff Reports**

#### **16. 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, February 21, 2014 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 must be requested in writing to the City Secretary's Office a minimum of seventy-two hours (72) hours prior to the scheduled starting time of the posted meeting. Requests can be delivered in person or mailed to the City Secretary's Office at 2000 Forest Ridge Drive, Bedford, TX 76021, or emailed to [mwells@bedfordtx.gov](mailto:mwells@bedfordtx.gov). Some requests may take longer due to the nature, extent and/or availability of such auxiliary aids, services or accommodations.)



# Council Agenda Background

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**PRESENTER:** Beverly Griffith, City Manager

**DATE:** 02/25/14

Council Recognition

**ITEM:**

Employee Service Recognition

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

**DISCUSSION:**

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

Brett Bowen	10 years	Police
Mike Cottrell	20 years	Public Services

**ATTACHMENTS:**

N/A



# Council Agenda Background

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**PRESENTER:** Jim Griffin, Mayor

**DATE:** 02/25/14

Council Recognition

**ITEM:**

Proclamation declaring March 2014 as Multiple Myeloma Awareness Month in the City of Bedford.

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

**DISCUSSION:**

Albert Rockwell with the North Texas Multiple Myeloma Support Group will be present to accept the proclamation.

**ATTACHMENTS:**

Proclamation  
Letter of Request



CITY OF  
**BEDFORD**

# Proclamation

*WHEREAS, Multiple Myeloma (or Myeloma), the second most common blood cancer worldwide, is a cancer of plasma cells in the bone marrow. It is called "multiple" because the cancer can occur at multiple sites; and*

*WHEREAS, Multiple Myeloma currently affects more than 100,000 people in the United States, with an estimated 20,000 new cases diagnosed each year and 10,000 losing their battle each year; and*

*WHEREAS, once a disease of the elderly, it is now being found in increasing numbers of people under 65; and*

*WHEREAS, because Myeloma is a rare disease there can be a delayed diagnosis, leading to delayed treatment. For this reason an increased awareness of Myeloma for clinicians and the general public will lead to earlier diagnosis allowing people to live longer; and*

*WHEREAS, continued investment and innovation is critical to achieve early diagnosis and implement the most effective and safest treatments for Myeloma patients; and*

*WHEREAS, although we have seen important advances in the last decade there is still no cure for Myeloma; and*

*WHEREAS, the City of Bedford is committed to finding a cure for Myeloma and supports the treatment of its citizens that suffer from Myeloma and encourages private efforts to enhance research funding and education programs.*

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

## **Multiple Myeloma Awareness Month**

*in the City of Bedford and encourage all residents to join me in participating in voluntary activities to support Myeloma education and the funding of research programs to find a cure.*

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this 25th day of February, 2014.*

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JIM GRIFFIN, MAYOR



**From:** [Albert Rockwell](#)  
**To:** [Wells, Michael](#)  
**Subject:** PROCLAMATION Request for Multiple Myeloma ( Plasma Cell Blood Cancer)  
**Date:** Tuesday, January 28, 2014 11:16:12 AM

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January 27, 2014

Mr. Michael Wells  
Bedford, TX City Secretary  
Bedford, TX 76021

Dear Secretary Wells,

As a resident of the City and a Multiple Myeloma patient, I am requesting that the City of Bedford proclaim the month of March 2014 as Myeloma Awareness Month. Multiple Myeloma is an incurable blood cancer of the bone marrow that affects more than 100,000 people in the United States, with an estimated 20,000 new cases diagnosed each year. More specifically, multiple myeloma is an uncontrolled growth of plasma cells in the bone marrow which can lead to anemia, infections, bone lesions, vertebral compressions, osteoporosis, severe pain and kidney dysfunction.

I have been a Multiple Myeloma patient since being diagnosed in 1992. My neck (C3) collapsed in 1998 as a result of this disease and have undergone all of the treatments mentioned below. I consider myself extortionately fortunate to be here today since this not the usual outcome.

With the support of the International Myeloma Foundation, I have been an active member of the North Texas Multiple Myeloma Support Group. This group brings together Myeloma patients, caregivers and family members to share experiences on treatments and outcomes. Our meetings are held on the 2<sup>nd</sup> Saturday of each month from 10a.m. to 1p.m. at the Baylor Charles A. Sammons Cancer Center. Interestingly, through my association with the group, I have met many other residents within the DFW area who are also dealing with this disease. During this time, I haven't met one person who had heard of myeloma prior to their diagnosis. This is the primary reason for us to build awareness of the disease, as early detection will help people live longer through many treatment options, including chemotherapy, radiation, stem cell transplantation and novel and emerging therapies. For a city of 375,000 people like Bedford, there are roughly 123 people currently affected by this disease with approximately 22 people diagnosed annually.

I respectfully request your help in passing a resolution proclaiming March as Myeloma Awareness Month in the Bedford. An example of the proclamation is below for your convenience. Should you have any questions, please contact me at 817-283-2143

Sincerely,

Albert L. Rockwell  
1301 Medford Dr.  
Bedford, TX 76021



# Council Agenda Background

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**PRESENTER:** Michael Wells, City Secretary

**DATE:** 02/25/14

**Minutes**

**ITEM:**

Consider approval of the following City Council minutes:

- a) February 11, 2014 regular meeting

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

**DISCUSSION:**

N/A

**ATTACHMENTS:**

February 11, 2014 regular meeting

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

**The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 11th day of February, 2014 with the following members present:**

Jim Griffin  
Chris Brown  
Michael Boyter  
Ray Champney  
Patricia Nolan  
Roy W. Turner

Mayor  
Council Members

constituting a quorum.

Councilmember Davisson arrived at 5:39 p.m.

Staff present included:

Beverly Griffith  
David Miller  
Stan Lowry  
Michael Wells  
Cliff Blackwell  
Roger Gibson  
Tom Hoover  
Jacquelyn Reyff  
Bill Syblon

City Manager  
Deputy City Manager  
City Attorney  
City Secretary  
Administrative Services Director  
Police Chief  
Public Works Director  
Planning Manager  
Development Director

### **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: 1, 3, 4, 5, 6, 7, 8, 9 and 10.

Police Chief Roger Gibson presented information on Item #3. In December, the City was approached by a person looking to move to Bedford who requested the City look at allowing for miniature pigs. Currently, there is no separate classification for miniature pigs, only a definition for swine, which are prohibited. Staff was asked to consider looking at ordinance revisions to accommodate her request and to protect property rights. He stated that the pigs are called micro- or teacup pigs, and through selective breeding, they have been miniaturized and have their own classification. The requestor has been in this field for 12 years and uses her pigs as emotional support animals at a local hospice. The pigs are harnessed and obedience trained. Other cities that allow these types of pigs include Arlington, Lewisville, North Richland Hills and Watauga. Chief Gibson addressed concerns regarding people selling pigs that are not really miniature, and that this type of pig has maximum size characteristics. Staff has researched the issue and believes that there is a place in the City's ordinances to allow for miniature pigs through slight modifications and encompassing them under permit-eligible animals. They are not to exceed 75 pounds in weight, 20 inches in height, or 25 inches from snout to the base of the tail. The City is protected in that if the pigs exceed those dimensions, they lose their classification as miniature pigs and will be designated as swine. In answer to questions from Council, Chief Gibson stated that the animals are examined by an Animal Control officer and certified; that the owners have to

go before the Animal Shelter Advisory Board; that there are inspections of the residence; that there is an annual recertification; and that currently there are no animals in Bedford that fall under the permit-eligible category.

Human Resources Director Jill McAdams presented information on Item #4, which is to award a contract for employee benefits and contractual services to Benefits Seminar Plus (BSP). A bid for the broker consulting contract was put on October 25 and six bids were received. After a thorough analysis, those bids were narrowed down to two firms based on cost. She stated that all benefits services brokers offer the same services and any deviations are on whether a service is considered a core cost or an add-on cost. A five year rate was asked for based on a one-year contract with four one-year renewals. In contacting other cities, all were satisfied with their benefit services. The City has a good history with BSP, who is the current broker. The second finalist has incremental increases from year one to five, with an overall increase of 62 percent, or 15 percent a year. Both firms were interviewed and it was felt that BSP provided the best value for the taxpayer dollar. In answer to questions from Council, Ms. McAdams stated that several of the firms may have a set format for answering RFPs; that the RFP did not ask questions that would not have been asked in other cities; that the City has been with BSP for 16 years and they did receive one slight increase in May of 1998; that the next lowest city in the area is North Richland Hills at \$30,000 a year and who has had a long-term relationship with their broker; that the City refers a lot of other cities to BSP, which has five other cities in their book-of-business as well as other non-profit governmental entities; that the reason for going out to bid now is to ensure that the City is getting the best value for the dollar; that it has not been bid for so long because there have been no problems and the rates were low; and that staff starts the insurance process in March, they historically bring the contracts to Council in July, and they are going to bring the contract in as early as possible this year. There was discussion on encouraging the City to go out for bid more frequently, that the cost of insurance was \$1.8M, and encouraging the broker to find creative ways to find a better plan for the employees.

Public Works Director Tom Hoover presented information on Item #6, which is for an update to the City's water distribution plan. The current plan was prepared in 1988 and updated in 2010 by Kimley-Horn for the Northwest Pressure Plane, which changed the characteristics of the City and how water goes through the pipes. The mains would be sized to meet current and projected demands, as well as fireflows. It would be important to have that information on hand before replacing water mains. An updated water distribution map would also be included. In answer to questions from Council, Mr. Hoover stated that the Plan was last updated in 2010 only for the Northwest Pressure Plane and the last time the City was done as a whole was in 1988; and that such a plan would be updated anytime a large development comes in and there is a major use change.

Mr. Hoover presented information on Item #9. He stated that Saber Development was contracted to install new mains that would isolate part of the City for the Northwest Pressure Plane, as well as the booster pump and pump station. Once work started and valves were exercised, it was found that 11 valves were not functioning properly and that the system could not be isolated. Estimates were taken and it was determined to bid this project out due to the cost. When the bids were received, they came in well over what staff expected. It was decided that one valve, which is too deep for the City to handle, could be done through a change order, while the other ten could be done with City staff, saving the City almost \$100,000. The change order for the one valve will be presented at the next Council meeting. In answer to questions from Council, Mr. Hoover stated that Public Works has a four-man valve crew, which operates valves across the City and that they had not yet gotten to those particular valves; and that the project would not be overly burdensome to staff.

- **Receive a presentation by Roy Savage on the Charter Review Committee.**

Roy Savage, Chairperson of the Charter Review Committee, presented a report on proposed amendments to the City Charter. He presented each proposition along with a red-lined version of the Charter representing proposed edits. Proposition 1 would allow for the appointment or special election to fill a Council vacancy of less than one year and stating that an appointed member would not be subject to recall. Proposition 2 would eliminate the requirement that Council meet at least twice a month. Proposition 3 amends wording on the portion of the Charter dealing with the budget in order to match state law. Proposition 4 would provide for the publication of the notice of the public hearing on the

budget within time frames required by state law and allows for other means of notice. Proposition 5 would remove language referring to the first Saturday in May for City elections as that is no longer an uniform election date. Propositions 6, 7 and 8 would allow for the appointment or election of the municipal judge, remove the requirement that the judge be a resident for one year and a qualified voter of the City, and remove the term limits. Proposition 9 would remove the language requiring the Planning and Zoning Commission to meet at least once a month and adds that they will meet as needed. Proposition 10 would allow for other means of notification other than the official newspaper. The election would be ordered at the following Council meeting.

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

Council reconvened into the Work Session at 7:28 p.m.

- **Follow-up discussion regarding the capital outlays to be purchased and the financing thereof.**

Administrative Services Director Cliff Blackwell presented a follow-up to the January 24, 2014 Council Work Session. He stated that \$2.7M in capital items were presented to Council during the previous summer's budget process. They include replacing desktop and mobile data computers, a bucket truck for Public Works, a new custom pumper truck for the Fire Department, trunk radio system upgrades through Motorola with a remaining amount of \$956,000, and replacing the old management software at a cost of \$680,000. The original cost of the items when presented in June and August of 2013 was \$2,658,698. Currently, the total is \$2,654,000 due to an increase in some items and a decrease in one. In regards to the condition of the fund balance, he stated that the Audit Committee met and the CAFR will be presented to the Council at the next meeting. There is a 20 percent requirement for the unassigned fund balance and the current balance is \$5,751,658, or 20.25 percent. He stated that it may not make economic sense to include the cost of the computers due to their lifetime and suggested drawing down the fund balance by approximately \$300,000. Computers have been identified that can be funneled to water and sewer, dropping the total to approximately \$280,000. This amount would drop the fund balance to \$5,468,201 or 19.25 percent. He stated that the City has the remaining portion of this fiscal year to build back up the fund balance. Six percent of the trunk radio cost, or \$57,407, and 20 percent of the software can go towards water and sewer. These two pieces represent \$193,235, or 8.2 percent, of the \$2.4M. First Southwest was contacted and stated that issuing the bonds for the \$3.2M for Phase 1 of the Boys Ranch improvement would cost \$49,000 and issuing the \$2.4M for the capital items would cost \$45,000, or \$93,000 total. Issuing both at the same time would save approximately \$14,000 and they would have separate debt schedules. He further discussed paying for the bucket truck by drawing down the fund balance to 18.39 percent and stated that the fund balance the previous year was at 17 percent.

There was Council discussion on keeping tax neutral during the budget discussion; the effect of the capital items on the upcoming budget; including necessary items in the budget; and concerns over raising taxes ahead of time. Mr. Blackwell stated that the debt associated with these items would be four-tenths of a penny on the tax rate based on the certified roll from the previous September and that the City has averaged a 1.4 percent increase in these rolls the past three year. In regards to having a cash surplus to cover these payments, he stated it was feasible based on the trend of how the City has finished the past two years. He further stated that the impact would be on the 2015 fiscal year. In answer to questions from Council, he stated that drawing down the fund balance to 18.3 percent would not affect the City's bond rating; and that the difference between the current total and the original total is a decrease of approximately \$4,500. There was discussion on the bond election increasing the tax rate; increases to water and sewer rates; finding creative ways to pay for these items; and concerns about sales tax and going further into the fund balance. City Manager Beverly Griffith stated that Council approved financing the trunk radios and that the City would still have to make yearly payments at \$30,000 more than if they moved forward with this funding mechanism. There was discussion on including the bucket truck in the cash payment and decreasing the fund balance. Council was of consensus to move forward on these items based on the timeline as presented. Ms. Griffith stated that there will be a bond rating call at the end of February and that the official ordinance would be presented for adoption at the March 25 Council meeting.

- **Follow-up discussion regarding the Animal Shelter Advisory Board's presentation on a Trap-Neuter-Release program.**

Mayor Griffin stated the Council received a presentation two weeks ago from the Animal Shelter Advisory Board regarding Trap-Neuter-Release (TNR) and that the ball is now in the Council's court. There was Council discussion on the Board's presentation to adopt TNR on a trial basis; that the City does not seek out and trap feral cats; a feral cat that is not an "offender" being released like other animals; whether there would be costs to the City; working with the Texas Coalition on Animal Protection (TCAP); community support; the possibility of a test program without burdening the City and staff and needing a proposal on how it would work; not including other types of cats that cause issues; what is in the best interests of the citizens; the need for specifics; that TNR is already being done and how the City would be involved; where the current colonies are and whether they would be officially designated; the responsibility and liabilities of the City; the need for a reconciliation of the disparity in the costs to the City; opponents of TNR not presenting themselves to Council; opposition to TNR from the National Wildlife Society, professional biologists, PETA and the American Medical Veterinary Association (AMVA); various colonies being taken care of within the City using TNR; and the original Police Department briefing stating that TNR could be considered after a TNR site has been determined.

In answer to questions from Council, Chief Gibson stated the proponents would want to implement TNR with multiple sites; that for a pilot program, staff would consult with legal counsel to address current ordinances, such as the leash law, and determine if modifications need to be made; that in regards to measuring success, he did not know the parameters, how long it would take, who would gather the measurements, and the involvement of staff; that PETA's position was that they could not support TNR and that the AMVA has taken a neutral position; that there was discussion at the previous meeting regarding "rogue cats" whereby if a colony's cat was trapped three times, it was either relocated or euthanized. Chief Gibson stated that in March of 2012, the Police Department prepared their original brief, that the Board was told of the brief on April 27, 2012, and that it was given to Dr. Epps Purchase; that an addendum to the brief was done in January because the Center for Disease control had weighed in on the matter; that there are concerns for doing TNR in a city with the density of Bedford; that the CDC challenged some of the success stories of TNR and discussed the risk of disease transmission; that the numbers for post-exposure treatments is significantly higher; that the total cost for all cremations from the Shelter in the first quarter of the fiscal year was \$350.00; that wildlife that is immediately euthanized includes skunks and coyotes, while raccoons are evaluated on a case-by-case basis; that all animals are evaluated on their current medical health and symptoms; and that wildlife that are released are taken to a greenbelt between Bedford and Colleyville. Chief Gibson stated that if a notched ear cat is caught, it is not automatically euthanized; that staff contacts somebody to take the cat to a rescue; that for the first quarter, five cats were euthanized on the first day due to health reasons, four cats were euthanized for health reasons that were turned in by their owners, eight were euthanized between days four and five, 27 between days seven and nine, 46 between days 10 and 20, and 10 on day 21 or later.

There was discussion that the City does not seek out and trap feral cats but responds to complaints; releasing wild animals back into the wild; and having a relationship with TCAP. Chief Gibson stated that the previous year, 83 locations requested traps for wildlife and 14 others used their own traps; and that there is greater risk with cats having rabies as most people would not approach other wildlife. There was discussion on the colonies already being in the City; residents' feelings about their property rights; that people have chosen to manage the colonies; moving forward with a pilot program and receiving assistance from Fredi Sanderson with the City of Irving; not spending tax dollars on something the City does not need to do; making the situation work for everybody; reducing colonies with spaying/neutering; having less animals to feed and take care of in the Shelter; the objectivity of the pro-TNR group; feral cats being wild animals and not like house cats; nature managing the situation; the difference between killing and euthanasia; the complexity and emotionality of the issue; not knowing what the program truly is and who has what responsibility; the Council not being given details on what they have to do; the legalities and liabilities of the City and the colony managers; who would pay TCAP; not having a true perspective of what other cities do; defining success; not having enough information to move forward; the effect of a pilot program on the colonies; having staff come up with ordinances and determine liabilities; having TCAP administer the program and the City not being involved in the colonies; being fair to the animals; and quality of life.

Mayor Griffin asked for a show of hands from Council on who does not want to move forward with TNR or who does not have enough information to make a decision, and who wants to move forward with TNR. The show of hands indicated that a majority of Council did not want to move forward with TNR.

There was a discussion on not having enough information and not wanting to do TNR being separate issues; having to have clear specifics on what was going to be done; whether TNR was a priority; not knowing what determines success and the costs; and the Animal Shelter Advisory Board being discussed during an upcoming work session on Boards and Commissions.

Mayor Griffin adjourned the Work Session at 9:01 p.m.

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

The Regular Session began at 6:35 p.m.

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

Mayor Griffin called the meeting to order.

### **INVOCATION (Pastor Will Cain, Message Church)**

Pastor Will Cain of Message Church gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was given.

### **OPEN FORUM**

Darlene Thomas, 3833 Fox Hollow Drive, Bedford – Ms. Thomas signed up to speak on the Work Session item regarding Trap-Neuter-Release (TNR). She stated that she has lived in Bedford for 25 years and started Cats Unlimited five years ago. She has since adopted two cats. She has heard from other people on the benefits of TNR and stated that it has been proven to work and can be successful in Bedford. TNR can be looked at to control the feral cat population in a humane and caring way. Benefits include saving money, dealing with the feral cat population, and reducing calls to her, the Shelter and rescues. She stated that TNR works and asked Council to give it a chance to work in Bedford. She stated that caregivers can take care of the cats' hunger as well as have them spayed/neutered.

Joe Stout – Mr. Stout signed up to speak on TNR but declined to speak.

Laura Jones, 612 Spring Garden Drive, Bedford – Ms. Jones signed up to speak on the Work Session item regarding TNR. She stated that she has been a resident for 12 years and believes that TNR is a good option. She has adopted three cats from the City. She has helped a colony of cats and with TNR, has reduced its population from 10 cats to three neutered male cats. She stated that it is the humane thing to do, and discussed that keeping this up is stewardship beholding upon what the citizens want and not personal opinion. She stated that the issue is about feral cats and that people need to take responsibility as the human race to take care of these animals and that there are several volunteers to do so. She advised doing a trial run with TNR.

Sandy Patterson, 1932 Highland Drive, Bedford – Ms. Patterson signed up to speak on the Work Session item regarding TNR. She stated that she moved to Bedford in August of 2012. One of the things she loves about her community is that they take care of feral cats. The cats are fixed, fed and loved. She does not want kittens because the shelters are filled. She does not want the cats to reproduce, does not like killing animals, and does not like her tax money going towards killing animals. She asked that the Council treat animals humanely and stated that TNR works. She asked why spend tax dollars to continue on a path of killing animals and stated that Council needed additional information, to ask for it.

Randy Gardner, 325 Lawanna Drive, Bedford - Mr. Gardner signed up to speak on the Work Session item regarding TNR. He stated that he is not in favor of TNR and that he has brought up points earlier that have not been addressed. He stated that the issue is about not wanting to do an unpleasant task that may sometimes have to be done and does not think it is the responsible thing to take this option. He stated that it is actually taking options off the table to just let cats go. He stated that there are people that do not choose to have pets and he does not believe the City should do this program or that it will help reduce the cat population. He asked how to get past that he does not have a choice to have feral cats on his property. He stated that he has dedicated his life to the protection of rights and all that is being done is avoiding what sometimes has to be done.

Sandra Bitz, 529 Holder Drive, Hurst – Ms. Bitz signed up to speak on the Work Session item regarding TNR. She addressed Mr. Gardner’s concerns and stated she is a huge believer in constitutional and individual rights. She stated that TNR helps reduce nuisances when feral cats are spayed/neutered, along with a caretaker who feeds and cares for them. The cats do not have the urge to mate and are in a managed colony. She stated that opponents of TNR feel that if this is passed, that cats are going to converge on the City. She stated she prefers the term “TNVR” to mean Trap-Neuter-Vaccinate-Release, as vaccination is part of the process. She also prefers the term “community cats” as opposed to feral cats as the community has a responsibility for their welfare. In regards to euthanasia, she reserves that for family pets that have reached the end of their lives or a sick or injured animal. She used the term “kill” in that it is ending a viable life. She stated that this issue requires a shift in paradigm and that the door of opportunity is open. She stated that TNR is a cost effective and humane alternative to trap and kill and urged Council to look at the documentation. She stated she was confident that the Police Department and the Animal Shelter will respond to nuisances in a professional manner and that there are volunteers now ready to assist the City in starting a pilot program. Her organization, the Panther City Feral Cat Coalition, has traps and experienced trappers. She stated that the City of Arlington has already come within a few percentage points of being a no-kill shelter and that TCAP will be opening a state-of-the-art spay/neuter clinic in Hurst.

Jennifer Bumgardner, 1013 Carousel Drive, Bedford – Ms. Bumgardner signed up to speak on the Work Session item regarding TNR. She stated that she supports TNR and has personally TNR’d a cat. She does not want to bring additional cats onto the streets. She stated that TNR reduces the amount of feral cats by catching them and then spaying/neutering and vaccinating them. It is a way of making the colonies the City already has smaller. She stated that TNR has been adopted all over the country. She further stated that a neighbor’s cats are not feral cats and there are City laws against free-roaming cats. She stated that it costs \$100.00 to catch, board and euthanize a feral cat, that last year, Bedford put down 300 cats at a total of \$30,000, and that TNR was a way to reduce that cost. She discussed other locations that have adopted TNR including Fairfax, Virginia, TCU, and San Antonio. She stated that Bedford has been trapping for years and the numbers have not gone down. She stated that over time, if allowed to embrace this program, the City would soon have a no-kill shelter.

The 30 minutes allotted for Open Forum was up and Council was of the consensus to continue the Open Forum.

Darrell Day, 1317 Brookshire Drive, Bedford - Mr. Day signed up to speak on the Work Session item regarding TNR. He stated that he has been a resident for the last 15 years and he found out about this issue on Saturday night. He and his wife have two cats which they adopted and that he sees the occasional feral cat when out walking his dogs. He stated that he has never had an issue with feral cats being a nuisance. He related a story regarding cats and kittens living in a storm drain. He stated that nature is going to keep the process going and that the occasional feral cat that is cared for and spayed/neutered will not be a nuisance to residents and tax payers.

Matt Smith, 1513 Woodvale Drive, Bedford – Mr. Smith signed up to speak on the Work Session item regarding TNR. He stated that he is a big supporter of TNR and did not know anything about this issue until six months ago. He stated that this is a win/win situation, that killing is wrong, and that there is a way around it that will save money. He stated that he has not seen feral cats as a nuisance. He stated that it is not a big risk and would not be hurting anybody’s rights.

## **CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 1, 3, 4, 5, 6, 7, 8, 9 and 10 with naming Alicia McGlinchey as the chair of the Cultural Commission and Thomas Jacobsen as vice chair.

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

## **APPROVAL OF THE MINUTES**

1. **Consider approval of the following City Council minutes:**
  - a) **January 24, 2014 work session**
  - b) **January 28, 2014 regular meeting**

This item was approved by consent.

## **NEW BUSINESS**

2. **Public hearing and consider an ordinance to rezone a portion of Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, located at 2921 Brown Trail, Suite 110, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Churches, Temples & Synagogues, specifically for a Specific Use Permit to allow for Metroplex Messianic Fellowship; 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-243)**

Planning Manager Jacquelyn Reyff presented information regarding this ordinance. She stated that this item was published in the January 22 edition of the Star-Telegram. It is for a specific use permit (SUP) for Metroplex Messianic Fellowship to be located at 2921 Brown Trail Suite 110 in an existing office building with a lease space of 1,475 square feet. The property is zoned Heavy Commercial and the applicant wants to use it as a religious-based meeting space. The existing landscaping is from a previous development and the site is sufficiently landscaped for the proposed use. The expected occupancy is up to 30 people, which would generate 10 parking spaces, and there is ample parking of 75 spaces. Meetings would be held during non-business hours on Wednesdays at 7:30 p.m. and Sundays at 10:00 a.m. The Comprehensive Plan indicates the site to be commercial so the proposed use would not conflict with the Plan. This item was approved unanimously by the Planning and Zoning Commission at their January 9, 2014 meeting.

Mayor Griffin opened the public hearing at 7:19 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:19 p.m.

In answer to questions from Council, Ms. Reyff stated that there were no stipulations placed to run the SUP with the name of the business; that if Metroplex Messianic Fellowship left and another entity wanted to use the location as a religious meeting space, they would not need an SUP; and that if it is an office use allowed by right, an SUP would not be needed.

Motioned by Councilmember Davisson, seconded by Councilmember Turner, to approve an ordinance to rezone a portion of Tracts 2B6A1 & 2B6C, Abstract 11, Alexander Allen Survey, located at 2921 Brown Trail, Suite 110, from Heavy Commercial to Heavy Commercial/Specific Use Permit/Churches, Temples & Synagogues, specifically for a Specific Use Permit to allow for Metroplex Messianic Fellowship; 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-243)

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

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

Abstaining from voting: Councilmember Nolan

- 3. Consider an ordinance amending Section 18-1 (Definitions) of Chapter 18 – Animals, of the City of Bedford Code of Ordinances, to define miniature pigs and authorizing the same for permit eligible; providing a penalty clause; providing a severability clause; and declaring an effective date.**

This item was approved by consent.

- 4. Consider a resolution authorizing the City Manager to enter into a contractual agreement with Benefit Seminars Plus in the amount of \$24,000 to provide benefit brokerage and consulting services for employee benefits.**

This item was approved by consent.

- 5. Consider a resolution of the City Council of the City of Bedford, Texas declaring that the City of Bedford is a hybrid entity for purposes of the Health Insurance Portability and Accountability Act (HIPAA); designating the City's health care covered components; designating HIPAA privacy and security officers; providing for severability; and providing an effective date.**

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to enter into a Professional Services Agreement with Kimley-Horn and Associates, Inc., in the amount of \$75,000 for the Water Master Plan Update.**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to authorize a contract in the amount of \$34,225 to TexOp Construction, LP for asphalt milling work.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to enter into a Professional Services Agreement with Pacheco Koch, LLC, in the amount not to exceed \$110,276 for the Brasher Lane Paving Improvements Project.**

This item was approved by consent.

- 9. Consider a resolution authorizing the City Manager to reject all bids for the Miscellaneous Water Valve Replacement at Various Locations project that bid on January 8, 2014.**

This item was approved by consent.

- 10. Consider a resolution appointing the chairperson and vice-chairperson of the Cultural Commission.**

This item was approved by consent and Alicia McGlinchey was named chairperson and Thomas Jacobsen was named vice chairperson of the Cultural Commission.

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

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

No report was given.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reminded citizens regarding the Chunk Your Junk and Clean Up Bedford days on Saturday, March 29.

✓ **Community Affairs Commission - Councilmember Boyter**

No report was given.

✓ **Cultural Commission - Councilmember Nolan**

No report was given.

✓ **Library Board - Councilmember Davisson**

No report was given.

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

No report was given.

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

Councilmember Turner stated that the Board meets quarterly and that a Valentine's Day dance was held on February 10.

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

No report was given.

**12. Council member reports**

Councilmember Davisson commended Councilmember Nolan on the Library Foundations Mardi Gras and Casino Night, which raised up to \$20,000 for the Library.

**13. City Manager/Staff Reports**

Deputy City Manager David Miller introduced Natalie Foster, the new Marketing Director, who has a degree in broadcast journalism from Texas Women's University and has previously worked at Fox and CBS.

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

No Executive Session was held.

**ADJOURNMENT**

Mayor Griffin adjourned the regular session at 7:27p.m.

ATTEST:

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Michael Wells, City Secretary



# Council Agenda Background

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**PRESENTER:** See below

**DATE:** 02/25/14

**Persons to be Heard**

**ITEM:**

- a) Norman Ashton, 3304 Norman Lane, Bedford, Texas 76021 – Requested to speak to the Council regarding home businesses.

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

**DISCUSSION:**

N/A

**ATTACHMENTS:**

Letter of Request

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

From: Norman Ashton [REDACTED]

Sent: Wednesday, February 19, 2014 4:01 AM

To: Wells, Michael

Subject: City Council Meeting

Mr. Wells,

I would like to request the opportunity to speak to the City Council during their next scheduled meeting on February 26. My topic of discussion will be "Home Businesses". I may have a short presentation, but due to my work schedule that will not be completed today, Wednesday, February 19. I could speak without the presentation, but I think a power point presentation would be more beneficial to the Council. Could I have until close of business Thursday to submit the presentation to you, but go ahead and ask to be placed on the agenda/list?

Sincerely,

Norman Ashton

3304 Norman Ln.

Bedford, Texas 76021

[REDACTED]



# Council Agenda Background

**PRESENTER:** David Miller, Deputy City Manager

**DATE:** 02/25/14

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

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a Marketing License Agreement with Utility Service Partners (d/b/a Service Line Warranties of America) for the National League of Cities (NLC) Service Line Warranty Program.

**City Attorney Review:** Yes

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

**DISCUSSION:**

At the January 28, 2014 Council Meeting, Brian Davis made a presentation regarding the National League of Cities (NLC) Service Line Warranty Program. Per Council's direction, staff has received a Marketing License Agreement from Utility Service Partners (d/b/a Service Line Warranties of America).

Highlights of the agreement include:

- The agreement term is three years with automatic renewals of one year. The City has the ability to terminate the agreement with 90-day written notice.
- A License Fee of \$0.50 for each month a Warranty shall be in force for a Residential Property Owner. This will be paid annually in January.
- Two Marketing Campaigns will be conducted each year, in the spring and fall.
- The Warranty Pricing is as follows:
  - Sewer
    - Year 1 - \$7.75 per month; \$88.00 annually
    - Year 2 - \$7.75 per month; \$88.00 annually (subject to annual review)
    - Year 3 - \$7.75 per month; \$88.00 annually (subject to annual review)
  - Water
    - Year 1 - \$5.75 per month; \$64.00 annually
    - Year 2 - \$5.75 per month; \$64.00 annually (subject to annual review)
    - Year 3 - \$5.75 per month; \$64.00 annually (subject to annual review)

Staff has prepared a resolution if the Council should desire to enter into the Marketing License Agreement and offer this program to the Citizens of Bedford.

**RECOMMENDATION:**

If the City Council desires to participate in this program, please use the following motion:

Approval of a resolution authorizing the City Manager to enter into a Marketing License Agreement with Utility Service Partners (d/b/a Service Line Warranties of America) for the National League of Cities (NLC) Service Line Warranty Program.

**FISCAL IMPACT:**

Revenue: License Fee of \$0.50 each month, per product/per household, to be paid annually

**ATTACHMENTS:**

Resolution  
Marketing License Agreement

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MARKETING LICENSE AGREEMENT WITH UTILITY SERVICE PARTNERS (D/B/A SERVICE LINE WARRANTIES OF AMERICA) FOR THE NATIONAL LEAGUE OF CITIES (NLC) SERVICE LINE WARRANTY PROGRAM.

WHEREAS, sewer and water line laterals between the mainlines and the connection on the residential private property are owned by individual residential property owners; and,

WHEREAS, the City Council of Bedford, Texas desires to offer Residential Property owners the opportunity, but not the obligation, to purchase a service line warranty; and,

WHEREAS, Utility Service Partners Private Label, Inc. (d/b/a Service Line Warranties of America) is the administrator of the National League of Cities Service Line Warranty Program and has agreed to provide the Warranty to Residential Property Owners subject to the terms and conditions in the agreement.

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

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

SECTION 2. That the City Council does authorize the City Manager to enter into a Marketing License Agreement with Utility Service Partners (d/b/a Service Line Warranties of America) for the National League of Cities Service Line Warranty Program.

PRESENTED AND PASSED this 25th day of February 2014, by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

\_\_\_\_\_  
Jim Griffin, Mayor

ATTEST:

\_\_\_\_\_  
Michael Wells, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Stan Lowry, City Attorney

**SEWER AND WATER LINE MARKETING LICENSE AGREEMENT BETWEEN THE  
CITY OF BEDFORD, TEXAS, AND UTILITY SERVICE PARTNERS PRIVATE  
LABEL, INC. D/B/A SERVICE LINE WARRANTIES OF AMERICA**

This SEWER AND WATER LINE MARKETING LICENSE AGREEMENT ("Agreement") entered into as of [\_\_\_\_\_, 20\_\_] ("Effective Date"), by and between the City of Bedford, Texas ("City"), and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America ("SLWA"), herein collectively referred to singularly as "Party" and collectively as the "Parties".

**RECITALS:**

**WHEREAS**, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners ("Residential Property Owner"); and

**WHEREAS**, City desires to offer Residential Property Owners the opportunity, but not the obligation, to purchase a service line warranty ("Warranty"); and

**WHEREAS**, SLWA is the administrator of the National League of Cities Service Line Warranty Program and has agreed to provide the Warranty to Residential Property Owners subject to the terms and conditions contained herein; and

**NOW, THEREFORE**, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

**AGREEMENT**

- 1. Purpose.** City hereby grants to SLWA the right to offer the Warranty to Residential Property Owners subject to the terms and conditions herein.
- 2. Grant of License.** City hereby grants to SLWA a non-exclusive license ("License") to use City's name and logo on letterhead, bills and marketing materials to be sent to Residential Property Owners from time to time, and to be used in advertising, all at SLWA's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. City agrees that it will not extend a similar license to any competitor of SLWA during the term of this Agreement.

**3. Term.** The term of this Agreement ("Term") shall be for three (3) years from the Effective Date. The Agreement will automatically renew for additional one (1) year terms ("Renewal Term") unless one of the Parties gives the other written notice at least ninety (90) days prior to end of the Term or of a Renewal Term that the Party does not intend to renew this Agreement. Notwithstanding the above, either party may terminate this agreement, without cause, by giving the other party ninety (90) days written notice. In the event that SLWA is in material breach of this Agreement, the City may terminate this Agreement thirty (30) days after giving written notice to SLWA of such breach, if said breach is not cured during said thirty (30) day period. SLWA will be permitted to complete any marketing initiative initiated or planned prior to termination of this Agreement after which time, neither Party will have any further obligations to the other and this Agreement will terminate. During the Term, SLWA shall conduct a Spring and Fall campaign each year in accordance with the schedules set forth in Exhibit A. The pricing for each such campaign shall be in accordance with Exhibit A attached hereto.

**4. Consideration.** As consideration for such license, SLWA will pay to City a License Fee of [Fifty-Cents (\$.50)] for each month a Warranty shall be in force for a Residential Property Owner ("License Fee") during the term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term and any Renewal Term, due and payable on January 30th of the succeeding year. Each License Fee payment herein shall be paid within thirty (30) days after it becomes due. SLWA shall include with each License Fee payment to City a statement signed by an SLWA corporate officer certifying the calculation of the License Fee. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of SLWA's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

**5. Indemnification.** SLWA hereby agrees to protect, indemnify, and hold the City, its elected officials, officers, employees and agents (collectively or individually, "Indemnatee") harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs (individually or collectively, "Claim"), which an Indemnatee may suffer or which may be sought against or are recovered or obtainable from an Indemnatee, as a result of, or by reason of, or arising out of or in consequence of any act or omission, negligent or otherwise, of the SLWA or its officers, employees, contractors, subcontractors, agents or anyone who is directly or indirectly employed by, or is acting in concert with, the SLWA or its officers, its employees, contractors, subcontractors, or agents in the performance of this Agreement; provided that the applicable Indemnatee notifies SLWA of any such Claim within a time that does not prejudice the ability of SLWA to defend against such Claim. Any Indemnatee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

**6. Notice.** Any notice required to be given hereunder shall be deemed to have been given

when notice is (i) received by the Party to whom it is directed by personal service or (ii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

**To:** City:  
ATTN: David Miller  
City of Bedford  
2000 Forest Ridge  
Bedford, TX 76021  
Phone: (817) 952-2101

**To:** SLWA:  
ATTN: Vice President, Business Development  
Utility Service Partners Private Label, Inc.  
11 Grandview Circle, Suite 100  
Canonsburg, PA 15317  
Phone: (724) 749-1003

**7. Modifications or Amendments/Entire Agreement.** Any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a party unless in writing signed by that Party.

**8. Assignment.** This Agreement and the License granted herein may not be assigned by SLWA without the prior written consent of the City.

**9. Counterparts/Electronic Delivery.** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter.

**10. Choice of Law/Attorney Fees.** The governing law shall be the laws of the State of Texas. In the event that at any time during the Term or any Renewal Term either Party institutes any action or proceeding against the other relating to the provisions of this Agreement or any default hereunder, then the unsuccessful Party shall be responsible for the reasonable expenses of such action including reasonable attorney's fees, incurred therein by the successful Party. Venue for any litigation shall be in Tarrant County, Texas.

**11. Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement on the day and year first written above.

**SEWER AND WATER LINE MARKETING LICENSE AGREEMENT BETWEEN THE CITY OF BEDFORD AND UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. D/B/A SERVICE LINE WARRANTIES OF AMERICA**

**CITY OF BEDFORD**

By: \_\_\_\_\_

**UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.**

By: \_\_\_\_\_

Brad H. Carmichael, Vice President

By: \_\_\_\_\_

Edwin F. Westfield, III, Chief Financial Officer

Exhibit A  
NLC Service Line Warranty Program  
City of Bedford, TX  
Term Sheet  
February 5, 2014  
(Term Sheet valid for 90 days)

- I. Term of agreement
  - a. Initial term
    - i. Three years guaranteed (total of 6 campaigns)
- II. Annual royalty – \$0.50 per month per paid warranty contract
  - a. City logo on marketing materials (resident letter and outer envelope)
  - b. Signature by city official
- III. Products offered
  - a. External sewer line warranty
  - b. External water line warranty
- IV. Scope of Coverage
  - a. External sewer line warranty
    - i. Scope is from the street curb until line daylights inside home...of which includes the service line under the concrete floor. [Note: **If homeowner responsibility is different than this language, please advise.**]
  - b. External water line warranty
    - i. Scope is from the meter and/or curb box until it daylights inside home...of which includes the service line under the concrete floor. [Note: **If homeowner responsibility is different than this language, please advise.**]
- V. Marketing Campaigns – two seasonal campaigns per year (Spring and Fall)
  - a. 2014 Spring - Sewer
  - b. 2014 Fall - Water
  - c. 2015 Spring - Sewer
  - d. 2015 Fall - Water
  - e. 2016 Spring - Sewer
  - f. 2016 Fall - Water
- VI. Pricing
  - a. Sewer
    - i. Year 1 - \$7.75 per month; \$88.00 annually
    - ii. Year 2 - \$7.75 per month; \$88.00 annually (subject to annual review)
    - iii. Year 3 - \$7.75 per month; \$88.00 annually (subject to annual review)
  - b. Water
    - i. Year 1 - \$5.75 per month; \$64.00 annually
    - ii. Year 2 - \$5.75 per month; \$64.00 annually (subject to annual review)
    - iii. Year 3 - \$5.75 per month; \$64.00 annually (subject to annual review)



# Council Agenda Background

**PRESENTER:** Jacquelyn Reyff, Planning Manager

**DATE:** 02/25/14

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

**ITEM:**

Public hearing and consider an ordinance to rezone the property known as Lots CR, and ER, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas; amending Ordinance Number 00-2554 from Heavy Commercial/Specific Use Permit/Auto Sales, and Ordinance Number 02-2655 from Heavy Commercial/Amended Specific Use Permit/Auto Sales, Service and Repair, to Heavy Commercial/Amended Specific Use Permit/New & Used Cars & Truck Sales/Service specific to Section 3.2.c(8)d, NEW AND USED CARS AND TRUCK SALES AND SERVICE of the City of Bedford Zoning Ordinance allowing for used car sales for Mac Churchill AutoMall; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty and enforcement clause; and providing an effective date. (Z-245)

**City Attorney Review:** Yes

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

**DISCUSSION:**

The applicant is proposing to locate a Mac Churchill AutoMall at 3737 Airport Freeway with the intent to use the property as a principal land use for selling used automobiles. This location previously housed a new car dealership that closed in early 2011 around the beginning of the highway construction. The property has remained without an operator for three years.

The property is zoned H, Heavy Commercial in the Master Highway Corridor Overlay District, or (MHC). The Heavy Commercial Zoning District was established to provide for development of retail and commercial uses, including higher intensity commercial uses. The MHC was established to provide a set of standards applicable to future development and redevelopment within the State Highway 121 and 183 corridor areas. These standards are intended to protect and enhance the appearance of the State Highway 121 and 183 corridors, promote the unique character of the City of Bedford, protect and enhance property values within the corridor, prevent the establishment of incompatible types of development, and coordinate efforts of various developers within the State Highway 121 and 183 corridors.

A Mac Churchill AutoMall is a permitted use within the H zoning district when it has completed the Specific Use process to allow for used automobile sales as a principal use.

**Site Specific Details**

- The property totals 11.1 acres between two parcels of land.
- The building area for the three existing buildings is 66,181 SF.
- The pervious area is approximately 20% for both parcels CR and ER.
- Parking for both lots CR and ER is 681 spaces. The site is over parked as the number of required parking spaces per the Zoning Ordinance is one space per 500 SF of floor area (133 spaces required).

The applicant has represented that there will be no significant changes to the overall site. The only changes should be that of painting and replacing old landscaping with new landscaping. As the site exists, it is legal non-conforming due to the taking of the right-of-way for the State Highway 183 expansion for a front yard setback and front yard landscaping. Because there are expected to be

no changes which would cause the site to be required to come in compliance with the MHC, those legal non-conformities may remain. If in the future there are changes to the site that constitute the following per Section 5.4.A(2), then the site would have to be brought into compliance with the MHC:

*“Changes in any site plan required by this Ordinance and approved by the Planning and Zoning Commission shall be processed the same as the original approval of the site plan, except that changes of detail, less than 20%, which do not alter the basic relationship of the proposed development to adjacent property, and which do not alter the uses permitted or increase the density, floor-area ratio, height ratio, or reduce the yards provided at the boundary of the site as indicated on the approved site plan may be authorized by the Community Development Director. An aggrieved party may appeal the decision of the Community Development Director to the Zoning Board of Adjustment in accordance with the provisions of this Ordinance.”*

The Comprehensive Plan indicates the location of 3737 Airport Freeway to be commercial. Therefore, the proposed use of a Mac Churchill AutoMall with an SUP at this location would not conflict with the Comprehensive Plan.

The Planning and Zoning Commission placed the following stipulations on the Ordinance:

1. “That approval of this rezoning is subject to the stipulation that the Specific Use Permit shall be granted to the specific named business “Mac Churchill AutoMall” and shall not run with the land or be applicable to any subsequent user;”
2. “If the buildings are to be repainted they have to be done so in earth tone in color.”

The Planning and Zoning Commission recommended unanimous approval of Case Z-245 with a 7-0-0 vote during the February 13, 2014 meeting.

#### RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance to rezone the property known as Lots CR, and ER, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas; amending Ordinance Number 00-2554 from Heavy Commercial/Specific Use Permit/Auto Sales, and Ordinance Number 02-2655 from Heavy Commercial/Amended Specific Use Permit/Auto Sales, Service and Repair, to Heavy Commercial/Amended Specific Use Permit/New & Used Cars & Truck Sales/Service specific to Section 3.2.c(8)d, NEW AND USED CARS AND TRUCK SALES AND SERVICE of the City of Bedford Zoning Ordinance allowing for used car sales for Mac Churchill AutoMall; declaring that this ordinance be cumulative of all other ordinances; providing for a severability clause; providing for a penalty and enforcement clause; and providing an effective date. (Z-245)

#### FISCAL IMPACT:

N/A

#### ATTACHMENTS:

Ordinance  
Site Plan  
Buffer Map  
Zoning Sign Photograph  
Application  
February 13, 2014 Planning & Zoning Minutes  
Star Telegram Publication

**ORDINANCE NO. 14-**

**AN ORDINANCE TO REZONE THE PROPERTY KNOWN AS LOTS CR, AND ER, BLOCK 4, BEDFORD FORUM ADDITION, LOCATED AT 3737 AIRPORT FREEWAY, BEDFORD, TEXAS; AMENDING ORDINANCE NUMBER 00-2554 FROM HEAVY COMMERCIAL/SPECIFIC USE PERMIT/AUTO SALES, AND ORDINANCE NUMBER 02-2655 FROM HEAVY COMMERCIAL/AMENDED SPECIFIC USE PERMIT/AUTO SALES, SERVICE AND REPAIR, TO HEAVY COMMERCIAL/AMENDED SPECIFIC USE PERMIT/NEW & USED CARS & TRUCK SALES/SERVICE SPECIFIC TO SECTION 3.2.C(8)D, NEW AND USED CARS AND TRUCK SALES AND SERVICE OF THE CITY OF BEDFORD ZONING ORDINANCE ALLOWING FOR USED CAR SALES FOR MAC CHURCHILL AUTOMALL; DECLARING THAT THIS ORDINANCE BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY AND ENFORCEMENT CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Z-245)**

**WHEREAS, it is deemed expedient and for the benefit of the City of Bedford, Texas, that the Comprehensive Zoning Ordinance be rezoned for the property known as Lots CR, and ER, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas; amending Ordinance Number 00-2554 from Heavy Commercial/Specific Use Permit/Auto Sales, and Ordinance Number 02-2655 from Heavy Commercial/Amended Specific Use Permit/Auto Sales, Service and Repair, to Heavy Commercial/Amended Specific Use Permit/New & Used Cars & Truck Sales/Service specific to Section 3.2.C(8)d, NEW AND USED CARS AND TRUCK SALES AND SERVICE of the City of Bedford Zoning Ordinance allowing for Used Car Sales for Mac Churchill AutoMall. The property is generally located north of State Highway 183 and east State Highway 121. (Z-245)**

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

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

**SECTION 2. 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 known as Lots CR, and ER, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas, shall be shown as approved by this ordinance.**

**SECTION 3. That approval of this rezoning is subject to the following stipulations:**

- 1. that the Specific Use Permit shall be granted to the specific named business "Mac Churchill AutoMall" and shall not run with the land or be applicable to any subsequent user;**
- 2. that if the buildings are to be repainted they be done in earth tone colors.**

**SECTION 4. That the site plan attached hereto as Exhibit "A" is approved as a component of this amended ordinance approval. Any revisions to the property that deviate from the Site Plan attached hereto shall require an amendment to this ordinance.**

**SECTION 5.** That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

**SECTION 6.** That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

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

**SECTION 8.** 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.

**PRESENTED AND PASSED** this 25th day of February 2014, 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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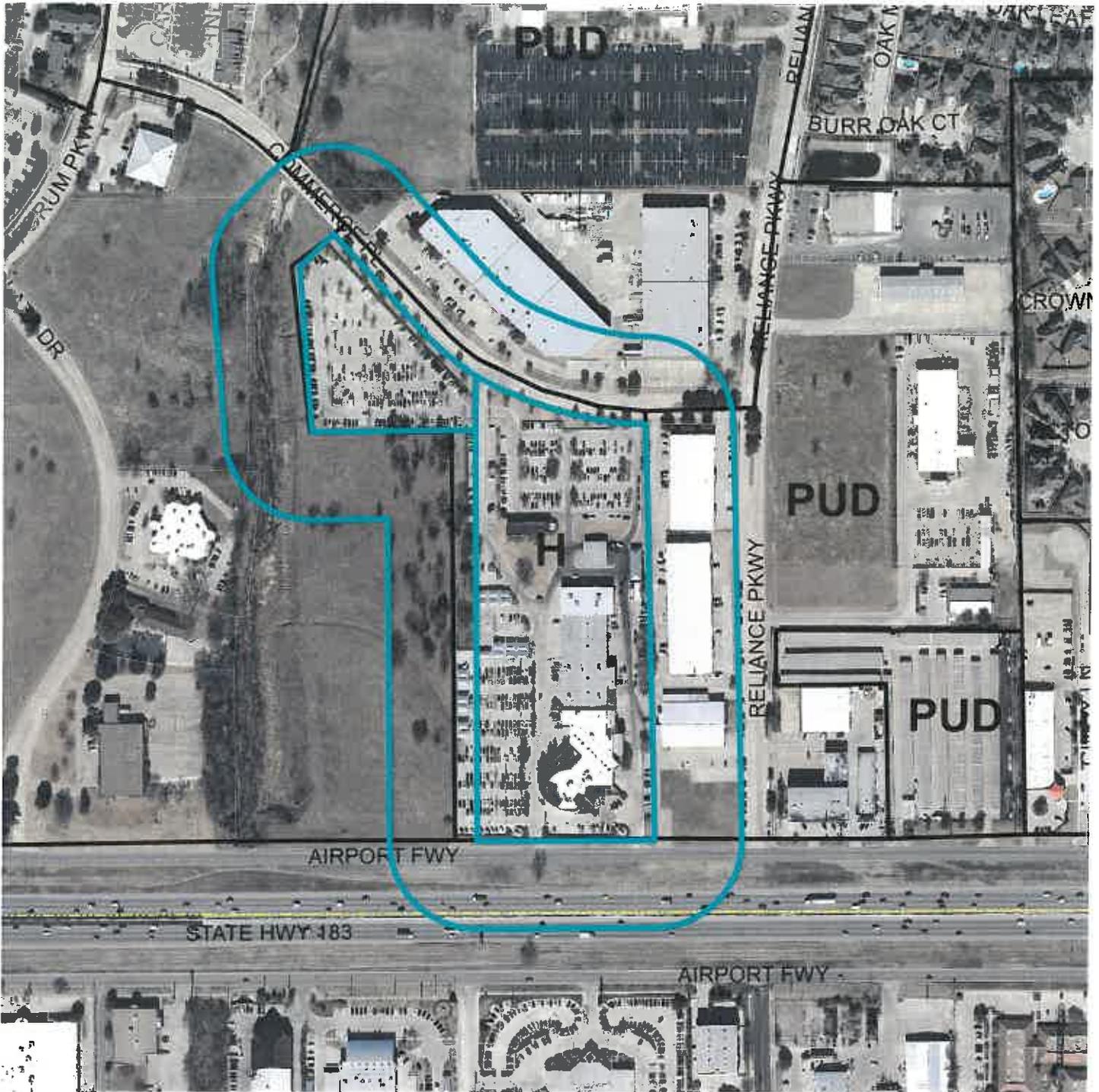
**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

---

**Stan Lowry, City Attorney**





**City of Bedford, Texas**

**Hearing Date: 02-13-14 Z-245**

**Address: 3737 AIRPORT FWY  
 Addition: BEDFORD FORUM ADDITION  
 Bedford, TX 76021**

**SUBNUM: BLOCK: 4, LOTS: CR & ER**



-  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.

Z-245



City of Bedford  
Specific Use Permit Application

01-22-14A11:08 RCVD

RECEIVED Date January 21, 2014

Applicant Name (Print): Mac Churchill (\*Signature):  
Address: 3125 Northeast Loop 820, Fort Worth, Texas 76137  
Telephone number: 817-232-2872 Fax number: 817-900-7272

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: NA To: NA

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.

CR/  
Legal Description: Lot ER Block 4 Addition Bedford Forum  
Tract Abstract Survey to the City of Bedford, Texas.  
Street Address 3737 Airport Freeway

\*\*Indicate by checking the appropriate box if this application is for a Community Home  or Group Home  \*\*

Fee: (\$205.00 plus \$205.00 per acre over one.) \$205.00 + \$205.00 x 10.1 = 2,275.50  
Payable by cash, Visa, MasterCard, or check made out to the City of Bedford. (# of acres) (total fee)

Property Owner (if not applicant): (\*Signature)

(Print name) Mac Churchill  
(Company name) M.L.S.C. Holdings Lt. (Mac Churchill Automall)  
(Street Address, City, State & Zip Code) 3125 Northeast Loop 820, Fort Worth, Texas 76137  
(Telephone number) 817-232-2872 (FAX number) 817-900-7272

Land Planner/Engineer/Surveyor: (\*Signature)

(Print Name) Alan Hucaby  
(Company Name) Callahan & Freeman Architects  
(Street Address, City, State & Zip Code,) P.O. Box 15577, Fort Worth, Texas 76119

\*I have read the completed application and know the same is true and correct and hereby agree that if a permit is issued all provisions of the City Ordinances and State Laws will be complied with whether herein specified or not. I agree to comply with all property restrictions. I am the owner of the property or the duly authorized agent.

\*Submittal of false information or omission as required by this application may result in any permit, license, or approval being revoked.  
(Signature) Mac Churchill 2

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF FEBRUARY 13, 2014**

**DRAFT**

The Planning and Zoning Commission convened in the Council Chamber at 6:58 PM and the Regular Session began.

**CALL TO ORDER**

Chairman Reese called the meeting to order at 7:00 PM.

**INVOCATION**

Commissioner Stroope gave the 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) January 23, 2014**

**Motion:** Commissioner Hall made a motion to approve the meeting minutes of January 23, 2014, correct as written.

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

**Ayes:** Commissioners Sinisi, Stroope, Hall, Austin, Vice Chairman Carlson, and Chairman Reese.

**Nays:** None

**Abstention:** Commissioner Fisher

Motion approved 6-0-1 Chairman Reese declared the motion approved.

**PUBLIC HEARING**

**2. Consider Zoning Case Z-245, public hearing and consideration of a request to rezone the property known as Lots CR, and ER, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas; amending Ordinance Number 00-2554 from Heavy Commercial/Specific Use Permit/Auto Sales, and Ordinance Number 02-2655 from Heavy Commercial/Amended Specific Use Permit/Auto Sales, Service and Repair, to Heavy Commercial/Amended Specific Use Permit/New & Used Cars & Truck Sales/Service; specific to Section 3.2.C(8)d, NEW AND USED CARS AND TRUCK SALES AND SERVICE allowing for Used Car Sales, Mac Churchill AutoMall. The property is generally located north of State Highway 183 and east State Highway 121.**

Chairman Reese recognized Jacquelyn Reyff, AICP, Planning Manager, who reviewed Zoning Case Z-245.

Chairman Reese recognized Mac Churchill, 611 Rivercrest Drive, Fort Worth, Texas who was there to present this application.

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES OF FEBRUARY 13, 2014**

**DRAFT**

Chairman Reese opened the public hearing at 7:13 PM, and recognized the following:  
Al Zim, 1804 Reliance Parkway, Bedford, Texas, who spoke in favor of this application.

Sharbel Lattouf, General Manager of Mac Churchill Acura, who asked the Commission not to place a stipulation on the Specific Use Permit.

Chairman Reese closed the public hearing at 7:33 PM.

The Commission discussed the application.

**Motion:** Commissioner Fisher made a motion to approve Zoning Case Z-245 with the following stipulations.

1. The Specific Use Permit shall be granted to the specific named business "Mac Churchill AutoMall" and shall not run with the land or be applicable to any subsequent user.
2. If the buildings are to be repainted, they have to be done so earth tone in color.

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

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

**ADJOURNMENT**

Chairman Reese adjourned the Planning and Zoning Commission meeting at 7:34 PM.

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**Chairman Reese  
Planning and Zoning Commission**

**ATTEST:**

---

**Yolanda Alonso, Secretary  
Planning and Zoning Commission**



CITY OF  
**BEDFORD**

2000 Forest Ridge Drive - Bedford, TX 76021  
(817) 952-2100 www.bedfordtx.gov

January 27, 2014

PLEASE DELIVER TO:

Legal Publications  
Attn: Christine Lopez  
Fort Worth Star-Telegram  
400 West 7<sup>th</sup> Street  
Fort Worth, TX 76102

SENT VIA E-MAIL: [clopez@star-telegram.com](mailto:clopez@star-telegram.com) on Monday, January 27, 2014.

FROM:

City of Bedford  
Yolanda Alonso, Planning and Zoning

Dear Christine,

Please publish the following in "Legal Notices" on Tuesday, January 28, 2014.

MESSAGE:

**CITY OF BEDFORD  
PUBLIC HEARING**

The City of Bedford Planning and Zoning Commission gives notice of a public hearing on **Thursday, February 13, 2014, at 7:00 PM**, at City Hall, Council Chamber, 2000 Forest Ridge Drive, Building A, Bedford, Texas:

**Zoning Case Z-245**, public hearing and consideration of a request to rezone the property known as Lots CR, and ER, Block 4, Bedford Forum Addition, located at 3737 Airport Freeway, Bedford, Texas; amending Ordinance Number 00-2554 from Heavy Commercial/Specific Use Permit/Auto Sales, and Ordinance Number 02-2655 from Heavy Commercial/Amended Specific Use Permit/Auto Sales, Service and Repair, to Heavy Commercial/Amended Specific Use Permit/New & Used Cars & Truck Sales/Service; specific to Section 3.2.C(8)d, **NEW AND USED CARS AND TRUCK SALES AND SERVICE** allowing for Used Car Sales, Mac Churchill AutoMall. The property is generally located north of State Highway 183 and east State Highway 121.

The City of Bedford City Council will hold a public hearing on the above zoning item(s) on **Tuesday, February 25, 2014, at 6:30 p.m.**, at City Hall, Council Chamber, 2000 Forest Ridge Drive, Bedford, Texas.

All interested citizens will be given the opportunity to speak and be heard.

## Alonso, Yolanda

---

**From:** Lopez, Christine [clopez@star-telegram.com]  
**Sent:** Monday, January 27, 2014 11:01 AM  
**To:** Alonso, Yolanda  
**Subject:** Re: FW: Legal Notice Ad Z-245 P&Z 021314 CC 022514

ad received  
christine

**Christine Lopez**  
Legal Representative  
Fort Worth Star-Telegram  
Phone: 817 - 390 -7522

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On Mon, Jan 27, 2014 at 10:04 AM, Alonso, Yolanda <[Yolanda.Alonso@bedfordtx.gov](mailto:Yolanda.Alonso@bedfordtx.gov)> wrote:

Hi Chistine,

If you would, please verify the below noted Legal Notice Ad will be able to be published tomorrow.

Thank you.

--  
Yolanda Alonso  
Planning and Zoning Coordinator  
**City of Bedford**  
2000 Forest Ridge Drive, Bedford, Texas 76021  
Office: [817-952-2137](tel:817-952-2137) | Fax: [817-952-2210](tel:817-952-2210) | [Yolanda.Alonso@bedfordtx.gov](mailto:Yolanda.Alonso@bedfordtx.gov)





# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 02/25/14

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

**ITEM:**

Consider an ordinance calling an election to be held on May 10, 2014, in the City of Bedford, Texas for the purpose of submitting to the qualified voters of the City of Bedford for the adoption or rejection of proposed amendments to the existing City Charter; designating the official polling places and appointing election officials; prescribing the form of the ballots; providing for notice of the election; and providing generally for the conduct of the election.

**City Attorney Review:** Yes

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

**DISCUSSION:**

This ordinance is to call a special election for May 10, 2014 to submit to the qualified voters of the City for the adoption or rejection of proposed amendments to the City Charter. The Council appointed a Charter Review Committee on August 13, 2013 to review and make recommendations for amendments to the Charter. The Committee met six times between September and January. Roy Savage, Chairperson of the Committee, presented the Committee's proposed amendments at the Council meeting on February 11, 2014. The proposed amendments are incorporated into the attached ordinance.

The Special Election will be held in conjunction with the General Election. It is unknown at this time of the exact cost of the election as it will depend on how many entities end up contracting with Tarrant County. There may also be some additional printing costs depending on the length of the ballot.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance calling an election to be held on May 10, 2014, in the City of Bedford, Texas for the purpose of submitting to the qualified voters of the City of Bedford for the adoption or rejection of proposed amendments to the existing City Charter; designating the official polling places and appointing election officials; prescribing the form of the ballots; providing for notice of the election; and providing generally for the conduct of the election.

**FISCAL IMPACT:**

The total estimated cost for this election is approximately \$15,000. This item was budgeted and approved in the FY 2013-2014 budget.

**ATTACHMENTS:**

Ordinance  
Exhibit A  
Charter Review Committee Report

**ORDINANCE NO. 14-**

**AN ORDINANCE CALLING AN ELECTION TO BE HELD ON MAY 10, 2014, IN THE CITY OF BEDFORD, TEXAS FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF BEDFORD FOR THE ADOPTION OR REJECTION OF PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER; DESIGNATING THE OFFICIAL POLLING PLACES AND APPOINTING ELECTION OFFICIALS; PRESCRIBING THE FORM OF THE BALLOTS; PROVIDING FOR NOTICE OF THE ELECTION; AND PROVIDING GENERALLY FOR THE CONDUCT OF THE ELECTION.**

**WHEREAS, the Bedford City Council has determined that certain amendments and changes should be made to the Bedford City Charter which was originally adopted by the citizens of Bedford on September 24, 1966, and which was subsequently amended on June 24, 1969, January 15, 1977, August 14, 1993, November 4, 1997 and May 10, 2008; and,**

**WHEREAS, the Bedford City Charter has not been amended within the two years preceding the proposed election date herein designated; and,**

**WHEREAS, Bedford City Council now deems it proper to submit proposed amendments to the Bedford Charter to the qualified voters of the City of Bedford for adoption or rejection at an election to be held on May 10, 2014.**

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

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

**SECTION 2. That the following ballot propositions shall be submitted to the voters to amend the existing Charter of the City of Bedford:**

**Proposition No. 1**

**Based upon a recent change to the Texas Constitution, this amendment would allow for appointment or special election in order to fill a Council vacancy and providing for the procedures when making an appointment; and provide that an appointed member is not subject to a recall due to the term of less than 12 months - Changes Article II, "The Council" Section 2.05 "Vacancies" and Article XIV, "Recall" Section 14.07 "Limitation on Recall."**

\_\_\_\_\_ **FOR the Proposition**

\_\_\_\_\_ **AGAINST the Proposition**

**Proposition No. 2**

**Eliminating the requirement that the City Council meet at least twice a month - Changes Article II, "The Council" Section 2.13 "Induction into office; meetings."**

\_\_\_\_\_ FOR the Proposition

\_\_\_\_\_ AGAINST the Proposition

**Proposition No. 3**

Changes in order to match the requirements of state law in regard to the information provided to City Council for budgeting; requiring a financial statement showing outstanding obligations of the city; cash on hand; funds received; funds available; estimated revenue available; estimated tax rate; a capital program including proposed purchases, proposed programs, capital improvements, costs estimates, method of financing and time schedules for such improvements; and the estimated annual cost of operating and maintain the facilities to be constructed or acquired - changes Article IV "Budget" Section 4.02 "Preparation and submission."

Changes in order to match the requirements of state law in regard to providing a cover sheet for the budget - Changes Article IV "Budget," Section 4.03 "Form."

\_\_\_\_\_ FOR the Proposition

\_\_\_\_\_ AGAINST the Proposition

**Proposition No. 4**

Provide for publication of notice within the time frames required by state law and to allow for other means of notice as required or allowed by state law - Changes Article IV "Budget" Section 4.05 "Publication and notice of public meeting."

\_\_\_\_\_ FOR the Proposition

\_\_\_\_\_ AGAINST the Proposition

**Proposition No. 5**

Removing the language referring to the first Saturday in May for City elections, as that is no longer a uniform date - Changes Article VII "Nominations and Elections" Section 7.01 "Times of elections."

\_\_\_\_\_ FOR the Proposition

\_\_\_\_\_ AGAINST the Proposition

**Proposition No. 6**

Changes to allow for election or appointment of Municipal Judge – Changes Article VII "Nominations and Elections" Section 7.10 "Election of municipal judge" and Article VIII "Municipal Court" Section 8.02 "Municipal Judge – Designation."

\_\_\_\_\_ FOR the Proposition

\_\_\_\_\_ AGAINST the Proposition

**Proposition No. 7**

Remove requirement that the judge be a resident of the City for one year and a qualified voter of the city - Changes Article VIII "Municipal Court" Section 8.02 "Municipal Judge."

\_\_\_\_\_ FOR the Proposition

\_\_\_\_\_ AGAINST the Proposition

**Proposition No. 8**

Remove the four term limit for a Municipal Judge – Changes Article VIII "Municipal Court" Section 8.02 "Municipal Judge."

\_\_\_\_\_ FOR the Proposition

\_\_\_\_\_ AGAINST the Proposition

**Proposition No. 9**

Remove the language requiring that the Planning and Zoning Commission meet at least once a month and adding language that the Commission will meet as necessary - Changes Article IX "Planning and Zoning," Section 9.01 "Planning and zoning commission – Establishing; membership; organization; meetings."

\_\_\_\_\_ FOR the Proposition

\_\_\_\_\_ AGAINST the Proposition

**Proposition No. 10**

Allow for alternate means of publication not limited to publication in the official newspaper - Changes Article II "The Council" Section 2.13 "Induction into Office; Meetings," Article IV "The Budget" Section 4.04 "A Public Record" and Article XI "Miscellaneous Provisions" Section 11.17 "Mandatory Charter Review."

\_\_\_\_\_ FOR the Proposition

\_\_\_\_\_ AGAINST the Proposition

**SECTION 3.** Such election shall be held on Saturday, May 10, 2014 from 7:00 a.m. to 7:00 p.m. at the Pat May Center located at 1849-B Central Drive, Bedford, Texas.

- SECTION 4.** The Election Judge and officers for each polling place and the Early Voting Ballot Board shall be appointed in accordance with the provisions of the election agreement for the conducting of the election on the aforesaid election date with Tarrant County.
- SECTION 5.** It shall be the duty of the Presiding Judge to hold the election herein ordered. The Judge of the Early Voting Ballot Board is to supervise the conduct of the business of the Early Voting Ballot Board for the election.
- SECTION 6.** Early voting by personal appearance will be conducted in the Bedford Public Library, 2424 Forest Ridge Drive, Bedford, Texas, during the hours of 7:00 a.m. and 7:00 p.m. on May 3, 2014 and May 5 to May 6, 2014; and from 11:00 a.m. to 4:00 p.m. on May 4, 2014. On all other business days, the early voting location shall remain open from 8:00 a.m. to 5:00 p.m. for early voting. Early voting shall commence on the 17<sup>th</sup> day before the election and continue through the 4<sup>th</sup> day preceding the date of the election as provided by the Texas Election Code.
- SECTION 7.** Application for ballot by mail for the election shall be mailed to the Tarrant County Elections Administration Office, Attn: Tarrant County Elections Administrator, P. O. Box 961011, Fort Worth, Texas, 76161. Applications for ballots by mail must be received by the close of business on Thursday, May 1, 2014.
- SECTION 8.** The election shall be conducted according to the Texas Election Code and the Charter of the City of Bedford.
- SECTION 9.** The notice of the election on the proposed Charter amendments shall be given by publication of the Propositions on the same day of two successive weeks in a newspaper of general circulation published within the City of Bedford, the date of the first publication to be not less than fourteen (14) days before the election date set herein. Such notice must include a substantial copy of the proposed amendments.
- SECTION 10.** The City of Bedford Charter, containing all proposed revisions, shall be kept in the office of the City Secretary of the City of Bedford, and copies of it shall be made available to any person upon request free of charge. The proposed text of the City of Bedford Charter will be available to all interested persons at the office of the City Secretary of the City of Bedford. A copy of the current text of the Bedford City Charter, and a copy of the Bedford City Charter with the proposed revisions shown as marked revisions, is attached hereto as Exhibit "A" and shall be posted on the City's website.
- SECTION 11.** Should any section, provision, word, phrase, or clause of this ordinance or the application thereof to any person, or circumstance be held to be invalid, unconstitutional or ineffective, the remainder of the ordinance and the application of such provisions to the other persons or circumstances shall not be affected thereby.

**PRESENTED AND APPROVED** on this 25th day of February 2014, by a vote of \_\_\_ ayes, \_\_\_ nays, \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Michael Wells, City Secretary**

\_\_\_\_\_  
**Jim Griffin, Mayor**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**L. Stanton Lowry, City Attorney**

## PART I THE CHARTER\*

**\*Editor's note:** Printed herein is Resolution No. 93-11, as approved at the election of August 14, 1993, and approved by the city council on August 24, 1993. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. History notes to the former Charter are also included. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets. The current Charter supersedes the original Charter approved by the citizens of Bedford on September 24, 1966.

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Article I. Incorporation, Form of Government, Powers

[Sec. 1.01. Incorporation.](#)

[Sec. 1.02. Form of government.](#)

[Sec. 1.03. Boundaries--Established.](#)

[Sec. 1.04. Same--Extension by petition.](#)

[Sec. 1.05. Reserved.](#)

[Sec. 1.06. Powers of city--Exercise and enforcement.](#)

[Sec. 1.07. Same--Powers adopted.](#)

[Sec. 1.08. Same--To acquire property for public purpose.](#)

Article II. The Council

[Sec. 2.01. Number, selection, term.](#)

[Sec. 2.02. Present council.](#)

[Sec. 2.03. Qualifications.](#)

[Sec. 2.04. Compensation.](#)

[Sec. 2.05. Vacancies.](#)

[Sec. 2.06. Presiding officer; mayor.](#)

[Sec. 2.07. Powers.](#)

[Sec. 2.08. Appointment of City Manager.](#)

[Sec. 2.09. Removal of City Manager.](#)

[Sec. 2.10. Removal of other appointive officials.](#)

[Sec. 2.11. Not to interfere in City Manager's appointments or removals.](#)

[Sec. 2.12. Reserved.](#)

[Sec. 2.13. Induction into office; meetings.](#)

[Sec. 2.14. Judge of qualifications of its members.](#)

[Sec. 2.15. Rules of procedure; minutes.](#)

[Sec. 2.16. Ordinances--Required for certain legislation; enacting clause.](#)

[Sec. 2.17. Same--Enactment.](#)

[Sec. 2.18. Reserved.](#)

[Sec. 2.19. Reserved.](#)

[Sec. 2.20. Independent annual audit.](#)

[Sec. 2.21. Ethics requirements.](#)

Article III. City Manager

[Sec. 3.01. Qualifications.](#)

[Sec. 3.02. Powers and duties.](#)

[Sec. 3.03. Absence.](#)

[Sec. 3.04. Reserved.](#)

[Sec. 3.05. Reserved.](#)

[Sec. 3.06. City secretary.](#)

[Sec. 3.07. City attorney.](#)

Article IV. Budget

[Sec. 4.01. Fiscal year; budget year; accounting year.](#)

[Sec. 4.02. Preparation and submission.](#)

[Sec. 4.03. Form.](#)

[Sec. 4.04. A public record.](#)

[Sec. 4.05. Publication and notice of public hearing.](#)

[Sec. 4.06. Hearing and adoption of budget.](#)

[Sec. 4.07. Budget establishes appropriations and amount to be raised by taxation.](#)

[Sec. 4.08. Unallocated reserve fund.](#)

[Sec. 4.09. Amendment and supplemental budgets.](#)

[Sec. 4.10. Defect shall not invalidate tax levy.](#)

Article V. Bonds, Warrants and Evidences of Indebtedness

[Sec. 5.01. Power to issue.](#)

[Sec. 5.02. Reserved.](#)

Article VI. Tax Assessment and Collection

[Sec. 6.01. Power to tax.](#)

[Sec. 6.02. State law governs tax collection.](#)

[Sec. 6.03. Exempt property.](#)

[Sec. 6.04. Unrendered property.](#)

[Sec. 6.05. Payment of taxes.](#)

[Sec. 6.06. Delinquent taxes.](#)

[Sec. 6.07. Tax lien and liability.](#)

[Sec. 6.08. Joint interest in property.](#)

[Sec. 6.09. Appraisal of property.](#)

[Sec. 6.10. Reserved.](#)

[Sec. 6.11. Council shall have power to regulate taxes and appoint tax assessor and collector.](#)

Article VII. Nominations and Elections

[Sec. 7.01. Times of elections.](#)

[Sec. 7.02. Regulation of elections.](#)

[Sec. 7.03. Nominations.](#)

[Sec. 7.04. Number, selection and term of city council members.](#)

[Sec. 7.05. Official ballot.](#)

[Sec. 7.06. Qualified voter.](#)

[Sec. 7.07. Laws governing city elections.](#)

[Sec. 7.08. Conducting and canvassing elections; run-off elections.](#)

[Sec. 7.09. Oath of office.](#)

[Sec. 7.10. Election of municipal judge.](#)

Article VIII. Municipal Court

[Sec. 8.01. Creation and jurisdiction; fines.](#)

[Sec. 8.02. Municipal Judge--Designation.](#)

[Sec. 8.03. Same--Power.](#)

[Sec. 8.04. Clerk--Power.](#)

Article IX. Planning and Zoning

[Sec. 9.01. Planning and zoning commission--Establishing; membership; organization; meetings.](#)

[Sec. 9.02. Same--Powers and duties.](#)

[Sec. 9.03. Master plan--Development.](#)

[Sec. 9.04. Same--Legal effect.](#)

Article X. Franchises and Public Utilities

[Sec. 10.01. Powers of the city.](#)

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## **ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS**

### **Sec. 1.01. Incorporation.**

The inhabitants of the Town of Bedford, Texas, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Bedford, Texas."

(Char. Amendment of 5-10-08)

### **Sec. 1.02. Form of government.**

The municipal government provided by this charter shall be known as the "Council-Manager" government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, by the statutory laws of Texas, and by this charter, all power of the city shall be vested in an elective council, hereinafter referred to as the "council", which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by the charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or resolution.

(Char. Amendment of 1-1-77; Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

### **Sec. 1.03. Boundaries--Established.**

The boundaries and limits of the city, until changed in the manner herein provided, shall be the same as have heretofore been established and as exist on the date of the adoption of this charter, which boundaries are more fully set out and described by metes and bounds in the minutes of the city council of the city, which is now, and shall hereafter be in the office of the city secretary of the city.

### **Sec. 1.04. Same--Extension by petition.**

The city may annex and disannex property by following the procedure and requirements of state law contained in the Texas Local Government Code and other applicable state statutes, as from time to time amended.

(Ord. No. 2400, § 1, 8-26-97)

### **Sec. 1.05. Reserved.**

**Editor's note:** Ord. No. 2400, § 1, adopted August 26, 1997 repealed § 1.05 of the charter, which pertain to extension of boundaries by county and derived from Rev. No. 93-11, as approved at the election of August 14, 1993 and approved by the city council of August 24, 1993.

### **Sec. 1.06. Powers of city--Exercise and enforcement.**

The city shall have all powers that now are or hereafter may be granted to municipalities by the constitution and laws of the state, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, and when not prescribed therein, in such manner as may be provided by ordinance or resolution of the governing body of the city.

### **Sec. 1.07. Same--Powers adopted.**

The enumeration of particular powers in the charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which, under the constitution and laws of the state it would be competent for the charter specifically to enumerate. The city shall have and exercise all the powers conferred upon cities and towns by the law of the state, or which may hereafter be conferred by the legislature of the state upon cities and towns.

(Char. Amendment of 5-10-08)

### **Sec. 1.08. Same--To acquire property for public purpose.**

(a) The city shall have the power to acquire, by condemnation, either private or public property located inside or outside of the corporate limits for the extension, improvement and enlargement of its water system, including riparian rights, water supply, reservoir, water wells, standpipes, water sheds, dams, the laying, building, maintenance and construction of water mains, and the laying, erecting, drilling, establishment or maintenance

of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water; for sewerage plants and systems; rights-of-way for water and sewer lines; parks, playgrounds and schools, hospitals, fire stations, police stations, burial grounds and cemeteries, incinerators or other garbage disposal plants, streets, boulevards and alleys or other public ways, city jails, city halls and other municipal buildings or any right-of-way needed in connection with any property used for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain, and for any other municipal purpose, or as provided by state law. The procedure to be followed in any condemnation proceeding hereunder and authorized herein shall be in accordance with the provisions of the state law with reference to eminent domain.

(b) Provided, however, nothing included in (a) above or anywhere within this charter shall authorize the city, or any corporation, agency or entity created by the city, or pursuant to the city's approval and authorization, to institute and exercise the power of eminent domain to acquire private or public property if the purpose of the acquisition is the promotion of economic development for a private business enterprise which business enterprise would own any right, title, or interest in the property so acquired.  
(Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

## **ARTICLE II. THE COUNCIL**

### **Sec. 2.01. Number, selection, term.**

The council shall consist of seven (7) members, a mayor and six (6) council members, elected from the city at large, in the manner provided in Article VII, for a term of three (3) years, or until their successors have been elected and take office, as provided in section 2.05. Any person who is serving in the capacity of an official in an elected office in the City of Bedford shall automatically resign that office upon filing to become a candidate for election to another City office. Each member of the council, including the mayor, is limited to be elected for four (4) consecutive full terms. Any elected official who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one full term of office. The official may not hold any compensated appointive City office or employment with the City while holding office; and may not hold any compensated appointive City office or employment with the City until one (1) year after vacating the office.  
(Elect. of 6-24-69; Char. Amendment of 1-15-77; Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

### **Sec. 2.02. Present council.**

The council terms shall be elected as follows:  
The mayor and council places 1 and 2 will be elected in the same year. Council places 3 and 5 will be elected in the year after the election of council places 1 and 2. Council places 4 and 6 will be elected in the year after the election of council places 3 and 5.  
(Elect. of 6-24-69; Char. Amendment of 5-10-08)

### **Sec. 2.03. Qualifications.**

The members of the council shall be qualified voters of the city, who have been residents of the city for at least one (1) year, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a member of the council shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant.

### **Sec. 2.04. Compensation.**

Council members shall serve without pay or compensation provided, however, they shall be entitled to reimbursement of necessary expenses incurred in the performance of their official duties when approved by the council.

### **Sec. 2.05. Vacancies.**

In the event of a vacancy occurring in the office of any council member or mayor, a special election shall be held in accordance with state law and the Texas Constitution for the purpose of filling such vacancy.  
(Char. Amendment of 5-10-08)

### **Sec. 2.06. Presiding officer; mayor.**

The mayor shall preside at meetings of the council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the council and vote on all matters coming before the council. The council shall elect, from among its council members, a mayor pro tempore, who shall act as mayor during the absence or disability of the mayor or during a time that the office is vacated, and if desired a deputy mayor pro tempore, who shall act as mayor during the absence or disability of the mayor or during a time that the office is vacated.

(Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

### **Sec. 2.07. Powers.**

Except as otherwise provided by this charter, all powers of the city and the determination of all matters of policy shall be vested in the council. The council shall have and exercise all of the powers now authorized by the constitution and general laws of the state and any amendments thereto, and without limitation of the foregoing powers of the council, the council shall also have power to:

- (1) Appoint and remove the City Manager;
- (2) Upon the recommendation of the City Manager, establish other administrative departments and distribute the work of divisions;
- (3) Adopt the budget of the city;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire into the conduct of any office, department or agency of the city, and make investigations as to municipal affairs;
- (6) Appoint the members of all boards and commissions;
- (7) Adopt and modify the official map of the city;
- (8) Regulate and restrict the area, height and number of stories of buildings and other structures, the size of yards and courts, the density of population and the location and use of buildings for trade, industry, business, residence or other purposes, and adopt such other zoning regulations as may be authorized by law;
- (9) Adopt, modify and carry out plans proposed by the planning and zoning commission for the replanning, improvement and redevelopment of neighborhoods, and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster;
- (10) Provide for an independent audit.

(Char. Amendment of 5-10-08)

### **Sec. 2.08. Appointment of City Manager.**

The council shall appoint a City Manager, for an indefinite term, who shall be the chief administrative and executive officer of the city. No member of the council shall be appointed City Manager until one year after vacating the office. The City Manager shall receive such compensation as may be fixed by the council.

(Char. Amendment of 5-10-08)

**Charter references:** City Manager generally, art. III.

### **Sec. 2.09. Removal of City Manager.**

The council may remove the City Manager upon the affirmative vote of a majority of the full membership of the council, including the mayor as a voting member. The action of the council in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council.

**Charter references:** City manager generally, art. III.

### **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.

### **Sec. 2.11. Not to interfere in City Manager's appointments or removals.**

Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager, or by any of his subordinates. However, the council may consult and advise with the City Manager, make inquiry to the City Manager regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under the City

Manager, the council and its members shall deal solely through the City Manager, and neither the council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Willful violation of the foregoing provisions of this charter by any member of the council shall constitute official misconduct and shall authorize the council, by a vote of a majority of its membership, to remove such violating member from the council if found in violation after public hearing, and thereby create a vacancy in the place held by such member.

(Char. Amendment of 5-10-08)

**Charter references:** City manager generally, art. III.

### **Sec. 2.12. Reserved.**

**Editor's note:** A Charter amendment of May 10, 2008, repealed § 2.12 in its entirety, which pertained to the creation of new departments or offices, and derived from original codification.

### **Sec. 2.13. Induction into office; meetings.**

Council members will be inducted into office as prescribed by state law. The council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month, the time for such regular meetings to be designated by ordinance, which ordinance shall be published at least one (1) time in the official newspaper of the city. The council may hold as many additional meetings as may be necessary for the transaction of the business of the city. All meetings of the council shall be open to the public in accordance with state law.

(Char. Amendment of 5-10-08)

### **Sec. 2.14. Judge of qualifications of its members.**

The council shall be the judge of the election and qualification of its members and for such purpose shall have power to subpoena witnesses and require the production of records.

### **Sec. 2.15. Rules of procedure; minutes.**

The council shall determine its own rules and order of business. It shall keep minutes of its proceedings, and the council approved minutes shall be open to public inspection in accordance with state law.

(Char. Amendment of 5-10-08)

### **Sec. 2.16. Ordinances--Required for certain legislation; enacting clause.**

In addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty, or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Bedford, Texas."

### **Sec. 2.17. Same--Enactment.**

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. Any ordinance or resolution may be passed at any regular or special called meeting of the council, unless otherwise provided herein or by state law.

(Char. Amendment of 5-10-08)

### **Sec. 2.18. Reserved.**

**Editor's note:** A Charter amendment of May 10, 2008, repealed § 2.18 in its entirety, which pertained to same--emergency and nonemergency measures, and derived from original codification.

### **Sec. 2.19. Reserved.**

**Editor's note:** Ord. No. 2400, § 1, adopted August 26, 1997 repealed § 2.19, which pertained to publication of penal ordinances and derived from an election of June 24, 1969.

### **Sec. 2.20. Independent annual audit.**

Prior to the end of each fiscal year, the council shall designate qualified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the city government, and shall submit their report to the council and to the City Manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the city. A copy of such audit shall be kept in the office of the city secretary, subject to inspection by any citizen and officer during regular office hours.

(Char. Amendment of 5-10-08)

### **Sec. 2.21. Ethics requirements.**

The city council shall adopt an ethics policy to apply to elected and appointed officials and employees of the city.

(Char. Amendment of 5-10-08)

## **ARTICLE III. CITY MANAGER\***

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\***Charter references:** Appointment, § 2.08; removal, § 2.09; council not to interfere, § 2.11; recommendations as to new departments, § 2.12.

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### **Sec. 3.01. Qualifications.**

The City Manager shall be chosen by the council solely on the basis of his executive and administrative training, experience and ability, and without regard to political consideration. The City Manager need not, when appointed, be a resident of the city, or the state, but during the tenure of office shall reside in the city.

(Char. Amendment of 5-10-08)

### **Sec. 3.02. Powers and duties.**

The City Manager shall be the chief executive officer and the head of the administrative branch of the city government. The City Manager shall be responsible to the council for proper administration of all affairs of the city and shall have power and shall be required to:

- (1) Appoint, and when necessary for the welfare of the city, remove any officer or employee of the city, except as otherwise provided by this charter and except as he may authorize the head of a department to appoint and remove subordinates in such department;
- (2) Prepare and submit to the council an annual budget and be responsible for its administration after adoption;
- (3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
- (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable;
- (5) Perform such other duties as may be prescribed by this charter, state law, or required by the council;
- (6) Attend all meetings of the city council, with the right to take part in the discussions, but having no vote.

(Char. Amendment of 5-10-08)

### **Sec. 3.03. Absence.**

To perform his [those] duties during his [the official's] temporary absence, or disability, the City Manager may designate by letter filed with the city secretary a qualified administrative officer of the city. In the event of failure of the City Manager to make such designation, the council may, by resolution, appoint an officer of the city to perform the duties of the City Manager until he [the official] shall return or his disability shall cease.

### **Sec. 3.04. Reserved.**

**Editor's note:** A Charter amendment of May 10, 2008, repealed § 3.04 in its entirety, which pertained to administrative departments--establishing, and derived from original codification.

**Sec. 3.05. Reserved.**

**Editor's note:** A Charter amendment of May 10, 2008, repealed § 3.05 in its entirety, which pertained to same--directors, and derived from original codification.

**Sec. 3.06. City secretary.**

The City Manager shall appoint an officer of the city; who shall have the title of city secretary. The city secretary shall give notice of the council meetings, shall keep minutes of its proceedings, shall authenticate by signature and maintain all ordinances and resolutions and shall perform such other duties as shall be required by this charter, state law, or by the City Manager.

(Char. Amendment of 5-10-08)

**Sec. 3.07. City attorney.**

(a) The city attorney shall be a person admitted to the practice of law by the State of Texas and shall have practiced law for at least four years.

(b) The city attorney shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees of the city in matters relating to their official powers and duties. The city attorney shall represent the city in all legal proceedings. The city attorney shall perform all services incident to the position as may be required by statute, by the City of Bedford Charter, or by ordinance.

(c) The city attorney shall be appointed to or removed from office by a vote of the city council.

(Ord. No. 2400, § 1, 8-26-97)

**ARTICLE IV. BUDGET**

**Sec. 4.01. Fiscal year; budget year; accounting year.**

The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. The fiscal year shall constitute the budget and the accounting year.

**Sec. 4.02. Preparation and submission.**

Prior to the fifteenth day of August in each year, the City Manager shall prepare, file with the city secretary, and furnish to each member of the council a carefully itemized budget outlining anticipated receipts and proposed expenditures of the city, showing as definitely as possible appropriations desired for each project and operation for the next succeeding fiscal year, comparing the same with the budget for the then current fiscal year, and stating the actual receipts and expenditures of the then current fiscal year, including the estimated expenditures for the fourth quarter of the current fiscal year. Each employee, officer, current board, commission and department shall furnish the City Manager such information as may be required by him or her for the proper preparation of each budget. The proposed budget shall also contain:

(1) A complete and detailed statement of assets, obligations and liabilities of the city and of each of the funds administered by it.

(2) An estimate of the rate of tax required for the current calendar year.

(3) A capital program, which shall include all equipment with a minimum depreciable lifetime of five (5) years, which will be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items:

a. A summary of proposed programs;

b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years, which list shall include a five (5) year projection for debt service, next ensuing, with appropriate supporting information as to the necessity for such improvements;

c. Cost estimates, method of financing and recommended time schedules for each such improvement; and

d. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(4) An investment strategy for the cash management of the city funds.

(5) Such other budgetary information as may be requested in writing by any member of the city council.

(Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

**Sec. 4.03. Form.**

At the head of the budget there shall appear a summary of the budget, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget. The City Manager shall at the same time submit a budget message explaining the need of the requested appropriations and stating what pending capital projects, if any, will likely require the issuance of bonds or warrants.

**Sec. 4.04. A public record.**

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary and the public library of the city open to public inspection by anyone.

**Sec. 4.05. Publication and notice of public hearing.**

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget and cause to be published in the official newspaper of the city a notice of the place and time, which shall not be less than three (3) days nor more than fourteen (14) days after date of publication.

**Sec. 4.06. Hearing and adoption of budget.**

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

(Char. Amendment of 5-10-08)

**Sec. 4.07. Budget establishes appropriations and amount to be raised by taxation.**

From the effective date of the budget the amount stated therein as the amount to be raised by taxation shall constitute a determination of the amount of the levy for the purposes of the city in the corresponding tax year and the several amounts stated therein, as proposed expenditures shall thereby be and become appropriated to the several objects and purposes therein stated, but unused appropriations for any item may be transferred and used for any other item required for the accomplishment of the same general purpose.

**Sec. 4.08. Unallocated reserve fund.**

When recommended by the City Manager and at the discretion of the council, the budget may contain a reasonable sum set aside as an unallocated reserve fund to meet unexpected and unforeseen contingencies in current operating costs of any budget project.

(Char. Amendment of 5-10-08)

**Sec. 4.09. Amendment and supplemental budgets.**

Upon the affirmative vote of a majority of the full membership of the council, the original budget may be amended or supplemented. Such supplements and amendments shall be approved in an ordinance and shall be filed with the original budget.

(Char. Amendment of 5-10-08)

**Sec. 4.10. Defect shall not invalidate tax levy.**

Defects in the form or preparation of the budget or the failure to perform any procedural requirement shall not invalidate any tax levy or the tax roll.

**ARTICLE V. BONDS, WARRANTS AND EVIDENCES OF INDEBTEDNESS**

**Sec. 5.01. Power to issue.**

The city shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidences of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the general laws of the state.

(Char. Amendment of 5-10-08)

**Sec. 5.02. Reserved.**

**Editor's note:** A Charter amendment of May 10, 2008, repealed § 5.02 in its entirety, which pertained to manner of issuance, and derived from original codification.

**ARTICLE VI. TAX ASSESSMENT AND COLLECTION**

**Sec. 6.01. Power to tax.**

The city council shall have the power and it is hereby authorized and made its duty to levy annually, for general purposes and for the purpose of paying interest and providing the sinking fund on the bonded indebtedness of the city now in existence or which may hereafter be created, an ad valorem tax on all real, personal or mixed property within the territorial limits of said city, and upon all franchises granted by the city to any individual or corporation of not exceeding a total of one dollar and fifty cents (\$1.50) on the one hundred dollar (\$100.00) assessed valuation of said property, and to levy annually such gross receipts, franchise, occupation and other taxes as may be authorized under the Constitution and laws of the state.

(Char. Amendment of 5-10-08)

**Sec. 6.02. State law governs tax collection.**

The council shall have full power to provide for the prompt collection of taxes imposed and the procedures, time limits, interest, penalties and methods of levying, imposing, assessing and collecting of taxes shall be those prescribed by state law. The council shall impose such ad valorem taxes as are necessary to support the budget.

**Sec. 6.03. Exempt property.**

There shall be exempt from taxation all property exempted by the State Constitution, state law and the ordinances of the city, as they are now or as they may be amended.

**Sec. 6.04. Unrendered property.**

The city shall provide for the assessment of all unrendered property in accordance with state law.

**Sec. 6.05. Payment of taxes.**

The council shall provide for the payment of taxes in accordance with state law.

**Sec. 6.06. Delinquent taxes.**

The council shall provide the collection of delinquent taxes in accordance with state law.

**Sec. 6.07. Tax lien and liability.**

A special lien is hereby created on all real, personal and mixed property, located in the city, in favor of the City of Bedford, for all unpaid taxes. The priority of said lien shall be determined in accordance with the laws of the state and of the United States.

**Sec. 6.08. Joint interest in property.**

The council shall provide for the assessment of property and the clearing of tax liens in accordance with state law.

**Sec. 6.09. Appraisal of property.**

The council shall provide for the appraisal of property in accordance with state law.

**Sec. 6.10. Reserved.**

**Editor's note:** A Charter amendment of May 10, 2008, repealed § 6.10 in its entirety, which pertained to same--appeal to, and derived from original codification.

**Sec. 6.11. Council shall have power to regulate taxes and appoint tax assessor and collector.**

The council shall have the power to make all regulations pertaining to the assessment and collection of ad valorem taxes not in conflict with the constitution and laws of the state and may confer the powers and duties of tax assessor and collector on any officer of the city, and unless a person has been appointed to the position of tax assessor and collector for the city, the city council may contract with any other political subdivision, to assess, equalize and collect the taxes for the city.

(Char. Amendment of 1-15-77)

**ARTICLE VII. NOMINATIONS AND ELECTIONS**

**Sec. 7.01. Times of elections.**

The regular city election shall be held every year on the first Saturday in May, or at such time as prescribed by law, at which time officers will be elected to fill those offices which become vacant that year. The city council shall fix the hours and place for holding such election. The city council may, by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election.

(Char. Amendment of 1-15-77; Char. Amendment of 5-10-08)

**Sec. 7.02. Regulation of elections.**

The city council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the state for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities, who shall also have power to make regulations not inconsistent with this charter or with any regulations made by the council or the laws of the state.

**Sec. 7.03. Nominations.**

Any person having the qualifications required by this charter may have his/her name placed on the ballot as a candidate for mayor, council member or municipal judge. The filing period for such application shall be as provided by state law.

(Ord. No. 2400, § 1, 8-26-97)

**Sec. 7.04. Number, selection and term of city council members.**

The council, consisting of [the] mayor and six (6) council members, shall be selected as follows:

- (1) The mayor shall be elected by a majority vote of the qualified voters voting at the election.
- (2) The six (6) council members shall be elected to individual places, designated by number, from the city at large, and each shall be elected by a majority vote of the qualified voters voting at the election.
- (3) The mayor and each council member shall hold office for a period of three (3) years and until a successor is duly elected and qualified.

**Sec. 7.05. Official ballot.**

The names of all candidates for office, except such as may have been withdrawn, died or become ineligible, shall be placed on the ballot without party designations and in the order determined in a drawing as provided by state law.

**Sec. 7.06. Qualified voter.**

Qualifications for voting in the City of Bedford elections shall be the same as set out in the laws of the State of Texas.

(Char. Amendment of 1-15-77)

**Sec. 7.07. Laws governing city elections.**

All city elections shall be governed, except as otherwise provided by this charter, by the laws of the state governing general and municipal elections.

**Sec. 7.08. Conducting and canvassing elections; run-off elections.**

The election judges and other necessary election officials for conducting all such elections shall be appointed by the city council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of the state. The city council shall meet, open the returns, canvass and officially declare the results of the election as to candidates and questions and issue certificates of election to candidates elected as provided by state law. In the event no candidate for a given office has received the necessary majority, the mayor shall call a second election to be held as provided by state law. At the second election, the ballot shall list in that order the names of the two (2) candidates receiving at the first election the first and second highest number of votes for a given office. Should one of such candidates withdraw, die or become ineligible, a second election shall not be held, and the other shall be declared elected to office. Any tie shall be decided by lot as provided by state law.

**Sec. 7.09. Oath of office.**

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the oath or affirmation as prescribed by the Constitution of the state.

**Sec. 7.10. Election of municipal judge.**

The municipal judge shall be elected by a majority vote of the qualified voters voting at the election. (Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

**ARTICLE VIII. MUNICIPAL COURT\***

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\*State law references: Fees of officers, Vernon's Ann. C.C.P. arts. 45.09, 102.001.

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**Sec. 8.01. Creation and jurisdiction; fines.**

There is hereby created and established a court to be the municipal court of the city, which court shall have jurisdiction over violations of city ordinances and other matters as provided by state law. (Char. Amendment of 1-15-77; Char. Amendment of 5-10-08)

**State law references:** Creation of municipal court, V.T.C.A., Government Code § 29.002; jurisdiction of municipal court, V.T.C.A., Government Code § 29.003 and Vernon's Ann. C.C.P. art. 4.14.

**Sec. 8.02. Municipal Judge--Designation.**

The municipal judge shall be a qualified voter of the city, who has been a resident of the city for at least one (1) year, a competent practicing lawyer, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a municipal judge shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant. The city council may, by ordinance, provide the salary of the municipal judge in accordance with state law. The term is for three (3) years.

The municipal judge is limited to four (4) consecutive full terms. Any municipal judge who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one (1) full term of office. (Char. Amendment of 1-15-77; Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

**Editor's note:** At the direction of the city the editor has removed the language, "whose [appointment shall be]" and replaced it with "who shall be" in first paragraph of section.

**State law references:** Judge of the municipal court, V.T.C.A., Government Code § 29.004.

**Sec. 8.03. Same--Power.**

The judge of said municipal court shall have all powers and authorities provided by city ordinance and state law. (Char. Amendment of 5-10-08)

#### **Sec. 8.04. Clerk--Power.**

The clerk of said municipal court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto and generally to do and perform any and all acts usual and necessary by clerks of courts in issuing process of said courts and conducting the business thereof.

**Editor's note:** A Charter amendment of May 10, 2008, repealed the former § 8.04, which pertained to clerk--designation; salary as prescribed, and derived from original codification. Subsequently, the former § 8.05 has been renumbered as § 8.04.

### **ARTICLE IX. PLANNING AND ZONING**

#### **Sec. 9.01. Planning and zoning commission--Establishing; membership; organization; meetings.**

There shall be established a planning and zoning commission which shall consist of a minimum of seven (7) citizens from the city. The members of said commission shall be appointed by the city council for a term of two (2) years. An odd number of members of the planning and zoning commission shall be so appointed each odd numbered year and an even number of members shall be so appointed each even numbered year. The commission shall elect a chairman from among its membership and shall meet not less than once each month. Vacancies and unexpired terms shall be filled by the council for the remainder of the term. A majority of the members shall constitute a quorum. Members of the commission may be removed by a majority vote of the council.

The commission shall keep minutes of its proceedings, which shall be of public record. The commission shall serve without compensation.

(Elect. of 6-24-69; Char. Amendment of 5-10-08)

#### **Sec. 9.02. Same--Powers and duties.**

The planning and zoning commission shall:

- (1) Recommend a city plan for the physical development of the city;
- (2) Recommend to the city council approval or disapproval of proposed changes in the zoning plan; and
- (3) Exercise control over platting or subdividing land within the corporate limits of the city, and outside said corporate limits to the extent authorized by law.

The commission shall be responsible to and act as an advisory body to the council, and shall have and perform such additional duties as may be prescribed by ordinance.

#### **Sec. 9.03. Master plan--Development.**

The master plan for the physical development of the city shall contain the commission's recommendations for growth, development, and beautification of the city. A copy of the master plan, or any part thereof, shall be forwarded to the city council, which may adopt this plan in whole or in parts, and may adopt any amendments thereto after at least one (1) public hearing on the proposed action. If such plan, or part thereof, shall be rejected by the council, the commission may modify such plan, or part thereof, and again forward it to the city council for consideration.

All amendments to the master plan recommended by the commission shall be submitted in the same manner as outlined above to the city council for approval, and all recommendations affecting the master plan shall be accompanied by a recommendation from the planning and zoning commission.

(Char. Amendment of 5-10-08)

#### **Sec. 9.04. Same--Legal effect.**

Upon the adoption of a master plan by the city council, no subdivision, street, park or any public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the master plan shall be constructed or authorized by the city, until and unless the location and extent thereof shall have been submitted to and approved by the commission. In case of disapproval, the commission shall communicate its reasons to the council, which shall have the power to overrule such disapproval, and upon such overruling, the council shall have power to proceed. The widening, narrowing, re-locating, vacating or change in the use of any street, alley or public way, or ground or the sale of any public

building, or real property, shall be subject to similar submission and approval by the planning and zoning commission, and failure to approve may be similarly overruled by the city council.

## **ARTICLE X. FRANCHISES AND PUBLIC UTILITIES**

### **Sec. 10.01. Powers of the city.**

In addition to the city's power to buy, own, construct, maintain, and operate utilities, within or without the city limits, and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public, the city shall have further powers as may now or hereafter be granted under the constitution and laws of the state.

### **Sec. 10.02. Franchise granting power of council.**

The city council shall have power to grant, renew or extend by ordinance all franchises of all public utilities of every character operating within the city, and for such purposes is granted full power. No public utility franchise shall be transferable except to persons, firms or corporations taking all or substantially all of the holder's business in the city, and except with the approval of a three-fourths ( 3/4) majority of the council expressed by ordinance.

All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

(1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.

(2) To require an adequate and reasonable extension of plant and service, and the maintenance of the plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public.

(3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(4) a. To prescribe the form of accounts kept by each such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, or their successors, or other state or federal utility regulating agencies, this shall be deemed sufficient compliance with this paragraph;

b. At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on local operations by each such public utility.

(5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.

All rights of the city to regulate a franchise shall conform to state, federal and local laws; provided, however, that all rights of the city given by state law in the event of a conflict between the city charter and state law, are hereby reserved.

(Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

### **Sec. 10.03. Franchise value not to be allowed.**

In fixing reasonable rates and charges for utility service within the city, and in determining the just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise granted by the city under this charter.

### **Sec. 10.04. Right of regulation.**

The City shall have the right to regulate utilities to the full extent allowed by state and federal law.

(Char. Amendment of 5-10-08)

### **Sec. 10.05. Consent of property owners.**

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this charter or in any franchise granted thereunder shall ever be construed to deprive any such property owners of any right of action for damage or injury to his property as now or hereafter provided by law.

**Sec. 10.06. Extensions.**

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in this article. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

(Char. Amendment of 5-10-08)

**Sec. 10.07. Temporary licenses.**

Licenses unconditionally revocable at the will of the governing body for minor or temporary privileges in the streets, public ways and public places of the city may be granted and revoked by ordinance from time to time, and such licenses shall not be deemed franchises as the term is used in this charter.

(Char. Amendment of 5-10-08)

**Sec. 10.08. Other conditions.**

The power of the city to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved as well as the general power of the city heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchises. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the council or the electors of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the state.

(Char. Amendment of 5-10-08)

**Sec. 10.09. Franchise records.**

Every public utility shall file its city franchise, if applicable, or other grant of authority, with the City Secretary.

(Char. Amendment of 5-10-08)

**Sec. 10.10. Accounts of municipal-owned utilities.**

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including assets, appropriately subdivided into different classes, all liability subdivided by classes, depreciation reserve, other reserves, and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show the actual capital cost to the city of each public utility owned, also the cost of all extensions, additions, and improvements and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The council shall annually cause to be made by a certified public accountant, and shall publish, a report showing the financial condition of said public utility and the financial result of such city ownership and operation, giving the information specified in this section and such additional data as the council shall deem expedient.

(Char. Amendment of 5-10-08)

**Sec. 10.11. Regulations of rates and service--Generally.**

The city council shall have full power to regulate by ordinance the rates and services of every public utility operating in the city.

(Char. Amendment of 5-10-08)

**Editor's note:** The statute cited in the above section has been superseded by the Public Utility Regulatory Act of 1995 (Vernon's Ann. Civ. St. art. 1446c-0).

**Sec. 10.12. Reserved.**

**Editor's note:** A Charter amendment of May 10, 2008, repealed § 10.12 in its entirety, which pertained to same--rate changes, and derived from original codification.

**ARTICLE XI. MISCELLANEOUS PROVISIONS**

**Sec. 11.01. No officer or employee to accept gift, etc., from public utility.**

No officer or employee of the city shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying a grant of any franchise, privilege or easement from said city, during the term of office of such officer, or during such employment of such employee, except as may be authorized by law or ordinance. Any willful violation of this section shall constitute malfeasance in office, and any officer, employee or appointee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the governing body of the city shall render the contract involved voidable by the City Manager or the governing body.

(Char. Amendment of 5-10-08)

**Sec. 11.02. Officers or employees of the city not to have financial interest in any contracts of the city.**

No officer, employee or appointee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, unless disclosure of such interest shall be made public prior to the time of any action being taken on such contract. Public disclosure shall be by inclusion on the official agenda and in the minutes of the meeting. Any willful violation of this section shall constitute malfeasance in office, and any officer, employee or appointee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the governing body of the city shall render the contract involved voidable by the City Manager or the governing body.

(Char. Amendment of 1-15-77)

**Sec. 11.03. Property not exempt from special assessments.**

No property of any kind in the city shall be exempt from any of the special taxes and assessments authorized by state law, ordinance or the charter.

(Char. Amendment of 5-10-08)

**Sec. 11.04. Notice of damage or injury required.**

The city shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall file a notice in writing, duly verified, with the city secretary, within six (6) months after the same has been received, stating specifically in such notice when, where and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The city shall never be liable for any claim for damages or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his behalf, shall file a claim, in writing, duly verified with the city secretary, within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the full extent thereof, and the amount of damage sustained.

The city shall never be liable for any claim for damage or injury to real property caused by the negligent act or omission of its officers, servants, agents or employees, unless the person whose real property has been injured or damaged, or someone in his behalf, shall file a claim in writing, duly verified, with the city secretary, within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred, and the amount of damage claimed. The city shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds or public work of the city, unless the specific defect causing the damage or injury shall have been actually known to the city secretary at least twenty-four (24) hours prior to the

occurrence of the injury or damage, or unless the attention of the city secretary shall have been called thereto by a notice thereof in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the city secretary of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the city itself through its agents, servants or employees, or acts of third parties.  
(Char. Amendment of 1-15-77; Ord. No. 2400, § 1, 8-26-97; Char. Amendment of 5-10-08)

**Sec. 11.05. City exempt from appeal bonds.**

It shall not be necessary in any action, suit or proceeding in which the city is a party for any bond, undertaking or security to be executed in behalf of said city, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said city shall be liable as if such obligation had been duly given and executed.

**Sec. 11.06. Execution, garnishment and assignment.**

Except as provided by state law, the property, real and personal, belonging to said city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said city, in the hands of any person, be liable to garnishment on account of any debts it may owe or funds it may have on hand due any person, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall said city be liable to the assignee of any wages of any officer, agent or employee of said city, whether earned or unearned, upon any claim or account whatsoever, and as to the city such assignment shall be absolutely void.

(Char. Amendment of 5-10-08)

**Sec. 11.07. No lien on public property.**

No lien of any kind can ever exist against the public buildings, public halls, parks or public works of the city.

(Char. Amendment of 5-10-08)

**Sec. 11.08. Bonds of contractors.**

The council shall require good and sufficient bonds of all contractors with good and sufficient sureties, who shall be authorized to do business in the State of Texas.

(Char. Amendments of 1-15-77; Char. Amendment of 5-10-08)

**Sec. 11.09. Condemnation of dangerous structures.**

Whenever any building, fence, shed, awning, or structure of any kind or part thereof, is determined to be dangerous and the possibility of injury to persons or property exists, the council or an entity or agent provided for by ordinance of the council may order the owner or agent of the same, or occupant of the premises, to repair or take down and remove the same within such time as it may direct, and may punish by fine all persons failing so to do. Upon his failure to comply, the council or an entity or agent provided for by ordinance of the council shall have the additional power to remove the same at the expense of the city on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this charter, or by suit in any court of competent jurisdiction.

The council or an entity or agent provided for by ordinance of the council shall have full power to condemn all dangerous buildings or obstructions of any kind and may provide regulations therefor by ordinance.

(Char. Amendment of 5-10-08)

**Sec. 11.10. Fire limits.**

The council may establish fire limits and prescribe the kind and character of materials to be used in buildings constructed within such limits.

(Char. Amendment of 5-10-08)

**Sec. 11.11. Building permits.**

The city shall have power to prohibit the erection or construction of any building or structure of any kind within the city without a permit first having been issued by the city for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority, may authorize the inspection by the city of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building regulations which exist in said city or which shall hereafter be passed.

**Sec. 11.12. Bonds of city official, employee or department director.**

In addition to any bonding provisions herein provided, the council may require any city official, department director or city employee, before entering upon his duties, to execute a good and sufficient bond with a surety company doing business in the state and approved by the city council, as surety thereon, said bond to be in such amount as the council may demand, payable to the city, and conditioned for the faithful performance of the duties of his office; premium of such bond to be paid by the city.

(Char. Amendment of 5-10-08)

**Sec. 11.13. When charter provisions take effect.**

For the purpose of nominating and electing members of the council, the provisions of this charter shall be in effect for the regular municipal election to be held in April, 1968. For all other purposes this charter shall be in effect from and after its approval by the electors of the city, and the entering of an official order upon the records of the city by the governing body, declaring the same adopted.

**Sec. 11.14. Right to amend the charter.**

This charter may be amended no more than once every two (2) years.

(Char. Amendment of 5-10-08)

**Sec. 11.15. Ordinances, rules and regulations validated.**

All ordinances, resolutions, rules and regulations of the city heretofore ordained, passed or enacted, that are in force at the time this charter becomes effective and which are not in conflict with such charter, shall remain in full force and effect until altered, amended or repealed by the governing body of the city after such charter takes effect.

(Char. Amendment of 5-10-08)

**Sec. 11.16. Separability clause.**

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

**Sec. 11.17. Mandatory charter review.**

The council shall hold a public hearing every fifth year after an amendment to the charter in order to determine whether a commission should be appointed to review the charter and to make recommendations to the city council for amendment of the charter. If the council determines that it would be in the best interests of the citizens to appoint a charter review commission, it shall appoint a charter review commission of fifteen (15) citizens of the City of Bedford.

(a) *Duties of the commission.*

(1) Inquire into the operation of the city government under the charter provisions and determine whether any such provisions require revision.

(2) Propose any recommendations it may deem desirable to help ensure compliance with the provisions of the charter and state law.

(3) Propose, if it deems desirable, amendments to this charter to improve the effective application of the charter to current conditions.

(4) Report its findings and present its proposed amendments, if any, to the city council.

(b) *Action by the council.* The city council shall receive and have published, in the designated official public newspaper of the city, a final report of the charter review commission. The city council shall consider any

recommendation made and if any amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by state law.

(c) *Term of office.* The term of office of such charter review commission shall be as established by the city council. At the completion of such term, a report shall be submitted to the council. All recordings or the proceedings of such commission shall be filed with the city secretary and shall become a public record.

(Char. Amendment of 5-10-08)

## **ARTICLE XII. GENERAL CONSTRUCTION**

### **Sec. 12.01. Effective date.**

This charter shall be in effect from and after its approval by the electors of the city, and the entering of an official order upon the records of the city by the governing body, declaring the same adopted.

(Char. Amendment of 1-15-77)

### **Sec. 12.02. Construction.**

In the wording of the charter, the use of the singular number shall include the plural, and the plural shall include the singular. Words used in the masculine gender shall include the feminine also, unless by reasonable construction, it appears that such was not the intention of this charter.

(Char. Amendment of 1-15-77)

## **ARTICLE XIII. INITIATIVE AND REFERENDUM**

### **Sec. 13.01. General authority.**

(a) *Initiative.* The registered voters of the city shall have power to propose lawful ordinances to the council, and if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum.* The registered voters of the city shall have the power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, but such power shall not extend to the budget or capital program or any emergency ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(Char. Amendment of 5-10-08)

### **Sec. 13.02. Commence of proceeding; petitioners' committee; affidavit.**

Any five (5) registered voters may commence initiative or referendum proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Within two (2) working days after the affidavit of the petitioners' committee is filed the city secretary shall issue the appropriate petition blanks to the petitioners' committee.

### **Sec. 13.03. Petitions.**

(a) *Number of signatures.* Initiative and referendum petitions must be signed by registered voters of the city equal in number to five (5) percent of the total number of registered voters registered to vote at the last regular election, or 1,250, whichever is greater.

(b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) *Affidavit of circulation.* Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the

genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

(e) *Time for filing initiative petitions.* Initiative petitions must be filed within thirty (30) days after issuance of the appropriate petition blanks to the petitioners' committee.

#### **Sec. 13.04. Procedure after filing.**

(a) *Certificate of city secretary; amendment.* Within twenty (20) days after the petition is filed with the city secretary, the city secretary shall complete a certificate as to the sufficiency of the petition. The city secretary shall determine the sufficiency of the petition in accordance with state law. If the petition is found to be insufficient, the city secretary shall specify in writing the particulars wherein it is defective and shall within two (2) working days send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within two (2) working days after receiving the copy of the city secretary's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (a) and (b) of section 13.03 and within five (5) days after it is filed the city secretary shall complete a certificate as to the sufficiency of the petition as amended and within two (2) working days send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city secretary shall present the city secretary's certificate to the council at the next regularly scheduled council meeting on which the item may appear on the agenda, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may within two (2) days after receiving the copy of such certificate file a request that it be reviewed by the council. The council shall review the certificate at its next meeting on which the item may appear on the agenda and approve or disapprove it and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review shall not prejudice the filing of a new petition for the same purpose.

(Char. Amendment of 5-10-08)

#### **Sec. 13.05. Referendum petitions; suspension of effect of ordinance.**

When a referendum petition is filed with the city secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;
- (3) The council repeals the ordinance; or
- (4) Thirty (30) days have elapsed after a vote of the city on the ordinance.

#### **Sec. 13.06. Action on petitions.**

(a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative or referendum ordinance in the manner provided herein or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient it shall submit the proposed or referred ordinance to the voters of the city. The election must be held on the first available general election date as established by state law.

(b) *Submission to voters.* Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the date the election is called by filing with the city secretary a request for withdrawal signed by at least four (4)

members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Char. Amendment of 5-10-08)

**Sec. 13.07. Results of election.**

(a) *Initiative.* If a majority of the registered voters, voting on a proposed initiative ordinance, vote in its favor, the ordinance shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the registered voters, voting on a referred ordinance, vote against it, the ordinance shall be considered repealed upon certification of the election results.

(Char. Amendment of 5-10-08)

**Sec. 13.08. Initiative and referendum--Failure of city council to act.**

In case all of the requirements of this charter shall have been met and the council shall fail or refuse to receive the petition or discharge any other duties imposed upon the council by the provision of this charter with reference to initiative and referendum, then a district judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the city secretary or by the council.

(Char. Amendment of 5-10-08)

**ARTICLE XIV. RECALL**

**Sec. 14.01. Power of recall.**

The qualified voters shall have the power to recall any elected official of the city.

**Sec. 14.02. Commence of proceeding; petitioners' committee; affidavit.**

Any five (5) registered voters may commence recall proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the reasons for the recall of the elected official.

Within two (2) working days after the affidavit of the petitioners' committee is filed the city secretary shall issue the appropriate petition blanks to the petitioners' committee.

**Sec. 14.03. Petitions.**

(a) *Number of signatures.* Recall petitions must be signed by registered voters of the city equal in number to five (5) percent of the total number of registered voters registered to vote at the last regular election, or 1,250, whichever is greater.

(b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the reasons for the recall of the elected official.

(c) *Affidavit of circulation.* Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the reasons for the recall of the elected official.

(d) *Time for filing recall petitions.* Recall petitions must be filed within thirty (30) days after issuance of the appropriate petition blanks to the petitioners' committee.

(Char. Amendment of 5-10-08)

**Sec. 14.04. Procedure after filing.**

(a) *Certificate of city secretary; amendment.* Within twenty (20) days after the petition is filed with the city secretary, the city secretary shall complete a certificate as to the sufficiency of the petition. The city secretary shall determine the sufficiency of the petition in accordance with state law. If the petition is found to be insufficient, the city secretary shall specify in writing the particulars wherein it is defective and shall within two (2) working days send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within two (2) working days after receiving the copy of the city secretary's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (a) and (b) of section 14.03 and within five (5) days after it is filed the city secretary shall complete a certificate as to the sufficiency of the petition as amended and within two (2) working days send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city secretary shall present the city secretary's certificate to the council at the next regularly scheduled council meeting on which the item may appear on the agenda, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may within two (2) working days after receiving the copy of such certificate file a request that it be reviewed by the council. The council shall review the certificate at its next meeting on which the item may appear on the agenda and approve or disapprove it and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review shall not prejudice the filing of a new petition for the same purpose.

(Char. Amendment of 5-10-08)

#### **Sec. 14.05. Recall election.**

If the petition is certified by the city secretary to be sufficient, the council shall order an election to be held at the earliest possible date as determined by state law.

(Char. Amendment of 5-10-08)

#### **Sec. 14.06. Results of recall election.**

If a majority of the votes cast at a recall election shall be against removal of the elected official named on the ballot, he/she shall continue in office. If the majority of the votes cast at the election are for the removal of the elected official named on the ballot, the council shall immediately declare his/her office vacant and such vacancy shall be filled in accordance with the provisions of this charter for the filling of vacancies. An elected official thus removed shall not be a candidate to succeed himself/herself.

(Char. Amendment of 5-10-08)

#### **Sec. 14.07. Limitation on recall.**

No recall petition shall be filed against an elected official within six (6) months after he/she takes office, or within nine (9) months before the elected official's current term expires. No elected official shall be subjected to more than one recall election during a term of office.

#### **Sec. 14.08. Failure of city council to act.**

In case all of the requirements of this charter shall have been met and the city council shall fail or refuse to receive the petition, or order such recall election or discharge any other duties imposed upon the city council by the provision of this charter with reference to recall, then the county judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the city secretary or by the city council. In addition, any qualified voter in the city may seek judicial relief in a district court of Tarrant County, Texas, to have any of the provisions of this charter, pertaining to recall, carried out by the proper official.

**CHARTER COMPARATIVE TABLE REFERENDUM**

This table shows the location of the sections of the basic Charter and any amendments thereto.

TABLE INSET:

Election Date		Section this Charter
6-24-69		2.01, 2.02
		2.19(11)
		9.01(3)
1- 1-77		1.02
1-15-77		2.01
		6.11(5)
		7.01(5)
		7.06(3)
		8.01(3)
		8.02(3)
		11.02(5)
		11.04(5)
		12.01(c)
		12.02(c)
8-14-93		1.01--14.08
5-10-08		1.01, 1.02
		1.07, 1.08
		2.01, 2.02
		2.05--2.08
		2.11
	Rpld	2.12
		2.13
		2.15
		2.17
	Rpld	2.18
		2.20, 2.21
		3.01, 3.02
	Rpld	3.04, 3.05
		3.06
		4.02

Exhibit A

		4.06
		4.08, 4.09
		5.01
	Rpld	5.02
		6.01
	Rpld	6.10
		7.01
		7.10
		8.01--8.03
	Rpld	8.04
	Rnbd	8.05
	as	8.04
		9.01
		9.03
		10.02
		10.04
		10.6--10.11
	Rpld	10.12
		11.01
		11.03, 11.04
		11.06--11.10
		11.12
		11.14, 11.15
		11.17
		13.01
		13.04
		13.06--13.08
		14.03--14.06

TABLE INSET:

Ordinance Number	Date	Section	Section this Code
2400	8-26-97	1	1.02, 1.04
		Rpld	1.05
		Amnd	1.08

## Exhibit A

			2.01, 2.06
		Rpld	2.19
		Amnd	3.07
			4.02(3), (3)b.
			7.03
		Added	7.10
		Amnd	8.02
			10.02
			11.04

## **PART I CHARTER**

# **City of Bedford Charter**

### **ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, POWERS**

#### **Sec. 1.01. Incorporation.**

The inhabitants of the Town of Bedford, Texas, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Bedford, Texas."

#### **Sec. 1.02. Form of government.**

The municipal government provided by this charter shall be known as the "Council-Manager" government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, by the statutory laws of Texas, and by this charter, all power of the city shall be vested in an elective council, hereinafter referred to as the "council", which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by the charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or resolution.

#### **Sec. 1.03. Boundaries—Established.**

The boundaries and limits of the city, until changed in the manner herein provided, shall be the same as have heretofore been established and as exist on the date of the adoption of this charter, which boundaries are more fully set out and described by metes and bounds in the minutes of the city council of the city, which is now, and shall hereafter be in the office of the city secretary of the city.

#### **Sec. 1.04. Same—Extension by petition.**

The city may annex and disannex property by following the procedure and requirements of state law contained in the Texas Local Government Code and other applicable state statutes, as from time to time amended.

#### **Sec. 1.05. Reserved.**

*Editor's note—*

Ord. No. 2400, § 1, adopted August 26, 1997 repealed § 1.05 of the charter, which pertain to extension of boundaries by county and derived from Rev. No. 93-11, as approved at the election of August 14, 1993 and approved by the city council of August 24, 1993.

**Sec. 1.06. Powers of city—Exercise and enforcement.**

The city shall have all powers that now are or hereafter may be granted to municipalities by the constitution and laws of the state, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, and when not prescribed therein, in such manner as may be provided by ordinance or resolution of the governing body of the city.

**Sec. 1.07. Same—Powers adopted.**

The enumeration of particular powers in the charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which, under the constitution and laws of the state it would be competent for the charter specifically to enumerate. The city shall have and exercise all the powers conferred upon cities and towns by the law of the state, or which may hereafter be conferred by the legislature of the state upon cities and towns.

**Sec. 1.08. Same—To acquire property for public purpose.**

(a) The city shall have the power to acquire, by condemnation, either private or public property located inside or outside of the corporate limits for the extension, improvement and enlargement of its water system, including riparian rights, water supply, reservoir, water wells, standpipes, water sheds, dams, the laying, building, maintenance and construction of water mains, and the laying, erecting, drilling, establishment or maintenance of any necessary appurtenances or facilities which will furnish to the inhabitants of the city an abundant supply of wholesome water; for sewerage plants and systems; rights-of-way for water and sewer lines; parks, playgrounds and schools, hospitals, fire stations, police stations, burial grounds and cemeteries, incinerators or other garbage disposal plants, streets, boulevards and alleys or other public ways, city jails, city halls and other municipal buildings or any right-of-way needed in connection with any property used for any purpose hereinabove named; for the straightening or improving of the channel of any stream, branch or drain, and for any other municipal purpose, or as provided by state law. The procedure to be followed in any condemnation proceeding hereunder and authorized herein shall be in accordance with the provisions of the state law with reference to eminent domain.

(b) Provided, however, nothing included in (a) above or anywhere within this charter shall authorize the city, or any corporation, agency or entity created by the city, or pursuant to the city's approval and authorization, to institute and exercise the power of eminent domain to acquire private or public property if the purpose of the acquisition is the promotion of economic development for a private business enterprise which business enterprise would own any right, title, or interest in the property so acquired.

## **ARTICLE II. THE COUNCIL**

### **Sec. 2.01. Number, selection, term.**

The council shall consist of seven (7) members, a mayor and six (6) council members, elected from the city at large, in the manner provided in Article VII, for a term of three (3) years, or until their successors have been elected and take office, as provided in section 2.05. Any person who is serving in the capacity of an official in an elected office in the City of Bedford shall automatically resign that office upon filing to become a candidate for election to another City office. Each member of the council, including the mayor, is limited to be elected for four (4) consecutive full terms. Any elected official who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one full term of office. The official may not hold any compensated appointive City office or employment with the City while holding office; and may not hold any compensated appointive City office or employment with the City until one (1) year after vacating the office.

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### **Sec. 2.02. Present council.**

The council terms shall be elected as follows:

The mayor and council places 1 and 2 will be elected in the same year. Council places 3 and 5 will be elected in the year after the election of council places 1 and 2. Council places 4 and 6 will be elected in the year after the election of council places 3 and 5.

### **Sec. 2.03. Qualifications.**

The members of the council shall be qualified voters of the city, who have been residents of the city for at least one (1) year, and shall hold no other public

office except for those allowed by the Texas Constitution or state law. If a member of the council shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant.

#### **Sec. 2.04. Compensation.**

Council members shall serve without pay or compensation provided, however, they shall be entitled to reimbursement of necessary expenses incurred in the performance of their official duties when approved by the council.

#### **Sec. 2.05. Vacancies.**

In the event of a vacancy occurring in the office of any council member or mayor, a special election shall be held in accordance with state law and the Texas Constitution for the purpose of filling such vacancy. If the vacancy occurs when the unexpired term is twelve months or less, the council shall decide at a meeting, held in accordance with Section 2.13, whether to appoint a person to the vacancy or to hold a special election by a majority vote of the remaining council members. If the council approves to appoint the person to the vacated position, the council shall: (1) adopt procedures for the appointment process; (2) appoint a person to the vacancy within the time frame specified in accordance with state law and the Texas Constitution; (3) appoint a person who meets the requirements of the Charter as stated in Section 2.01 and 2.03; and (4) appoint the person to the vacated position by a majority vote of the remaining council members. If the council is not able to appoint a person to the vacancy, the council shall hold a special election in accordance with state law and the Texas Constitution.

#### **Sec. 2.06. Presiding officer; mayor.**

The mayor shall preside at meetings of the council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the council and vote on all matters coming before the council. The council shall elect, from among its council members, a mayor pro tempore, who shall act as mayor during the absence or disability of the mayor or during a time that the office is vacated, and if desired a deputy mayor pro tempore, who shall act as mayor during the absence or disability of the mayor or during a time that the office is vacated.

#### **Sec. 2.07. Powers.**

Except as otherwise provided by this charter, all powers of the city and the determination of all matters of policy shall be vested in the council. The council shall have and exercise all of the powers now authorized by the constitution and general

laws of the state and any amendments thereto, and without limitation of the foregoing powers of the council, the council shall also have power to:

- (1) Appoint and remove the City Manager;
- (2) Upon the recommendation of the City Manager, establish other administrative departments and distribute the work of divisions;
- (3) Adopt the budget of the city;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire into the conduct of any office, department or agency of the city, and make investigations as to municipal affairs;
- (6) Appoint the members of all boards and commissions;
- (7) Adopt and modify the official map of the city;
- (8) Regulate and restrict the area, height and number of stories of buildings and other structures, the size of yards and courts, the density of population and the location and use of buildings for trade, industry, business, residence or other purposes, and adopt such other zoning regulations as may be authorized by law;
- (9) Adopt, modify and carry out plans proposed by the planning and zoning commission for the replanning, improvement and redevelopment of neighborhoods, and for the replanning, reconstruction or redevelopment of any area or district which may have been destroyed in whole or in part by disaster;
- (10) Provide for an independent audit.

#### **Sec. 2.08. Appointment of City Manager.**

The council shall appoint a City Manager, for an indefinite term, who shall be the chief administrative and executive officer of the city. No member of the council shall be appointed City Manager until one year after vacating the office. The City Manager shall receive such compensation as may be fixed by the council.

#### **Sec. 2.09. Removal of City Manager.**

The council may remove the City Manager upon the affirmative vote of a majority of the full membership of the council, including the mayor as a voting member. The action of the council in suspending or removing the City Manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for such suspension or removal in the council.

**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.

**Sec. 2.11. Not to interfere in City Manager's appointments or removals.**

Neither the council nor any of its members shall direct or request the appointment of any person to or his removal from office by the City Manager, or by any of his subordinates. However, the council may consult and advise with the City Manager, make inquiry to the City Manager regarding the appointments or removals, and may express their opinion in regard thereto. In regard to administrative and executive duties under the City Manager, the council and its members shall deal solely through the City Manager, and neither the council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Willful violation of the foregoing provisions of this charter by any member of the council shall constitute official misconduct and shall authorize the council, by a vote of a majority of its membership, to remove such violating member from the council if found in violation after public hearing, and thereby create a vacancy in the place held by such member.

**Sec. 2.12. Reserved.**

*Editor's note—*

A Charter amendment of May 10, 2008, repealed § 2.12 in its entirety, which pertained to the creation of new departments or offices, and derived from original codification.

**Sec. 2.13. Induction into office; meetings.**

Council members will be inducted into office as prescribed by state law. The council shall meet regularly at such times as may be prescribed by its rules, ~~but not less frequently than twice each month~~, the time for such regular meetings to be designated by ordinance, which ordinance shall be published at least one (1) time in the official newspaper of the city or such other means of notice as allowed by state

law. The council may hold as many additional meetings as may be necessary for the transaction of the business of the city. All meetings of the council shall be open to the public in accordance with state law.

**Sec. 2.14. Judge of qualifications of its members.**

The council shall be the judge of the election and qualification of its members and for such purpose shall have power to subpoena witnesses and require the production of records.

**Sec. 2.15. Rules of procedure; minutes.**

The council shall determine its own rules and order of business. It shall keep minutes of its proceedings, and the council approved minutes shall be open to public inspection in accordance with state law.

**Sec. 2.16. Ordinances—Required for certain legislation; enacting clause.**

In addition to such acts of the council as are required by statute or by this charter to be by ordinance, every act of the council establishing a fine or other penalty, or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Bedford, Texas."

**Sec. 2.17. Same—Enactment.**

Each proposed ordinance or resolution shall be introduced in written or printed form and shall not contain more than one subject which shall be clearly expressed in the title, except ordinances or resolutions making appropriations or authorizing the contracting of indebtedness or issuance of bonds or other evidence of indebtedness. Any ordinance or resolution may be passed at any regular or special called meeting of the council, unless otherwise provided herein or by state law.

**Sec. 2.18. Reserved.**

*Editor's note—*

A Charter amendment of May 10, 2008, repealed § 2.18 in its entirety, which pertained to same—emergency and nonemergency measures, and derived from original codification.

**Sec. 2.19. Reserved.**

*Editor's note—*

Ord. No. 2400, § 1, adopted August 26, 1997 repealed § 2.19, which pertained to publication of penal ordinances and derived from an election of June 24, 1969.

**Sec. 2.20. Independent annual audit.**

Prior to the end of each fiscal year, the council shall designate qualified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidence of financial transactions of the city government, and shall submit their report to the council and to the City Manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the city. A copy of such audit shall be kept in the office of the city secretary, subject to inspection by any citizen and officer during regular office hours.

**Sec. 2.21. Ethics requirements.**

The city council shall adopt an ethics policy to apply to elected and appointed officials and employees of the city.

**ARTICLE III. CITY MANAGER**

**Sec. 3.01. Qualifications.**

The City Manager shall be chosen by the council solely on the basis of his executive and administrative training, experience and ability, and without regard to political consideration. The City Manager need not, when appointed, be a resident of the city, or the state, but during the tenure of office shall reside in the city.

**Sec. 3.02. Powers and duties.**

The City Manager shall be the chief executive officer and the head of the administrative branch of the city government. The City Manager shall be responsible to the council for proper administration of all affairs of the city and shall have power and shall be required to:

- (1) Appoint, and when necessary for the welfare of the city, remove any officer or employee of the city, except as otherwise provided by this

charter and except as he may authorize the head of a department to appoint and remove subordinates in such department;

- (2) Prepare and submit to the council an annual budget and be responsible for its administration after adoption;
- (3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
- (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable;
- (5) Perform such other duties as may be prescribed by this charter, state law, or required by the council;
- (6) Attend all meetings of the city council, with the right to take part in the discussions, but having no vote.

### **Sec. 3.03. Absence.**

To perform his [those] duties during his [the official's] temporary absence, or disability, the City Manager may designate by letter filed with the city secretary a qualified administrative officer of the city. In the event of failure of the City Manager to make such designation, the council may, by resolution, appoint an officer of the city to perform the duties of the City Manager until he [the official] shall return or his disability shall cease.

### **Sec. 3.04. Reserved.**

Editor's note—

A Charter amendment of May 10, 2008, repealed § 3.04 in its entirety, which pertained to administrative departments—establishing, and derived from original codification.

### **Sec. 3.05. Reserved.**

Editor's note—

A Charter amendment of May 10, 2008, repealed § 3.05 in its entirety, which pertained to same—directors, and derived from original codification.

### **Sec. 3.06. City secretary.**

The City Manager shall appoint an officer of the city; who shall have the title of city secretary. The city secretary shall give notice of the council meetings, shall keep minutes of its proceedings, shall authenticate by signature and maintain all ordinances and resolutions and shall perform such other duties as shall be required by this charter, state law, or by the City Manager.

**Sec. 3.07. City attorney.**

(a) The city attorney shall be a person admitted to the practice of law by the State of Texas and shall have practiced law for at least four years.

(b) The city attorney shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees of the city in matters relating to their official powers and duties. The city attorney shall represent the city in all legal proceedings. The city attorney shall perform all services incident to the position as may be required by statute, by the City of Bedford Charter, or by ordinance.

(c) The city attorney shall be appointed to or removed from office by a vote of the city council.

**ARTICLE IV. BUDGET**

**Sec. 4.01. Fiscal year; budget year; accounting year.**

The fiscal year of the city government shall begin on the first day of October and shall end on the last day of September of each calendar year. The fiscal year shall constitute the budget and the accounting year.

**Sec. 4.02. Preparation and submission.**

Prior to the fifteenth day of August in each year, the City Manager shall prepare, file with the city secretary, and furnish to each member of the council a carefully itemized budget outlining anticipated receipts and proposed expenditures of the city, showing as definitely as possible appropriations desired for each project and operation for the next succeeding fiscal year, comparing the same with the budget for the then current fiscal year, and stating the actual receipts and expenditures of the then current fiscal year, including the estimated expenditures for the fourth quarter of the current fiscal year. Each employee, officer, current board, commission and department shall furnish the City Manager such information as may be required by him or her for the proper preparation of each budget. The proposed budget shall also contain:

~~(1) A complete and detailed statement of assets, obligations and liabilities of the city and of each of the funds administered by it.~~

~~(2) An estimate of the rate of tax required for the current calendar year.~~

~~(3) A capital program, which shall include all equipment with a minimum depreciable lifetime of five (5) years, which will be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items:~~

~~a. A summary of proposed programs;~~

~~b. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years, which list shall include a five (5) year projection for debt service, next ensuing, with appropriate supporting information as to the necessity for such improvements;~~

~~c. Cost estimates, method of financing and recommended time schedules for each such improvement; and~~

~~d. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired~~

(1) A complete financial statement of the city that shows: (a) the outstanding obligations of the city; (b) the cash on hand to the credit of each fund; (c) the funds received from all sources during the preceding year; (d) the funds available from all sources during the ensuing year; (e) the estimated revenue available to cover the proposed budget; and (f) the estimated tax rate required to cover the proposed budget.

(2) A capital program, which shall include all proposed purchases of equipment with a minimum depreciable lifetime of five (5) years, which will be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items: (a) A summary of proposed programs; (b) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years, which list shall include a five (5) year projection for debt service, next ensuing, with appropriate supporting information as to the necessity for such improvements; (c) Cost estimates, method of financing and recommended time schedules for each such improvement; and (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(3) An investment strategy for the cash management of the city funds.

~~(4) An investment strategy for the cash management of the city funds.~~

(4) Any other information required by state law.

(5) Such other budgetary information as may be requested in writing by any member of the city council.

#### **Sec. 4.03. Form.**

The budget will have a cover page that meets the requirements of state law.

At the head of the budget there shall appear a summary of the budget, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget. The City Manager shall at the same time submit a budget message explaining the need of the requested appropriations and stating what pending capital projects, if any, will likely require the issuance of bonds or warrants.

#### **Sec. 4.04. A public record.**

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary and the public library of the city open to public inspection by anyone. The budget shall be posted on the website as required by state law or such other means of notice as allowed or required by state law.

#### **Sec. 4.05. Publication and notice of public hearing.**

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget and cause to be published in the official newspaper of the city a notice of the place and time, which shall ~~not be less than three (3) days nor more than fourteen (14) days after date of publication, not be earlier than the thirtieth (30<sup>th</sup>) day or less than the tenth (10<sup>th</sup>) day before the date of hearing; or such other means of notice as allowed or required by state law.~~

#### **Sec. 4.06. Hearing and adoption of budget.**

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

current tax year. The City Manager shall file a copy of the budget with the county clerk of Tarrant County.

**Sec. 4.07. Budget establishes appropriations and amount to be raised by taxation.**

From the effective date of the budget the amount stated therein as the amount to be raised by taxation shall constitute a determination of the amount of the levy for the purposes of the city in the corresponding tax year and the several amounts stated therein, as proposed expenditures shall thereby be and become appropriated to the several objects and purposes therein stated, but unused appropriations for any item may be transferred and used for any other item required for the accomplishment of the same general purpose.

**Sec. 4.08. Unallocated reserve fund.**

When recommended by the City Manager and at the discretion of the council, the budget may contain a reasonable sum set aside as an unallocated reserve fund to meet unexpected and unforeseen contingencies in current operating costs of any budget project.

**Sec. 4.09. Amendment and supplemental budgets.**

Upon the affirmative vote of a majority of the full membership of the council, the original budget may be amended or supplemented. Such supplements and amendments shall be approved in an ordinance and shall be filed with the original budget.

**Sec. 4.10. Defect shall not invalidate tax levy.**

Defects in the form or preparation of the budget or the failure to perform any procedural requirement shall not invalidate any tax levy or the tax roll.

**ARTICLE V. BONDS, WARRANTS AND EVIDENCES OF INDEBTEDNESSARTICLE VI. TAX ASSESSMENT AND COLLECTION**

**Sec. 5.01. Power to issue.**

The city shall have the right to issue all tax bonds, revenue bonds, funding and refunding bonds, time warrants and other evidences of indebtedness as now authorized or as may hereafter be authorized to be issued by cities and towns by the general laws of the state.

**Sec. 5.02. Reserved.**

*Editor's note—*

A Charter amendment of May 10, 2008, repealed § 5.02 in its entirety, which pertained to manner of issuance, and derived from original codification.

**ARTICLE VI. TAX ASSESSMENT AND COLLECTION**

**Sec. 6.01. Power to tax.**

The city council shall have the power and it is hereby authorized and made its duty to levy annually, for general purposes and for the purpose of paying interest and providing the sinking fund on the bonded indebtedness of the city now in existence or which may hereafter be created, an ad valorem tax on all real, personal or mixed property within the territorial limits of said city, and upon all franchises granted by the city to any individual or corporation of not exceeding a total of one dollar and fifty cents (\$1.50) on the one hundred dollar (\$100.00) assessed valuation of said property, and to levy annually such gross receipts, franchise, occupation and other taxes as may be authorized under the Constitution and laws of the state.

**Sec. 6.02. State law governs tax collection.**

The council shall have full power to provide for the prompt collection of taxes imposed and the procedures, time limits, interest, penalties and methods of levying, imposing, assessing and collecting of taxes shall be those prescribed by state law. The council shall impose such ad valorem taxes as are necessary to support the budget.

**Sec. 6.03. Exempt property.**

There shall be exempt from taxation all property exempted by the State Constitution, state law and the ordinances of the city, as they are now or as they may be amended.

**Sec. 6.04. Unrendered property.**

The city shall provide for the assessment of all unrendered property in accordance with state law.

**Sec. 6.05. Payment of taxes.**

The council shall provide for the payment of taxes in accordance with state law.

**Sec. 6.06. Delinquent taxes.**

The council shall provide the collection of delinquent taxes in accordance with state law.

**Sec. 6.07. Tax lien and liability.**

A special lien is hereby created on all real, personal and mixed property, located in the city, in favor of the City of Bedford, for all unpaid taxes. The priority of said lien shall be determined in accordance with the laws of the state and of the United States.

**Sec. 6.08. Joint interest in property.**

The council shall provide for the assessment of property and the clearing of tax liens in accordance with state law.

**Sec. 6.09. Appraisal of property.**

The council shall provide for the appraisal of property in accordance with state law.

**Sec. 6.10. Reserved.**

*Editor's note—*

A Charter amendment of May 10, 2008, repealed § 6.10 in its entirety, which pertained to same—appeal to, and derived from original codification.

**Sec. 6.11. Council shall have power to regulate taxes and appoint tax assessor and collector.**

The council shall have the power to make all regulations pertaining to the assessment and collection of ad valorem taxes not in conflict with the constitution and laws of the state and may confer the powers and duties of tax assessor and collector on any officer of the city, and unless a person has been appointed to the position of tax assessor and collector for the city, the city council may contract with any other political subdivision, to assess, equalize and collect the taxes for the city.

**ARTICLE VII. NOMINATIONS AND ELECTIONS**

**Sec. 7.01. Times of elections.**

The regular city election shall be held every year ~~on the first Saturday in May,~~ ~~or~~ at such time as prescribed by law, at which time officers will be elected to fill those

offices which become vacant that year. The city council shall fix the hours and place for holding such election. The city council may, by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election.

**Sec. 7.02. Regulation of elections.**

The city council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the laws of the state for the conduct of municipal elections, for the prevention of fraud in such elections and for the recount of ballots in case of doubt or fraud. Municipal elections shall be conducted by the appointed election authorities, who shall also have power to make regulations not inconsistent with this charter or with any regulations made by the council or the laws of the state.

**Sec. 7.03. Nominations.**

Any person having the qualifications required by this charter may have his/her name placed on the ballot as a candidate for mayor, council member or municipal judge. The filing period for such application shall be as provided by state law.

**Sec. 7.04. Number, selection and term of city council members.**

The council, consisting of [the] mayor and six (6) council members, shall be selected as follows:

- (1) The mayor shall be elected by a majority vote of the qualified voters voting at the election.
- (2) The six (6) council members shall be elected to individual places, designated by number, from the city at large, and each shall be elected by a majority vote of the qualified voters voting at the election.
- (3) The mayor and each council member shall hold office for a period of three (3) years and until a successor is duly elected and qualified.

**Sec. 7.05. Official ballot.**

The names of all candidates for office, except such as may have been withdrawn, died or become ineligible, shall be placed on the ballot without party designations and in the order determined in a drawing as provided by state law.

**Sec. 7.06. Qualified voter.**

Qualifications for voting in the City of Bedford elections shall be the same as set out in the laws of the State of Texas.

**Sec. 7.07. Laws governing city elections.**

All city elections shall be governed, except as otherwise provided by this charter, by the laws of the state governing general and municipal elections.

**Sec. 7.08. Conducting and canvassing elections; run-off elections.**

The election judges and other necessary election officials for conducting all such elections shall be appointed by the city council. The election judges shall conduct the elections, determine, record and report the results as provided by the general election laws of the state. The city council shall meet, open the returns, canvass and officially declare the results of the election as to candidates and questions and issue certificates of election to candidates elected as provided by state law. In the event no candidate for a given office has received the necessary majority, the mayor shall call a second election to be held as provided by state law. At the second election, the ballot shall list in that order the names of the two (2) candidates receiving at the first election the first and second highest number of votes for a given office. Should one of such candidates withdraw, die or become ineligible, a second election shall not be held, and the other shall be declared elected to office. Any tie shall be decided by lot as provided by state law.

**Sec. 7.09. Oath of office.**

Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the oath or affirmation as prescribed by the Constitution of the state.

**Sec. 7.10. Election of municipal judge.**

The municipal judge shall be elected by a majority vote of the qualified voters voting at the election or appointed by the city council as determined by city ordinance.

**ARTICLE VIII. MUNICIPAL COURT**

**Sec. 8.01. Creation and jurisdiction; fines.**

There is hereby created and established a court to be the municipal court of the city, which court shall have jurisdiction over violations of city ordinances and other matters as provided by state law.

**Sec. 8.02. Municipal Judge—Designation.** 

The municipal judge shall be ~~a qualified voter of the city, who has been a resident of the city for at least one (1) year,~~ a competent practicing lawyer, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a municipal judge shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant. The city council may, by ordinance, provide the salary of the municipal judge in accordance with state law. The municipal judge shall be elected or appointed as determined by the city council. The term is for three (3) years if elected, or, if appointed, for a term defined by the city council.

~~The municipal judge is limited to four (4) consecutive full terms. Any municipal judge who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one (1) full term of office.~~

**Sec. 8.03. Same—Power.**

The judge of said municipal court shall have all powers and authorities provided by city ordinance and state law.

**Sec. 8.04. Clerk—Power.**

The clerk of said municipal court and his deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto and generally to do and perform any and all acts usual and necessary by clerks of courts in issuing process of said courts and conducting the business thereof.

**ARTICLE IX. PLANNING AND ZONING**

**Sec. 9.01. Planning and zoning commission—Establishing; membership; organization; meetings.**

There shall be established a planning and zoning commission which shall consist of a minimum of seven (7) citizens from the city. The members of said commission shall be appointed by the city council for a term of two (2) years. An odd number of members of the planning and zoning commission shall be so appointed each odd numbered year and an even number of members shall be so appointed each even numbered year. The commission shall elect a chairman from among its membership and shall meet ~~not less than once each month~~ as necessary. Vacancies and unexpired terms shall be filled by the council for the remainder of the term. A majority of the members shall constitute a quorum. Members of the commission may be removed by a majority vote of the council.

The commission shall keep minutes of its proceedings, which shall be of public record. The commission shall serve without compensation.

**Sec. 9.02. Same—Powers and duties.**

The planning and zoning commission shall:

- (1) Recommend a city plan for the physical development of the city;
- (2) Recommend to the city council approval or disapproval of proposed changes in the zoning plan; and
- (3) Exercise control over platting or subdividing land within the corporate limits of the city, and outside said corporate limits to the extent authorized by law.

The commission shall be responsible to and act as an advisory body to the council, and shall have and perform such additional duties as may be prescribed by ordinance.

**Sec. 9.03. Master plan—Development.**

The master plan for the physical development of the city shall contain the commission's recommendations for growth, development, and beautification of the city. A copy of the master plan, or any part thereof, shall be forwarded to the city council, which may adopt this plan in whole or in parts, and may adopt any amendments thereto after at least one (1) public hearing on the proposed action. If such plan, or part thereof, shall be rejected by the council, the commission may modify such plan, or part thereof, and again forward it to the city council for consideration.

All amendments to the master plan recommended by the commission shall be submitted in the same manner as outlined above to the city council for approval,

and all recommendations affecting the master plan shall be accompanied by a recommendation from the planning and zoning commission.

**Sec. 9.04. Same—Legal effect.**

Upon the adoption of a master plan by the city council, no subdivision, street, park or any public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the master plan shall be constructed or authorized by the city, until and unless the location and extent thereof shall have been submitted to and approved by the commission. In case of disapproval, the commission shall communicate its reasons to the council, which shall have the power to overrule such disapproval, and upon such overruling, the council shall have power to proceed. The widening, narrowing, re-locating, vacating or change in the use of any street, alley or public way, or ground or the sale of any public building, or real property, shall be subject to similar submission and approval by the planning and zoning commission, and failure to approve may be similarly overruled by the city council.

**ARTICLE X. FRANCHISES AND PUBLIC UTILITIES**

**Sec. 10.01. Powers of the city.**

In addition to the city's power to buy, own, construct, maintain, and operate utilities, within or without the city limits, and to manufacture and distribute electricity, gas, or anything else that may be needed or used by the public, the city shall have further powers as may now or hereafter be granted under the constitution and laws of the state.

**Sec. 10.02. Franchise granting power of council.**

The city council shall have power to grant, renew or extend by ordinance all franchises of all public utilities of every character operating within the city, and for such purposes is granted full power. No public utility franchise shall be transferable except to persons, firms or corporations taking all or substantially all of the holder's business in the city, and except with the approval of a three-fourths ( $\frac{3}{4}$ ) majority of the council expressed by ordinance.

All grants, renewals, extensions, or amendments of public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the city:

(1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.

(2) To require an adequate and reasonable extension of plant and service, and the maintenance of the plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public.

(3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(4) a. To prescribe the form of accounts kept by each such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, or their successors, or other state or federal utility regulating agencies, this shall be deemed sufficient compliance with this paragraph;

b. At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on local operations by each such public utility.

~~(4)~~(5) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.

All rights of the city to regulate a franchise shall conform to state, federal and local laws; provided, however, that all rights of the city given by state law in the event of a conflict between the city charter and state law, are hereby reserved.

### **Sec. 10.03. Franchise value not to be allowed.**

In fixing reasonable rates and charges for utility service within the city, and in determining the just compensation to be paid by the city for public utility property which the city may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise granted by the city under this charter.

**Sec. 10.04. Right of regulation.**

The City shall have the right to regulate utilities to the full extent allowed by state and federal law.

**Sec. 10.05. Consent of property owners.**

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but nothing in this charter or in any franchise granted thereunder shall ever be construed to deprive any such property owners of any right of action for damage or injury to his property as now or hereafter provided by law.

**Sec. 10.06. Extensions.**

All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in this article. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

**Sec. 10.07. Temporary licenses.**

Licenses unconditionally revocable at the will of the governing body for minor or temporary privileges in the streets, public ways and public places of the city may be granted and revoked by ordinance from time to time, and such licenses shall not be deemed franchises as the term is used in this charter.

**Sec. 10.08. Other conditions.**

The power of the city to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved as well as the general power of the city heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility franchise hereafter granted shall be held subject to all the

terms and conditions contained in the various sections of this article whether or not such terms are specifically mentioned in the franchises. Nothing in this charter shall operate to limit in any way, as specifically stated, the discretion of the council or the electors of the city in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the state.

**Sec. 10.09. Franchise records.**

Every public utility shall file its city franchise, if applicable, or other grant of authority, with the City Secretary.

**Sec. 10.10. Accounts of municipal-owned utilities.**

Accounts shall be kept for each public utility owned or operated by the city, in such manner as to show the true and complete financial results of such city ownership and operation, including assets, appropriately subdivided into different classes, all liability subdivided by classes, depreciation reserve, other reserves, and surplus; also revenues, operating expenses including depreciation, interest payments, rental and other disposition of annual income. The accounts shall show the actual capital cost to the city of each public utility owned, also the cost of all extensions, additions, and improvements and the source of the funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any other city or governmental department. The council shall annually cause to be made by a certified public accountant, and shall publish, a report showing the financial condition of said public utility and the financial result of such city ownership and operation, giving the information specified in this section and such additional data as the council shall deem expedient.

**Sec. 10.11. Regulations of rates and service—Generally.**

The city council shall have full power to regulate by ordinance the rates and services of every public utility operating in the city.

*Editor's note—*

The statute cited in the above section has been superseded by the Public Utility Regulatory Act (V.T.C.A., Utilities Code [ch. 11](#) et seq.).

**Sec. 10.12. Reserved.**

*Editor's note—*

A Charter amendment of May 10, 2008, repealed § 10.12 in its entirety, which pertained to same—rate changes, and derived from original codification.

**ARTICLE XI. MISCELLANEOUS PROVISIONS**

**Sec. 11.01. No officer or employee to accept gift, etc., from public utility.**

No officer or employee of the city shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying a grant of any franchise, privilege or easement from said city, during the term of office of such officer, or during such employment of such employee, except as may be authorized by law or ordinance. Any willful violation of this section shall constitute malfeasance in office, and any officer, employee or appointee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the governing body of the city shall render the contract involved voidable by the City Manager or the governing body.

**Sec. 11.02. Officers or employees of the city not to have financial interest in any contracts of the city.**

No officer, employee or appointee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, unless disclosure of such interest shall be made public prior to the time of any action being taken on such contract. Public disclosure shall be by inclusion on the official agenda and in the minutes of the meeting. Any willful violation of this section shall constitute malfeasance in office, and any officer, employee or appointee guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the governing body of the city shall render the contract involved voidable by the City Manager or the governing body.

**Sec. 11.03. Property not exempt from special assessments.**

No property of any kind in the city shall be exempt from any of the special taxes and assessments authorized by state law, ordinance or the charter.

**Sec. 11.04. Notice of damage or injury required.**

The city shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall file a notice in writing, duly verified, with the city secretary, within six (6) months after the same has been received, stating specifically in such notice when, where and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The city shall never be liable for any claim for damages or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his behalf, shall file a claim, in writing, duly verified with the city secretary, within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the full extent thereof, and the amount of damage sustained.

The city shall never be liable for any claim for damage or injury to real property caused by the negligent act or omission of its officers, servants, agents or employees, unless the person whose real property has been injured or damaged, or someone in his behalf, shall file a claim in writing, duly verified, with the city secretary, within six (6) months after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred, and the amount of damage claimed. The city shall never be liable on account of any damage or injury to person or to personal property arising from or occasioned by any defect in any public street, highway, alley, grounds or public work of the city, unless the specific defect causing the damage or injury shall have been actually known to the city secretary at least twenty-four (24) hours prior to the occurrence of the injury or damage, or unless the attention of the city secretary shall have been called thereto by a notice thereof in writing at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence has not been exercised to rectify the defect. The notice herein required to be given to the city secretary of the specific defect causing the damage or injury shall apply where the defect arose from any omission of the city itself through its agents, servants or employees, or acts of third parties.

**Sec. 11.05. City exempt from appeal bonds.**

It shall not be necessary in any action, suit or proceeding in which the city is a party for any bond, undertaking or security to be executed in behalf of said city, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given, and said city shall be liable as if such obligation had been duly given and executed.

**Sec. 11.06. Execution, garnishment and assignment.**

Except as provided by state law, the property, real and personal, belonging to said city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said city, in the hands of any person, be liable to garnishment on account of any debts it may owe or funds it may have on hand due any person, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever, nor shall said city be liable to the assignee of any wages of any officer, agent or employee of said city, whether earned or unearned, upon any claim or account whatsoever, and as to the city such assignment shall be absolutely void.

**Sec. 11.07. No lien on public property.**

No lien of any kind can ever exist against the public buildings, public halls, parks or public works of the city.

**Sec. 11.08. Bonds of contractors.**

The council shall require good and sufficient bonds of all contractors with good and sufficient sureties, who shall be authorized to do business in the State of Texas.

**Sec. 11.09. Condemnation of dangerous structures.**

Whenever any building, fence, shed, awning, or structure of any kind or part thereof, is determined to be dangerous and the possibility of injury to persons or property exists, the council or an entity or agent provided for by ordinance of the council may order the owner or agent of the same, or occupant of the premises, to repair or take down and remove the same within such time as it may direct, and may punish by fine all persons failing so to do. Upon his failure to comply, the council or an entity or agent provided for by ordinance of the council shall have the additional power to remove the same at the expense of the city on account of the owner of the property and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this charter, or by suit in any court of competent jurisdiction.

The council or an entity or agent provided for by ordinance of the council shall have full power to condemn all dangerous buildings or obstructions of any kind and may provide regulations therefor by ordinance.

**Sec. 11.10. Fire limits.**

The council may establish fire limits and prescribe the kind and character of materials to be used in buildings constructed within such limits.

**Sec. 11.11. Building permits.**

The city shall have power to prohibit the erection or construction of any building or structure of any kind within the city without a permit first having been issued by the city for the construction or erection of such building or structure, and may authorize a fee to be charged for such permit, and in pursuance of said authority, may authorize the inspection by the city of all buildings or structures during the progress of their construction and may require that all buildings shall be constructed in conformity with the building regulations which exist in said city or which shall hereafter be passed.

**Sec. 11.12. Bonds of city official, employee or department director.**

In addition to any bonding provisions herein provided, the council may require any city official, department director or city employee, before entering upon his duties, to execute a good and sufficient bond with a surety company doing business in the state and approved by the city council, as surety thereon, said bond to be in such amount as the council may demand, payable to the city, and conditioned for the faithful performance of the duties of his office; premium of such bond to be paid by the city.

**Sec. 11.13. When charter provisions take effect.**

For the purpose of nominating and electing members of the council, the provisions of this charter shall be in effect for the regular municipal election to be held in April, 1968. For all other purposes this charter shall be in effect from and after its approval by the electors of the city, and the entering of an official order upon the records of the city by the governing body, declaring the same adopted.

**Sec. 11.14. Right to amend the charter.**

This charter may be amended no more than once every two (2) years.

**Sec. 11.15. Ordinances, rules and regulations validated.**

All ordinances, resolutions, rules and regulations of the city heretofore ordained, passed or enacted, that are in force at the time this charter becomes effective and which are not in conflict with such charter, shall remain in full force and effect until altered, amended or repealed by the governing body of the city after such charter takes effect.

**Sec. 11.16. Separability clause.**

If any section or part of section of this charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this charter

nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

### **Sec. 11.17. Mandatory charter review.**

The council shall hold a public hearing every fifth year after an amendment to the charter in order to determine whether a commission should be appointed to review the charter and to make recommendations to the city council for amendment of the charter. If the council determines that it would be in the best interests of the citizens to appoint a charter review commission, it shall appoint a charter review commission of fifteen (15) citizens of the City of Bedford.

(a) *Duties of the commission.*

- (1) Inquire into the operation of the city government under the charter provisions and determine whether any such provisions require revision.
- (2) Propose any recommendations it may deem desirable to help ensure compliance with the provisions of the charter and state law.
- (3) Propose, if it deems desirable, amendments to this charter to improve the effective application of the charter to current conditions.
- (4) Report its findings and present its proposed amendments, if any, to the city council.

(b) *Action by the council.* The city council shall receive and have published, in the designated official public newspaper of the city or on the City's website or in any alternative publication, including City publications, designed to give notice to the citizens of the City of Bedford, a final report of the charter review commission. The city council shall consider any recommendation made and if any amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by state law. **\_[Note – additional language proposed at meeting January 14, 2014, but not voted on at that time. Instructions were to come back with the language in order to vote on this section.]**

(c) *Term of office.* The term of office of such charter review commission shall be as established by the city council. At the completion of such term, a report shall be submitted to the council. All recordings or the proceedings of such commission shall be filed with the city secretary and shall become a public record.

## **ARTICLE XII. GENERAL CONSTRUCTION**

### **Sec. 12.01. Effective date.**

This charter shall be in effect from and after its approval by the electors of the city, and the entering of an official order upon the records of the city by the governing body, declaring the same adopted.

### **Sec. 12.02. Construction.**

In the wording of the charter, the use of the singular number shall include the plural, and the plural shall include the singular. Words used in the masculine gender shall include the feminine also, unless by reasonable construction, it appears that such was not the intention of this charter.

## **ARTICLE XIII. INITIATIVE AND REFERENDUM**

### **Sec. 13.01. General authority.**

(a) *Initiative.* The registered voters of the city shall have power to propose lawful ordinances to the council, and if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

(b) *Referendum.* The registered voters of the city shall have the power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, but such power shall not extend to the budget or capital program or any emergency ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

### **Sec. 13.02. Commence of proceeding; petitioners' committee; affidavit.**

Any five (5) registered voters may commence initiative or referendum proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which

all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Within two (2) working days after the affidavit of the petitioners' committee is filed the city secretary shall issue the appropriate petition blanks to the petitioners' committee.

### **Sec. 13.03. Petitions.**

(a) *Number of signatures.* Initiative and referendum petitions must be signed by registered voters of the city equal in number to five (5) percent of the total number of registered voters registered to vote at the last regular election, or 1,250, whichever is greater.

(b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) *Affidavit of circulation.* Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance sought to be reconsidered.

(e) *Time for filing initiative petitions.* Initiative petitions must be filed within thirty (30) days after issuance of the appropriate petition blanks to the petitioners' committee.

### **Sec. 13.04. Procedure after filing.**

(a) *Certificate of city secretary; amendment.* Within twenty (20) days after the petition is filed with the city secretary, the city secretary shall complete a certificate as to the sufficiency of the petition. The city secretary shall determine the sufficiency of the petition in accordance with state law. If the petition is found to be insufficient,

the city secretary shall specify in writing the particulars wherein it is defective and shall within two (2) working days send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within two (2) working days after receiving the copy of the city secretary's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (a) and (b) of section 13.03 and within five (5) days after it is filed the city secretary shall complete a certificate as to the sufficiency of the petition as amended and within two (2) working days send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city secretary shall present the city secretary's certificate to the council at the next regularly scheduled council meeting on which the item may appear on the agenda, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may within two (2) days after receiving the copy of such certificate file a request that it be reviewed by the council. The council shall review the certificate at its next meeting on which the item may appear on the agenda and approve or disapprove it and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review shall not prejudice the filing of a new petition for the same purpose.

### **Sec. 13.05. Referendum petitions; suspension of effect of ordinance.**

When a referendum petition is filed with the city secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition;
- (2) The petitioners' committee withdraws the petition;
- (3) The council repeals the ordinance; or

- (4) Thirty (30) days have elapsed after a vote of the city on the ordinance.

**Sec. 13.06. Action on petitions.**

(a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative or referendum ordinance in the manner provided herein or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient it shall submit the proposed or referred ordinance to the voters of the city. The election must be held on the first available general election date as established by state law.

(b) *Submission to voters.* Copies of the proposed or referred ordinance shall be made available at the polls.

(c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the date the election is called by filing with the city secretary a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**Sec. 13.07. Results of election.**

(a) *Initiative.* If a majority of the registered voters, voting on a proposed initiative ordinance, vote in its favor, the ordinance shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the registered voters, voting on a referred ordinance, vote against it, the ordinance shall be considered repealed upon certification of the election results.

**Sec. 13.08. Initiative and referendum—Failure of city council to act.**

In case all of the requirements of this charter shall have been met and the council shall fail or refuse to receive the petition or discharge any other duties imposed upon the council by the provision of this charter with reference to initiative and referendum, then a district judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the city secretary or by the council.

#### **ARTICLE XIV. RECALL**

##### **Sec. 14.01. Power of recall.**

The qualified voters shall have the power to recall any elected official of the city.

##### **Sec. 14.02. Commence of proceeding; petitioners' committee; affidavit.**

Any five (5) registered voters may commence recall proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the reasons for the recall of the elected official.

Within two (2) working days after the affidavit of the petitioners' committee is filed the city secretary shall issue the appropriate petition blanks to the petitioners' committee.

##### **Sec. 14.03. Petitions.**

(a) *Number of signatures.* Recall petitions must be signed by registered voters of the city equal in number to five (5) percent of the total number of registered voters registered to vote at the last regular election, or 1,250, whichever is greater.

(b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the reasons for the recall of the elected official.

(c) *Affidavit of circulation.* Each paper of a petition shall have attached to it when filed an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were

affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the reasons for the recall of the elected official.

(d) *Time for filing recall petitions.* Recall petitions must be filed within thirty (30) days after issuance of the appropriate petition blanks to the petitioners' committee.

#### **Sec. 14.04. Procedure after filing.**

(a) *Certificate of city secretary; amendment.* Within twenty (20) days after the petition is filed with the city secretary, the city secretary shall complete a certificate as to the sufficiency of the petition. The city secretary shall determine the sufficiency of the petition in accordance with state law. If the petition is found to be insufficient, the city secretary shall specify in writing the particulars wherein it is defective and shall within two (2) working days send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the city secretary within two (2) working days after receiving the copy of the city secretary's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (a) and (b) of [section 14.03](#) and within five (5) days after it is filed the city secretary shall complete a certificate as to the sufficiency of the petition as amended and within two (2) working days send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the city secretary shall present the city secretary's certificate to the council at the next regularly scheduled council meeting on which the item may appear on the agenda, and the certificate shall then be a final determination as to the sufficiency of the petition.

(b) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may within two (2) working days after receiving the copy of such certificate file a request that it be reviewed by the council. The council shall review the certificate at its next meeting on which the item may appear on the agenda and approve or disapprove it and the council's determination shall then be a final determination as to the sufficiency of the petition.

(c) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review shall not prejudice the filing of a new petition for the same purpose.

**Sec. 14.05. Recall election.**

If the petition is certified by the city secretary to be sufficient, the council shall order an election to be held at the earliest possible date as determined by state law.

**Sec. 14.06. Results of recall election.**

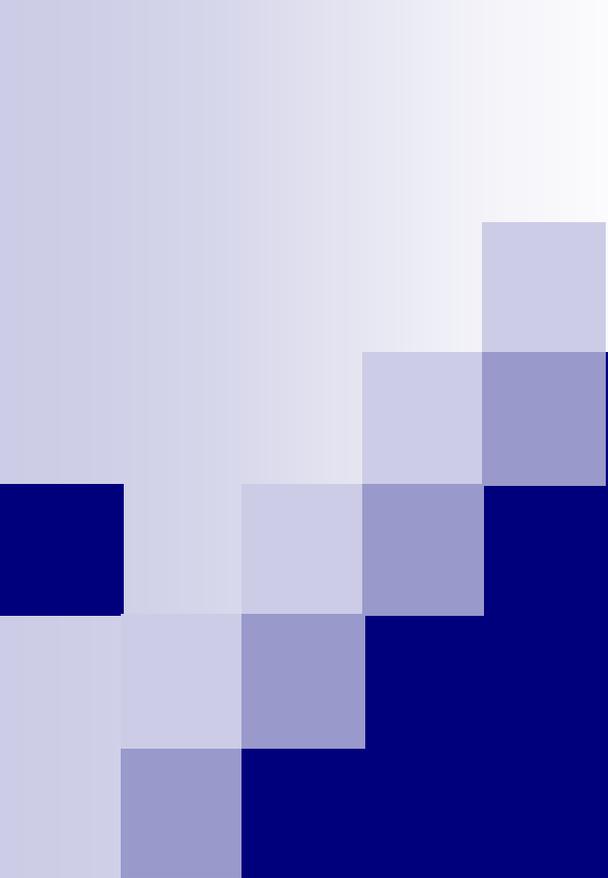
If a majority of the votes cast at a recall election shall be against removal of the elected official named on the ballot, he/she shall continue in office. If the majority of the votes cast at the election are for the removal of the elected official named on the ballot, the council shall immediately declare his/her office vacant and such vacancy shall be filled in accordance with the provisions of this charter for the filling of vacancies. An elected official thus removed shall not be a candidate to succeed himself/herself.

**Sec. 14.07. Limitation on recall.**

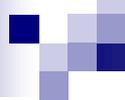
No recall petition shall be filed against an elected official within six (6) months after he/she takes office, or within nine (9) months before the elected official's current term expires. No elected official shall be subjected to more than one recall election during a term of office. [No appointed city council member shall be subjected to a recall election while serving the unexpired term of office.](#)

**Sec. 14.08. Failure of city council to act.**

In case all of the requirements of this charter shall have been met and the city council shall fail or refuse to receive the petition, or order such recall election or discharge any other duties imposed upon the city council by the provision of this charter with reference to recall, then the county judge of Tarrant County, Texas, shall discharge any of such duties herein provided to be discharged by the person performing the duties of the city secretary or by the city council. In addition, any qualified voter in the city may seek judicial relief in a district court of Tarrant County, Texas, to have any of the provisions of this charter, pertaining to recall, carried out by the proper official.

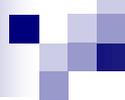


# Bedford Charter Review Commission 2013 - 2014



# **Our Charge** (Resolution No.13-61)

- To review the Charter of the City of Bedford and to report to the City Council with recommendations for the amendment of the Charter, if any, in sufficient time for the City Council to submit proposed Charter amendments to the City's qualified voters for their approval at an election in May of 2014.



# Our Members

Tom Bresnahan

Jeff Corbet

Matt Eisherloh

Steve Farco

Bucky Geer

Steve Grubbs

Hank Henning

Holley Hendrickson

Debbie McDaniels

Dorothy McWhorter

Beth Mullens

Mary Peters

Roy Savage

Jim Story

Hank Swanson

Ex-officio members: City Attorney - Stan Lowry

City Manager – Beverly Griffith

- Six meetings were held from October 2013 to January 2014
- Over 70 % attendance at all meetings



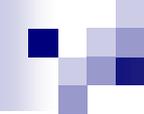
# Our Process

- As we began the process, two things were emphasized:
  - The Charter is our “constitution” and therefore is the basis of how Bedford should function as a city
  - We should look for changes that could simplify, improve and/or make the Charter easier to understand
- Committee members were given a copy of the current charter and asked to review the document for any changes needed
- The City Attorney’s Office reviewed the charter for any state law changes or legal clarifications
- All meetings were open for public input



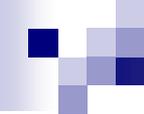
# Our Process

- Each section that was recommended for change was discussed then a motion for recommendation was made and seconded
- We then had further discussion and voted
- Finally, we voted to place the recommendation on the ballot or to place on hold (for further discussion or to combine it with other recommendations into a single proposition)
- A minority report was to be submitted for any recommendation that did not pass unanimously

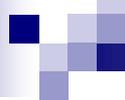


# Our Process

- 11 of the 125 sections of the charter were recommended for changes
- Recommendations were made for the following reasons:
  - Legal clarification
  - Update charter to comply with standard city operating practices
  - Update charter to comply with current state law
  - Additions for improvement to sections



**Recommended  
Propositions from the  
Charter Review Commission  
to be placed on the  
May 2014 ballot**



# Proposition #1

- Article II, Section 2.05 is amended by allowing for appointment or special election in order to fill a Council vacancy of less than one year.
- Article XIV, Section 14.07 is amended by stating that an appointed member of the Council is not subject to recall due to the term of less than 12 months.
- Proposition passed unanimously

## Sec. 2.05. Vacancies.

In the event of a vacancy occurring in the office of any council member or mayor, a special election shall be held in accordance with state law and the Texas Constitution for the purpose of filling such vacancy. If the vacancy occurs when the unexpired term is twelve months or less, the council shall decide at a meeting, held in accordance with Section 2.13, whether to appoint a person to the vacancy or to hold a special election by a majority vote of the remaining council members. If the council approves to appoint the person to the vacated position, the council shall: (1) adopt procedures for the appointment process; (2) appoint a person to the vacancy within the time frame specified in accordance with state law and the Texas Constitution; (3) appoint a person who meets the requirements of the Charter as stated in Section 2.01 and 2.03; and (4) appoint the person to the vacated position by a majority vote of the remaining council members. If the council is not able to appoint a person to the vacancy, the council shall hold a special election in accordance with state law and the Texas Constitution.

## Sec. 14.07. Limitation on recall.

No recall petition shall be filed against an elected official within six (6) months after he/she takes office, or within nine (9) months before the elected official's current term expires. No elected official shall be subjected to more than one recall election during a term of office. No appointed city council member shall be subjected to a recall election while serving the unexpired term of office.



# Proposition #2

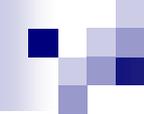
- Article II, Section 2.13 is amended by eliminating the requirement that the Council meet at least twice a month.
- Proposition passed unanimously

## **Sec. 2.13. Induction into office; meetings.**

Council members will be inducted into office as prescribed by state law. The council shall meet regularly at such times as may be prescribed by its rules, ~~but not less frequently than twice each month~~, the time for such regular meetings to be designated by ordinance, which ordinance shall be published at least one (1) time in the official newspaper of the city. The council may hold as many additional meetings as may be necessary for the transaction of the business of the city. All meetings of the council shall be open to the public in accordance with state law.

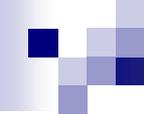
# Proposition #3

- Article IV, Section 4.02 is amended to match the requirements of state law in regard to the information provided to City Council for budgeting; requiring a financial statement showing outstanding obligations of the city; cash on hand; funds received; funds available; estimated revenue available; estimated tax rate; a capital program including proposed purchases, proposed programs, capital improvements, costs estimates, method of financing and time schedules for such improvements; and the estimated annual cost of operating and maintain the facilities to be constructed or acquired.
- Article IV, Section 4.03 is amended to match the requirements of state law in regard to providing a cover sheet for the budget.
- Proposition passed unanimously



## **Sec. 4.02. Preparation and submission.**

Prior to the fifteenth day of August in each year, the city manager shall prepare, file with the city secretary, and furnish to each member of the council a carefully itemized budget outlining anticipated receipts and proposed expenditures of the city, showing as definitely as possible appropriations desired for each project and operation for the next succeeding fiscal year, comparing the same with the budget for the then current fiscal year, and stating the actual receipts and expenditures of the then current fiscal year, including the estimated expenditures for the fourth quarter of the current fiscal year. Each employee, officer, current board, commission and department shall furnish the City Manager such information as may be required by him or her for the proper preparation of each budget. The proposed budget shall also contain:

- 
- ~~— (1) — A complete and detailed statement of assets, obligations and liabilities of the city and of each of the funds administered by it.~~
  - ~~— (2) — An estimate of the rate of tax required for the current calendar year.~~
  - ~~— (3) — A capital program, which shall include all equipment with a minimum depreciable lifetime of five (5) years, which will be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items:~~
    - ~~— a. — A summary of proposed programs;~~
    - ~~— b. — A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years, which list shall include a five (5) year projection for debt service, next ensuing, with appropriate supporting information as to the necessity for such improvements;~~
    - ~~— c. — Cost estimates, method of financing and recommended time schedules for each such improvement; and~~
    - ~~— d. — The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.~~

(1) A complete financial statement of the city that shows: (a) the outstanding obligations of the city; (b) the cash on hand to the credit of each fund; (c) the funds received from all sources during the preceding year; (d) the funds available from all sources during the ensuing year; (e) the estimated revenue available to cover the proposed budget; and (f) the estimated tax rate required to cover the proposed budget.

(2) A capital program, which shall include all proposed purchases of equipment with a minimum depreciable lifetime of five (5) years, which will be revised and extended each year to indicate capital improvements pending or in the process of construction or acquisition, and shall include the following items: (a) A summary of proposed programs; (b) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years, which list shall include a five (5) year projection for debt service, next ensuing, with appropriate supporting information as to the necessity for such improvements; (c) Cost estimates, method of financing and recommended time schedules for each such improvement; and (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

(3) An investment strategy for the cash management of the city funds.

~~(4) An investment strategy for the cash management of the city funds.~~

(4) Any other information required by state law.

(5) Such other budgetary information as may be requested in writing by any member of the city council.

### **Sec. 4.03. Form.**

The budget will have a cover page that meets the requirements of state law.

At the head of the budget there shall appear a summary of the budget, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget. The City Manager shall at the same time submit a budget message explaining the need of the requested appropriations and stating what pending capital projects, if any, will likely require the issuance of bonds or warrants.

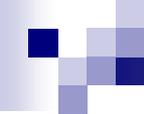


# Proposition #4

- Article IV, Section 4.05 is amended to provide for the publication of the notice of the public hearing on the budget within the time frames required by state law and to allow for other means of notice as required or allowed by state law.
- Proposition passed unanimously

## **Sec. 4.05. Publication and notice of public hearing.**

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of the public hearing on the budget and cause to be published in the official newspaper of the city a notice of the place and time, which shall ~~not be less than three (3) days nor more than fourteen (14) days after date of publication.~~ not be earlier than the thirtieth (30<sup>th</sup>) day or less than the tenth (10<sup>th</sup>) day before the date of hearing; or such other means of notice as allowed or required by state law.



# Proposition #5

- Article VII, Section 7.01 is amended by removing language referring to the first Saturday in May for city elections as that is no longer a uniform election date.
- Proposition passed unanimously

## **Sec. 7.01. Times of elections.**

The regular city election shall be held every year ~~on the first Saturday in May, or~~ at such time as prescribed by law, at which time officers will be elected to fill those offices which become vacant that year. The city council shall fix the hours and place for holding such election. The city council may, by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election.

# Propositions #6, 7 and 8

- Proposition #6 - Article VII, Section 7.10 and Article VIII, Section 8.02, are amended to allow for the election or appointment of the Municipal Judge.
- Proposition #7 - Article VIII, Section 8.02 is amended by removing the requirement that the judge be a resident of the City for one year and a qualified voter of the City.
- Proposition #8 - Article VIII, Section 8.02 is amended by removing the four term limit for the Municipal Judge.
- Proposition #6 passed unanimously
- Proposition #7 passed 12-1 with Commissioner McWhorter dissenting
- Proposition #8 passed unanimously



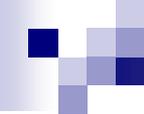
**Sec. 7.10. Election of municipal judge.**

The municipal judge shall be elected by a majority vote of the qualified voters voting at the election or appointed by the city council as determined by city ordinance.

## Sec. 8.02. Municipal Judge—Designation.

The municipal judge shall be ~~a qualified voter of the city, who has been a resident of the city for at least one (1) year,~~ a competent practicing lawyer, and shall hold no other public office except for those allowed by the Texas Constitution or state law. If a municipal judge shall cease to possess any of these qualifications or shall be convicted of a felony, the office shall immediately become vacant. The city council may, by ordinance, provide the salary of the municipal judge in accordance with state law. The municipal judge shall be elected or appointed as determined by the city council. The term is for three (3) years if elected, or, if appointed, for a term defined by the city council.

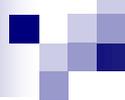
~~The municipal judge is limited to four (4) consecutive full terms. Any municipal judge who is elected for four (4) consecutive full terms will be eligible to run for office after sitting out one (1) full term of office.~~



# Minority Report – Commissioner McWhorter

- Opinion for voting in the negative is as follows:

I have not been given sufficient information that there is a shortage of attorneys in Bedford that warrants this change.

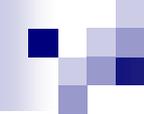


# Proposition #9

- Article IX, Section 9.01 is amended by removing the language requiring the Planning and Zoning Commission meet at least one a month and adding language that the Commission will meet as necessary.
- Proposition passed unanimously

## **Sec. 9.01. Planning and zoning commission—Establishing; membership; organization; meetings.**

There shall be established a planning and zoning commission which shall consist of a minimum of seven (7) citizens from the city. The members of said commission shall be appointed by the city council for a term of two (2) years. An odd number of members of the planning and zoning commission shall be so appointed each odd numbered year and an even number of members shall be so appointed each even numbered year. The commission shall elect a chairman from among its membership and shall ~~meet not less than once each month~~ as necessary. Vacancies and unexpired terms shall be filled by the council for the remainder of the term. A majority of the members shall constitute a quorum. Members of the commission may be removed by a majority vote of the council.



# Proposition #10

- Article II, Section 2.13; Article IV, Section 4.04; and Article XI, Section 11.17 are amended to allow for alternate means of publication not limited to publication in the official newspaper.
- These recommendations passed unanimously.

### **Sec. 2.13. Induction into office; meetings.**

Council members will be inducted into office as prescribed by state law. The council shall meet regularly at such times as may be prescribed by its rules, ~~but not less frequently than twice each month,~~ (See Proposition #2) the time for such regular meetings to be designated by ordinance, which ordinance shall be published at least one (1) time in the official newspaper of the city **or such other means of notice as allowed by state law.** The council may hold as many additional meetings as may be necessary for the transaction of the business of the city. All meetings of the council shall be open to the public in accordance with state law.

### **Sec. 4.04. A public record.**

The budget and budget message and all supporting schedules shall be a public record in the office of the city secretary and the public library of the city open to public inspection by anyone. The budget shall be posted on the website as required by state law or such other means of notice as allowed or required by state law.

## **Sec. 11.17. Mandatory charter review.**

The council shall hold a public hearing every fifth year after an amendment to the charter in order to determine whether a commission should be appointed to review the charter and to make recommendations to the city council for amendment of the charter. If the council determines that it would be in the best interests of the citizens to appoint a charter review commission, it shall appoint a charter review commission of fifteen (15) citizens of the City of Bedford.

### *(a) Duties of the commission.*

- (1) Inquire into the operation of the city government under the charter provisions and determine whether any such provisions require revision.
- (2) Propose any recommendations it may deem desirable to help ensure compliance with the provisions of the charter and state law.
- (3) Propose, if it deems desirable, amendments to this charter to improve the effective application of the charter to current conditions.

## **Sec. 11.17. Mandatory charter review. (continued)**

(4) Report its findings and present its proposed amendments, if any, to the city council.

(b) *Action by the council.* The city council shall receive and have published, in the designated official public newspaper of the city or on the City's website or in any alternative publication, including City publications, designed to give notice to the citizens of the City of Bedford, a final report of the charter review commission. The city council shall consider any recommendation made and if any amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the city in the manner provided by state law.

(c) *Term of office.* The term of office of such charter review commission shall be as established by the city council. At the completion of such term, a report shall be submitted to the council. All recordings or the proceedings of such commission shall be filed with the city secretary and shall become a public record.



Special thanks to

All of the members of the Committee

Stan Lowry

Cathy Cunningham

Beverly Griffith

Michael Wells

***They have served our city well***



# Council Agenda Background

**PRESENTER:** Maria Redburn, Library

**DATE:** 02/25/14

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

**ITEM:**

Consider a resolution authorizing the City Manager to expend funds for an annual payment in the amount of \$45,072 for the renewal of the extended maintenance, technical support agreement and server replacement plan with Innovative Interfaces, Inc.

**City Attorney Review:** Yes

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

**DISCUSSION:**

The Innovative Interfaces, Inc. (III) extended maintenance agreement is an annual hardware and technical support contract for the equipment that supports the Bedford Public Library's integrated library system. This also includes the second payment for the four year server replacement plan that was approved as a supplemental in FY 2012/2013 due to the necessity of a robust server to increase staff efficiency in serving patrons, decrease transaction times while patrons search for books, and increase the speed of the automated sorter and self-check machines.

Funding for the annual payment was approved in the FY 2013/2014 budget:

- \$38,120 for Annual Maintenance Agreement
- \$7,500 for Innovative Server replacement plan payment

The maintenance contract was increased 3.5%, which is \$1,872 more than the last contract, but less than the amount budgeted for this year. The Innovative Contract allows for an increase in the contract for up to 5% annually.

**RECOMMENDATION:**

Staff recommends the following motion:

A resolution authorizing the City Manager to expend funds for an annual payment in the amount of \$45,072 for the renewal of the extended maintenance, technical support agreement and server replacement plan with Innovative Interfaces, Inc.

**FISCAL IMPACT:**

Budget FY 13/14:	\$45,620
Actual Amount:	\$45,072
Variance:	\$548

**ATTACHMENTS:**

Resolution Agreement Invoice
------------------------------

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS FOR AN ANNUAL PAYMENT IN THE AMOUNT OF \$45,072 FOR THE RENEWAL OF THE EXTENDED MAINTENANCE, TECHNICAL SUPPORT AGREEMENT AND SERVER REPLACEMENT PLAN WITH INNOVATIVE INTERFACES, INC.

WHEREAS, the City Council of Bedford, Texas, has determined the public necessity for annual hardware maintenance and technical support to the Bedford Public Library's automated system; and,

WHEREAS, the City Council of Bedford, Texas has determined the public necessity for a robust server to increase staff efficiency in serving patrons, decrease transaction times while patrons search for books, and increase the speed of the automated sorter and self-check machines; and,

WHEREAS, the City Council of Bedford, Texas approved funds for such software maintenance and server replacement in the FY 2013/2014 budget.

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

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

SECTION 2. That the City Council does hereby authorize the City Manager to expend funds for an annual payment for the existing one year software maintenance agreement, attached as Exhibit 'A,' with Innovative Interfaces, Inc. for hardware maintenance and technical support of the Bedford Public Library's automated system.

PRESENTED AND PASSED this 25th day of February 2014, by a vote of \_\_\_ ayes, \_\_\_ nays, and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

---

Jim Griffin, Mayor

ATTEST:

---

Michael Wells, City Secretary

APPROVED AS TO FORM:

---

Stan Lowry, City Attorney

**HARDWARE AND SOFTWARE MAINTENANCE AGREEMENT**

- a) This Maintenance Agreement will cover all licensed Software and central site hardware ("Hardware").
- b) Maintenance of peripheral hardware purchased from Innovative Interfaces is the responsibility of the Library.
- c) The term of this Agreement is for the period **January 1, 2014 - December 31, 2014 at \$45,072** per annum<sup>1</sup>, in advance. Credit card payments are subject to a 3.5% fee for any invoices over \$2,000.
- d) Future maintenance charges may be subject to a price increase not to exceed five (5%) percent per year of the yearly maintenance amount.
- e) The Library must provide direct network internet access to the System; this would also apply to firewalls, etc. Innovative requires such access to correct Software bugs and carry out modifications to the System for the purpose of maintaining the System. Innovative Interfaces will be responsible for all corrections at Innovative Interfaces' expense.
- f) Innovative Interfaces will provide the Library with new releases of the licensed Software modules so long as the Hardware and operating system used for the System is sufficient and/or compatible for the load and operation of such new release. If the Hardware or operating system is deemed not to be sufficient for installation of the new release, then the Library shall be responsible for the cost of new Hardware or operating system as may be required. If the Library declines to upgrade its Hardware or operating system to accommodate the upgrade to the licensed software, then the Library shall remain at its then current software release. For the purpose of this document, the term "new release" shall mean improvements in already licensed Software modules.
- g) If the Library adds or upgrades any additional Innovative Interfaces Software modules to the System after the initial installation, the maintenance services shall be extended to cover the additional Software. The maintenance charges for such Software shall be based upon Innovative Interfaces' then-current maintenance rates. The additional cost of coverage for the additional Software shall be added to the annual maintenance amount.
- h) Innovative Interfaces will provide services 24 hours a day, 7 days a week. Innovative Interfaces will make its good faith efforts to return calls within 2 hours of receipt and repair Software within 48 hours of notice, excluding weekends and holidays.
- i) The Library agrees, to take reasonable care of the Hardware and not permit persons other than authorized representatives of Innovative Interfaces, Inc. to effect adjustments or repairs to the Hardware. The Library agrees that for Hardware supplied by Innovative Interfaces, the Library shall accept parts shipments for all plug-in or screw-in components. The shipping costs on returned RMA (returned merchandise authorization) Hardware will be the responsibility of the Library, except for the CPU and RAID, which will be the responsibility of Innovative Interfaces.
- j) Any services provided due to Library supplied equipment failure, where such equipment was not purchased from Innovative Interfaces, and over which Innovative Interfaces has no direct control, shall be billable at Innovative Interfaces' then current maintenance rates, currently at a rate of \$180 per hour with a minimum two hour charge.
- k) This Maintenance Services agreement does not include repair services or replacement parts due to damage caused by rain, fire, flood, lightning, tornado, windstorm, hail, earthquake, explosion, smoke, aircraft, motor vehicle, collapse of building, strike, riot, power failure or fluctuation, or other cause originating by reason of other than normal operation of the Hardware, or Library's negligence or misuse of the Hardware.
- l) The Software shall be operated as the exclusive application on the purchased Hardware
- m) If the Library decides to cancel the Agreement, or cancel or change any Software products, Innovative must be notified 90 days prior to the annual maintenance renewal date.

**THE LIBRARY  
BEDFORD PUBLIC LIBRARY  
[BEDPL]**

By: \_\_\_\_\_

Name:  
Title:

Date: \_\_\_\_\_

**INNOVATIVE INTERFACES, INC.**

By:  \_\_\_\_\_

Name: Michael Brooding  
Title: Global Controller  
Date: February 12, 2014

<sup>1</sup> This amount is excluded of taxes. The Library will be responsible for all applicable taxes.



Please Send Payment To: **INNOVATIVE INTERFACES, INC.**  
P.O. BOX 7849  
San Francisco, CA 94120-7849

T: 510.655.6200  
F: 510.450.6350

FEIN 94-2553274

**Invoice**

Sold To

Bedford Public Library  
Library  
Attn: Coordinator  
2424 Forest Ridge Drive  
Bedford, TX 76021

Customer Number: **95-BEDPL**

Invoice Number: **R234146-IN**

Invoice Date: 11/4/2013

Confirm To: **Barbara Johnson**

*Customer P.O.:*

*Ship VIA:*  
**CF 11/4/2013**

*Terms:*  
**NET 30**

Sales CD	Description		Quantity	Price	Amount
MLMX12	Annual MILLENNIUM Maintenance	EA	12.000	3,131.000	37,572.00
	TERM: January 1 to December 31, 2014				
SERVREPL	Server Replacement Program	YEAR	1.000	7,500.000	7,500.00
	Year 2				

Net Invoice:	45,072.00
Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>45,072.00</b>

In order to post payment promptly & correctly, please include **INVOICE & CUSTOMER Numbers** with payment  
Credit Card payments are subject to a 3.5% fee for any invoices over \$2,000



# Council Agenda Background

**PRESENTER:** Clifford Blackwell, CGFO, Director of Admin Services

**DATE:** 02/25/14

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

**ITEM:**

Consider a resolution accepting the report from the independent auditor and the audited financial statements for the fiscal year ending September 30, 2013 and providing an effective date.

**City Attorney Review:** N/A

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

**DISCUSSION:**

On February 4, 2014, David Coleman, Senior Manager for the Government Group of BKD, L.L.P., presented the detailed audit report to the Audit Committee, consisting of Mayor Jim Griffin, Mayor Pro Tem Chris Brown, and Councilmember Roy Turner, along with City Manager Beverly Griffith, Deputy City Manager David Miller, Managing Director Mirenda McQuagge-Walden and Director of Administrative Services Clifford Blackwell. In the meeting, BKD discussed the City of Bedford's financial position, with respect to its net assets, its debt capacity, and its comparison to budgetary constraints. Mr. Coleman also discussed the footnotes that further clarified the City's total net position. In summary, BKD found that the City of Bedford financial statements for the fiscal year ending September 30, 2013 present fairly, in all material respects, without any material misstatement.

On May 8, 2012, BKD, L.L.P. was awarded the contract to conduct the annual audit for the fiscal years ending 2012, 2013, and 2014, with two one-year options to renew. They are currently in the second year of an initial three-year term agreement.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution accepting the report from the independent auditor and the audited financial statements for the fiscal year ended September 30, 2013 and providing an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution  
Comprehensive Annual Financial Report  
(available for review in the City Secretary's office)  
Management Letter (available for review in the City Secretary's office)

RESOLUTION NO. 14-

**A RESOLUTION ACCEPTING THE REPORT FROM THE INDEPENDENT AUDITOR AND THE AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013 AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, the City has completed the annual audit of the City's financial records for the fiscal year ending September 30, 2013; and,**

**WHEREAS, the City Council of Bedford, Texas has received the report from the City's independent audit firm, BKD, L.L.P; and,**

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

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

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

**SECTION 2. That the City Council does hereby accept the report of the independent auditor and the audited financial statements for the fiscal year ending September 30, 2013 as presented.**

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

**PRESENTED AND PASSED this 25th day of February 2014, by a vote of \_\_\_ ayes, \_\_\_ nays, and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.**

\_\_\_\_\_  
Jim Griffin, Mayor

**ATTEST:**

\_\_\_\_\_  
Michael Wells, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stan Lowry, City Attorney



# Council Agenda Background

**PRESENTER:** Clifford Blackwell, CGFO  
Director of Administrative Services

**DATE:** 02/25/14

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

**ITEM:**

Consider a resolution authorizing the City Manager to enter into an additional software license agreement with New World Systems for the replacement of the City's Municipal Public Administration Software application in an amount not to exceed \$617,240, which includes a one-time technology upgrade of \$572,240 in software costs and \$45,000 in travel and training costs.

**City Attorney Review:** Yes

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

**DISCUSSION:**

On October 12, 1993, the City of Bedford signed a software license and services agreement with New World Systems (NWS) Corporation for the installation, support and educational training of its public administration software. The software operates from an IBM AS400 mainframe platform. This platform is currently used today and has been in service for over 20 years.

Over the years, NWS has maintained communication with the City of Bedford for a proposed software upgrade to an application that is internet based. In June 2013, NWS provided the City a quote to upgrade the software to a LOGOS.NET version based on financial management, payroll and human resources, community development and utility billing modules. These modules would operate from a Microsoft Windows 2008 server, including the required client access licenses.

NWS has provided a quote to the City of Bedford that is secure through February 28, 2014. The cost for the licensed software, including a demonstration discount, project management, installation and training, and data file conversion is \$572,240. An estimated travel budget of \$45,000 is factored with the quote to cover the expense of NWS staff traveling from outside of the State to implement the software conversion. Total cost of the project for NWS is \$617,240.

In addition to the total cost with NWS, the City is required to purchase hardware based on the specifications provided by NWS, totaling \$61,900. However, staff will present the hardware purchase to the City Council at a later date, because the hardware will not be purchased through NWS.

It has been over 20 years since the City of Bedford upgraded its management software. Staff communicated to the Council on February 11, 2014 that the City plans to issue Public Property Finance Contractual Obligations (PPFCO) to purchase this new software upgrade. This short-term debt will have a ten-year amortization schedule. Staff fully anticipates using this software well beyond its ten-year debt schedule.

In addition to purchasing the software for \$617,240, the City will agree to purchase the SSMA program beginning in year 2 of the 5 year program. The cost will be as follows:

- Year 1 N/A
- Year 2 \$63,680
- Year 3 \$67,660
- Year 4 \$71,640
- Year 5 \$75,620

At the conclusion of the five-year maintenance term, NWS will renew another maintenance term with the City of Bedford.

Staff recommends that the City Council authorize the City Manager to enter into an additional software license agreement with NWS for the replacement of the City's Municipal Public Administration software application.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into an additional software license agreement with New World Systems for the replacement of the City's Municipal Public Administration Software application in an amount not to exceed \$617,240, which includes a one-time technology upgrade of \$572,240 in software costs and \$45,000 in travel and training costs.

**FISCAL IMPACT:**

Public Property Finance  
Contractual Obligations: \$617,240

**ATTACHMENTS:**

Resolution  
Additional Software license agreement

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ADDITIONAL SOFTWARE LICENSE AGREEMENT WITH NEW WORLD SYSTEMS FOR THE REPLACEMENT OF THE CITY'S MUNICIPAL PUBLIC ADMINISTRATION SOFTWARE APPLICATION IN AN AMOUNT NOT TO EXCEED \$617,240, WHICH INCLUDES A ONE-TIME TECHNOLOGY UPGRADE OF \$572,240 IN SOFTWARE COSTS AND \$45,000 IN TRAVEL AND TRAINING COSTS.

WHEREAS, the City of Bedford, Texas originally entered into a software license and services agreement with New World Systems Corporation for the installation, support and educational training of its public administration software in October 1993; and,

WHEREAS, the City Council of Bedford, Texas deems it to be in the best interest of the City to upgrade the current public administration software and technology from an IBM AS/400 platform to a Microsoft platform; and,

WHEREAS, the City Council of Bedford, Texas deems it in the best interest of the City to renew a standard software maintenance agreement with New World Systems.

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

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

SECTION 2. That the City Manager is hereby authorized to enter into an additional software license agreement with New World Systems for a one-time technology upgrade of \$617,240, and for the renewal of the standard software maintenance agreement based on the annual fees provided in Exhibit C of the additional license agreement.

PRESENTED AND PASSED this 25th day of February 2014, by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

\_\_\_\_\_  
Jim Griffin, Mayor

ATTEST:

\_\_\_\_\_  
Michael Wells, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Stan Lowry, City Attorney

**February 20, 2014****ADDITIONAL SOFTWARE LICENSE AGREEMENT**

Mr. Clifford Blackwell  
Director of Administrative Services  
City of Bedford  
2000 Forest Ridge Drive  
Bedford, TX 76021

Dear Mr. Blackwell:

New World Systems is pleased to license you additional software and services per your request.

The attached forms (Exhibits AA, A, B, C, D, E, F, H and I) are to be reviewed and approved by you and/or your authorized representative. They describe the additional software and services you have requested along with the related fees.

Other than for the purposes of internal review, we ask that you treat our fees as confidential information. This is due to the competitive nature of our business.

The General Terms and Conditions from our original Aegis License Agreement dated October 19, 1993, are incorporated and continue to apply. Any taxes or fees imposed from the course of this Agreement are the responsibility of the Customer.

We thank you for your continued business with New World Systems. We look forward to working on this project with you.

**ACKNOWLEDGED AND AGREED TO BY:**

**NEW WORLD SYSTEMS® CORPORATION**  
(New World)

**CITY OF BEDFORD, TEXAS**  
(Customer)

By: \_\_\_\_\_  
**Larry D. Leinweber, President**

By: \_\_\_\_\_  
**Authorized Signature                      Title**

By: \_\_\_\_\_  
**Authorized Signature                      Title**

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Each individual signing above represents that (s)he has the requisite authority to execute this Agreement on behalf of the organization for which (s)he represents and that all the necessary formalities have been met.**

The "Effective Date" of this Agreement is the latter of the two dates in the above signature block.

**EXHIBIT AA**  
**TOTAL COST SUMMARY AND PAYMENT SCHEDULE**

**I. Total Cost Summary: Licensed Standard Software, Implementation Services, and Third Party Products**

<b><u>DESCRIPTION OF COST</u></b>	<b><u>COST</u></b>
A. LICENSED STANDARD SOFTWARE as further described in Exhibit A	\$318,400
1. Licensed Standard Software	\$398,000
2. Less Demonstration Site Discount	(79,600)
B. IMPLEMENTATION SERVICES	247,440
1. PROJECT MANAGEMENT as further described in Exhibit B	
2. INTERFACE INSTALLATION SERVICES as further described in Exhibit B	
3. IMPLEMENTATION AND TRAINING SERVICES as further described in Exhibit B	
4. OTHER IMPLEMENTATION SERVICES as further described in Exhibit B	
5. DATA FILE CONVERSION ASSISTANCE SERVICES as further described in Exhibit F	
C. DEVELOPMENT SOFTWARE as further described in Exhibit H	6,400
1. Licensed Standard Software	\$8,000
2. Less Demonstration Site Discount	(1,600)
	<b><u>ONE TIME PROJECT COST: \$572,240</u></b>
D. TRAVEL EXPENSES (Estimate) – billed as incurred	\$45,000
E. STANDARD SOFTWARE MAINTENANCE SERVICES – as further described in Exhibit C.	

**PRICING ASSUMES CONTRACT EXECUTION BY FEBRUARY 28, 2014.**

**Exhibit AA / COST SUMMARY AND PAYMENT SCHEDULE**

**II. Payments for Licensed Standard Software, Implementation Services, and Third Party Products**

<u>DESCRIPTION OF PAYMENT</u>	<u>PAYMENT</u>
A. LICENSED STANDARD SOFTWARE	\$318,400
1. Amount invoiced upon Effective Date (50%)	\$159,200
2. Amount invoiced upon delivery of Licensed Standard Software (50%)	159,200
B. IMPLEMENTATION SERVICES	247,440
1. Amount invoiced upon Effective Date	\$55,000
2. Amount invoiced 90 days after the Effective Date	55,000
3. Amount invoiced 180 days after the Effective Date	55,000
4. Amount invoiced 270 days after the Effective Date	55,000
5. Amount invoiced upon project completion or 365 days after the Effective Date, whichever comes first	27,440
C. DEVELOPMENT SOFTWARE	6,400
1. Amount invoiced upon Effective Date (50%)	\$3,200
2. Amount invoiced upon delivery of Licensed Software (50%)	3,200
	<b>ONE TIME PAYMENTS:</b>
	<b><u>\$572,240</u></b>
D. TRAVEL EXPENSES (Estimate) (These expenses are billed as incurred)	\$45,000*
1. 30 Trips are anticipated	
*Estimate	
E. STANDARD SOFTWARE MAINTENANCE SERVICES – as further described in Exhibit C	

**ALL PAYMENTS ARE DUE WITHIN FIFTEEN (15) DAYS FROM RECEIPT OF INVOICE.**

*Billings are applied ratably to each deliverable included under the total one-time cost. If any deliverable is subject to sales tax, the tax will be calculated and added as applicable to each billing.*

**EXHIBIT A**  
**LICENSED STANDARD SOFTWARE AND FEES**

**License Fee for Licensed Standard Software And Documentation Selected By Customer:**

<b>LOGOS.NET STANDARD APPLICATION SOFTWARE<sup>1,2,3</sup></b>		
<b>ITEM</b>	<b>DESCRIPTION</b>	<b>INVESTMENT</b>

**FINANCIAL MANAGEMENT**

- 1. Logos.NET Financial Management Base Suite**
  - General Ledger
  - Budget Management
  - Annual Budget Preparation
  - Accounts Payable
  - Revenue/Cash Receipting
  
- 2. Logos.NET Additional Financial Management Software**
  - Asset Management
  - Project Accounting
  - Misc. Billing & Receivables
  - Work Orders
  
- 3. Logos.NET Procurement Management Suite**
  - Purchasing Base

**PAYROLL & HUMAN RESOURCES SUITE**

- 4. Logos.NET Human Resources Management Base Suite**
  - Payroll Processing
  - Personnel Management
  - Position Control
  
- 5. Logos.NET Human Resources**
  - Employee Event Tracking
  - Personnel Action Processing
  
- 6. Logos.NET Benefits Management**
  - Benefits Administration
  
- 7. Logos.NET Additional Payroll & HR Modules**
  - Applicant Tracking
  - Position Budgeting

## UTILITY MANAGEMENT SUITE

- 8. Logos.NET Utility Management Software**
  - Water/Sewer/Refuse Base Package
  
- 9. Logos.NET Additional Utility Management Modules**
  - Automatic Meter Read (AMR) Interface <sup>5</sup>
  - Meter and Device Inventory
  - Service Order Processing

## COMMUNITY DEVELOPMENT SUITE

- 10. Logos.NET Community Development Software**
  - Parcel Management
  - Permits
  - Municipal Inspections
  - Project Planning
  - Code Enforcement
  - Requests for Services Tracking
  
- 11. Logos.NET Additional Community Development Modules**
  - GIS Integration <sup>6</sup>
    - Community Development
      - Parcel Management (7 screens)*
      - Permits (2 screens)*
      - Municipal Inspections (4 screens)*
      - Code Enforcement (3 screens)*
      - Requests for Services Tracking (1 screen)*
  
  - Utility Billing
    - Base Package (3 screens)*
    - Meter Inventory (1 screen)*
    - Service Order Processing (4 screens)*

## eSUITE

- 12. eSuite Base Software**
  
- 13. eHR**
  - eEmployee
  - eTimesheets
  - eBenefits Administration
  - eRecruit

14. eCommunity  
- eRequest

15. eUtility  
- eUtilities

**AUTHORIZED USERS**

16. Site License for up to 225 Authorized Users <sup>4</sup>

NEW WORLD STANDARD SOFTWARE LICENSE FEE	\$398,000
LESS DEMONSTRATION SITE DISCOUNT	(79,600)
<b>TOTAL SOFTWARE LICENSE FEE <sup>7,8</sup></b>	<b>\$318,400</b>

Note: A Site License is included for this solution. This Site License entitles the City of Bedford, TX, to 225 authorized users for the Standard Software licensed in Exhibit A, to be divided up between applications. The Site License is available to only the affiliated Public Administration agencies within the City of Bedford, TX.

## Exhibit A / LICENSED STANDARD SOFTWARE AND FEES

### ENDNOTES

- <sup>1</sup> *Personal Computers must meet the minimum hardware requirements for New World Systems' Logos.NET product. Microsoft Windows XP or greater with IE 7.0 or greater is the required operating systems for all client machines. Windows 2008 Server is required for the Application Server(s), Web Server(s) and Database Server. Microsoft SQL Server 2008 is required for the Database Server.*
- <sup>2</sup> *New World Systems' Logos.NET product requires Microsoft Windows 2008 Server and Microsoft SQL Server 2008 including required Client Access Licenses (CALs) and Windows Server 2008 External Connector (EC) licenses for applicable Microsoft products. Servers must meet minimum hardware requirements provided by New World Systems.*
- <sup>3</sup> *Suggested minimum: 100MB Ethernet Network. 10MB CAT5 Ethernet Network may have less than adequate response time. Further consultation would be required to assess your network.*
- <sup>4</sup> *Additional cost per group of 5 for authorized users is \$5,000.*
- <sup>5</sup> *Currently supports interfaces to Sensus/Rockwell, Neptune, Itron, Radix, Syscon and Schlumberger devices. Technical assurance must be obtained to verify the Business Partner's software/hardware release level interface requirements.*
- <sup>6</sup> *GIS integration currently supports either ESRI's ArcIMS or ArcGIS Server software; the ArcIMS and ArcGIS Server software and any services related to the installation and setup of ArcIMS or ArcGIS are not included in this proposal. The ArcIMS or ArcGIS Server software would need to be purchased, installed and setup separately.*
- <sup>7</sup> *Prices assume that all software proposed is licensed.*
- <sup>8</sup> *Licensed Software, and third party software embedded therein, if any, will be delivered in a machine readable form to Customer via an agreed upon network connection. Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.*

**Exhibit A / OPTIONAL LICENSED STANDARD SOFTWARE AND FEES**

**Optional Licensed Standard Software Pricing**

**Customer** may license the following software modules at the indicated current list prices for up to one (1) year from the date of execution of this **Agreement**.

OPTIONAL SOFTWARE MODULES

<b>LOGOS.NET STANDARD APPLICATION SOFTWARE <sup>1,2,3</sup></b>		
<b>ITEM</b>	<b>DESCRIPTION</b>	<b>INVESTMENT</b>

**FINANCIAL MANAGEMENT**

- 1. Logos.NET Additional Financial Management Software**
  - Grant Management
  - Government (GASB) Reporting
  - Bank Reconciliation
  
- 2. Logos.NET Procurement Management Suite**
  - Bid & Quote Management
  - Inventory Management

**PAYROLL & HUMAN RESOURCES SUITE**

- 3. Logos.NET Benefits Management**
  - COBRA Billing Administration
  - Workers Compensation Administration
  - Employee Retirement Tracking
  
- 4. Logos.NET Additional Payroll & HR Modules**
  - Time & Attendance Interface<sup>9</sup>

**BUSINESS ANALYTICS**

- 5. Finance Analytics**
  - Includes 2 users
  
- 6. Human Resource/Payroll Analytics**
  - Includes 2 users
  
- 7. Utility Management Analytics**
  - Includes 2 users
  
- 8. Community Development Analytics**
  - Includes 2 users

*Note: The above software modules vary in cost from \$5,000 to \$13,000 each. Training and Support Services costs as well as Maintenance (SSMA) costs for these optional modules are not included.*

<sup>9</sup> Time & Attendance interface is a two-way interface. Additional support may be required for 3rd Party changes; not included in SSMA.

**EXHIBIT B**  
**PROJECT MANAGEMENT, IMPLEMENTATION AND**  
**TRAINING SUPPORT SERVICES**

**1. Project Management Services**

**New World** shall act as Project Manager to assist **Customer's** management in implementing the Exhibit A software. This responsibility will include documenting, coordinating and managing the overall Implementation Plan with **Customer's** management and the Customer Liaison. Project Management Services include:

- a) a summary level Implementation Plan;
- b) a detail level Implementation Plan;
- c) revised Implementation Plans (if required);
- d) monthly project status reports; and
- e) project status meetings
  - a project review (kickoff) meeting at **Customer's** location
  - progress status meeting(s) will occur during implementation via telephone conference or at **Customer's** location; and
  - a project close-out meeting at **Customer's** location to conclude the project.

The implementation services fees described in Exhibit AA include Project Management fees for a period up to 12 months after the Effective Date.

**2. Implementation and Training Support Services**

Based on the Licensed Standard Software listed on Exhibit A, up to **113** days of **New World** implementation and training support services have been allocated for this project. Excess services requested shall be billed at the Daily Rate. Avoiding or minimizing custom or modified features will aid in keeping the support costs to the amount allocated. **Customer** agrees to reimburse **New World** for support trips canceled by **Customer** less than ten (10) days before the scheduled start date to cover **New World's** out-of-pocket costs and lost revenues. The recommended implementation and training support services include:

- a) implementation of each package of Licensed Standard Software; and
- b) **Customer** training and/or assistance in testing for each package of Licensed Standard Software.

The project management, implementation and training support services provided by **New World** may be performed at **Customer's** premises and/or at **New World** national headquarters in Troy, Michigan (e.g., portions of project management are performed in Troy).

**3. Interface Installation Service**

**New World** shall provide interface installation services as described in this paragraph below. These services do not include hardware and/or third party product costs which shall be **Customer's** responsibility, if required. Whenever possible, these services will be done remotely, resulting in savings in Travel Expenses and Time. If on-site installation and training is required, **Customer** will be responsible for the actual Travel Expenses and Time. The services include the following interfaces.

- a) AMR Interface

## Exhibit B / PROJECT MANAGEMENT, IMPLEMENTATION AND TRAINING SUPPORT SERVICES

### 4. Hardware Quality Assurance Service

**New World** shall provide Hardware Systems Assurance of **Customer's** Logos.NET server(s). These services do not include hardware and/or third party product costs which shall be **Customer's** responsibility, if required. Whenever possible, these services will be provided remotely, resulting in savings in travel expenses and time. If on-site installation is required, **Customer** will be responsible for the actual travel expenses and time.

- a) Hardware Quality Assurance Services (Standard) Environment:  
Hardware Systems Assurance and Software Installation:
- Assist with High Level System Design/Layout
  - Validate Hardware Configuration and System Specifications
  - Validate Network Requirements, including Windows Domain
  - Physical Installation of **New World** Application Servers
  - Install Operating System and Apply Updates
  - Install SQL Server and Apply Updates
  - Install New World Applications Software and Apply Updates
  - Establish Base SQL Database Structure
  - Install Anti-Virus Software and Configure Exclusions
  - Install Automated Backup Software and Configure Backup Routines
  - Configure System for Electronic Customer Support (i.e. NetMeeting)
  - Tune System Performance Including Operating System and SQL Resources
  - Test High Availability/Disaster Recovery Scenarios (if applicable)
  - Provide Basic System Administrator Training and Knowledge Transfer
  - Document Installation Process and System Configuration

### 5. Additional Services Available

Other **New World** services may be required or requested for the following:

- a) additional software training;
- b) tailoring of Licensed Standard Software by **New World** technical staff and/or consultation with **New World** technical staff;
- c) **New World** consultation with other vendors or third parties;
- d) modifying the Licensed Standard Software;
- e) designing and programming Licensed Custom Software; and
- f) maintaining modified Licensed Standard Software and/or custom software.

**Customer** may request these additional services in writing using **New World's** Request For Service (RFS) procedure (or other appropriate procedures mutually agreed upon by **Customer** and **New World** and will be provided at the Daily Rate).

**EXHIBIT C**  
**STANDARD SOFTWARE MAINTENANCE AGREEMENT (SSMA)**

This Standard Software Maintenance Agreement (SSMA) between **New World** and **Customer** sets forth the standard software maintenance support services provided by **New World**.

**1. SSMA Period**

This SSMA shall remain in effect for a term of five (5) years (the SSMA term) beginning on the delivery of Licensed Standard Software (“Start Date”) and ending on the same calendar date at the conclusion of the SSMA term. **New World** shall provide **Customer** no-charge SSMA for a period of 365 days from the Start Date.

**2. Services Included**

**New World** shall provide the following services during the SSMA term.

- a) upgrades, including new releases, to the Licensed Standard Software (prior releases of Licensed Standard Software application packages are supported no longer than nine (9) months after a new release is announced by **New World**);
- b) temporary fixes to Licensed Standard Software (see paragraph 6 below);
- c) revisions to Licensed Documentation;
- d) reasonable telephone support for Licensed Standard Software on Monday through Friday from 8:00 a.m. to 8:00 p.m. (Eastern Time Zone); and
- e) invitation to and participation in user group meetings.

Items a, b, and c above will be distributed to **Customer** by electronic means.

Additional support services are available as requested by **Customer** at the Daily Rate.

**3. Maintenance for Modified Licensed Standard Software and Custom Software**

**Customer is advised that if it requests or makes changes or modifications to the Licensed Standard Software, these changes or modifications (no matter who makes them) make the modified Licensed Standard Software more difficult to maintain.** If **New World** agrees to provide maintenance support for Custom Software or Licensed Standard Software modified at **Customer’s** request, or for prior releases of **New World’s** software, then the additional **New World** maintenance or support services provided shall be billed at the Daily Rate.

**4. Billing**

Maintenance costs will be billed annually.

**5. Additions of Software to Maintenance Agreement**

Additional Licensed Standard Software licensed from **New World** will be added to the SSMA ninety (90) days after delivery. Costs for the maintenance for the additional software will be billed to **Customer** on a pro rata basis for the remainder of the maintenance year and on a full year basis thereafter.

**Exhibit C / STANDARD SOFTWARE MAINTENANCE AGREEMENT**

**6. Requests for Software Correction on Licensed Standard Software**

At any time during the SSMA term, if **Customer** believes that the Licensed Standard Software does not conform to the warranties provided under this **Agreement**, **Customer** must notify **New World** in writing that there is a claimed defect and specify which feature and/or report it believes to be defective. Before any notice is sent to **New World**, it must be reviewed and approved by the Customer Liaison. Documented examples of the claimed defect must accompany each notice. **New World** will review the documented notice and when a feature or report does not conform to the published specifications, **New World** will provide software correction service at no charge. A non-warranty request is handled as a billable Request For Service (RFS) provided at the Daily Rate.

The no-charge software correction service does not apply to any of the following:

- a) situations where the Licensed Standard Software has been changed by anyone other than **New World** personnel;
- b) situations where **Customer's** use or operations error causes incorrect information or reports to be generated; and
- c) requests that go beyond the scope of the specifications set forth in the current User Manuals.

**7. Maintenance Costs for Licensed Standard Software Packages Covered for .NET Server(s)**

**New World** agrees to provide software maintenance at the costs listed below for the **New World** Licensed Standard Software packages described in Exhibit A.

**Annual Maintenance Cost**

Year 1	No charge
Year 2	\$63,680
Year 3	67,660
Year 4	71,640
Year 5	75,620

**EXHIBIT D**  
**NEW WORLD SYSTEMS CORPORATION**  
**NON-DISCLOSURE AND SECURITY AGREEMENT FOR THIRD PARTIES**

This **Agreement**, when accepted and executed by **New World**, grants the undersigned the permission to use and/or have limited access to certain **New World Systems® Corporation (New World)** proprietary and/or confidential information.

Installed At: **City of Bedford**  
*Customer Name*

Located At: **2000 Forest Ridge Drive**  
**Bedford, TX 76021**

Authorized Signature of Customer:

Name (Please Print or Type)	Title	Signature

In exchange for the permission to use or have access to **New World** proprietary and/or confidential information, including without limitation, **New World** software and/or documentation, the organization and individual whose names appear below, agree to the following:

1. No copies in any form will be made of **New World** proprietary or confidential information without the expressed written consent of **New World's** President, including without limitation, the following:
  - a) Program Libraries, whether source code or object code;
  - b) Operating Control Language;
  - c) Test or Sample Files;
  - d) Program Listings;
  - e) Record Layouts;
  - f) All written confidential or proprietary information originating from **New World** including without limitation, documentation, such as user manuals and/or system manuals; and/or
  - g) All **New World** Product Bulletins and/or other **New World** Product related materials.
  
2. **New World** software, **New World** documentation, or other proprietary or confidential information shall not be used for any purpose other than processing the records of the **Customer** identified above as permitted in the **Customer's Standard Software License and Services Agreement** with **New World**.
  
3. The undersigned agree(s) that this **Agreement** may be enforced by injunction in addition to any other appropriate remedies available to **New World**. If it is determined that the money damages caused by the undersigned's failure to comply with the foregoing terms are difficult to ascertain, they are hereby estimated at liquidated damages of no less than three times the then-current License Fees for the License Software provided to **Customer** under the *Standard Software License and Service Agreement* between **Customer** and **New World**.

Agreed and Accepted by Third Party (Organization)

Agreed and Accepted by Third Party (Individual)

Organization: \_\_\_\_\_

Individual: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Accepted and Approved by New World Systems Corp.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT E**  
**DEMONSTRATION SITE DISCOUNT**

**New World** has provided **Customer** a significant discount in exchange for the privilege of using **Customer's** site for demonstration purposes. Accordingly, after the Licensed Software has been delivered and installed, **Customer** agrees to act as a demonstration site for prospective **New World** customers. **Customer** also agrees to serve as a reference or remote demonstration site on the telephone for prospective **New World** customers. By agreeing to be a demonstration site, **Customer** is not necessarily endorsing the **New World** software and **Customer** will not actively participate in any type of marketing and advertising campaign for or on behalf of **New World**.

Demonstrations will be coordinated with the appropriate **Customer** personnel and will be scheduled to minimize the interruption to **Customer's** operations. **New World** will provide **Customer** reasonable notice for preparation.

**EXHIBIT F**  
**DATA FILE CONVERSION ASSISTANCE**

**New World** will provide conversion assistance to **Customer** to help convert the existing data files specified below. If additional files are identified after the contract execution, estimates will be provided to **Customer** prior to **New World** beginning work on those newly identified files.

**1. General**

- a) This conversion effort includes data coming from one unique data source, not multiple sources.
- b) No data cleansing, consolidation of records, or editing of data will be part of the data conversion effort. Data cleansing, removal of duplicate records, and editing must take place by **Customer** prior to providing the data to **New World**
- c) For Utilities, if the conversion involves a third-party, a data mapping trip will be required. Accounts that are included in the conversion are as follows:
  - 1. Active accounts
  - 2. If no active account exists, the most recent inactive account will be converted
  - 3. Any account that owes money
  - 4. Active Services
  - 5. Consumption History for the current meter on the account
- d) For Community Development, if the conversion involves a third-party, a data mapping trip will be required.

**2. New World Responsibilities**

- a) **New World** will provide **Customer** with a conversion design document for signoff prior to beginning development work on the data conversion. No conversion programming by **New World** will commence until **Customer** approves this document.
- b) **New World** will provide the data conversion programs to convert **Customers** data from a single data source to the **New World Licensed Standard Software** for the specified files that contain 500 or more records.
- c) As provided in the approved project plan for conversions, **New World** will schedule a conversion analysis trip and a separate data conversion testing trip to **Customer's** location. The conversion testing trip for each application is a billable support trip, using standard Exhibit B daily billable rates, which is scheduled in conjunction with the delivery of the converted data to the **Customer**.
- d) **New World** will provide the **Customer** up to 3 test sets of the converted data. Additional test sets requested may/will require additional conversion costs.
- e) **New World** will provide the standard conversion record layouts to the **Customer** and convert the available data elements defined in the standard conversion record layouts.
- f) Up to seven years of historic data will be converted by **New World**.

**3. Customer Responsibilities**

- a) **Customer** will provide data in standard conversion record layouts as provided by **New World**. Submitted data files must include an accurate count of records contained in the files.
- b) Data will be submitted to **New World** in one of the following formats: AS/400 files, Microsoft SQL Server database, Microsoft Access database, Microsoft Excel Spreadsheet, or an ASCII-format delimited text file. Data and databases will be transferred using the New World ftp site.
- c) **Customer** understands that files or tables containing less than 500 records or table entries will not be converted.

## Exhibit F / DATA FILE CONVERSION ASSISTANCE

- d) As provided in the project plan for conversions, **Customer** will provide a dedicated resource in each application area to focus on conversion mapping and testing. This includes dedicating a support person(s) whenever **New World** staff is on site regarding conversions. Roughly a one to one commitment exists for **Customer** commitment and **New World** commitment. **Customer** understands that thorough and timely testing of the converted data by **Customer** personnel is a key part of a successful data conversion.
- e) **Customer** agrees to promptly review conversion deliveries and signoff on both the conversion design document and on the final conversion after the appropriate review. Applying the converted data to the production (Live) environment will constitute conversion acceptance by **Customer**.
- f) If the **Customer** cannot provide data in the format defined in New World's standard conversion record layouts then **New World** will map the data to New World's standard conversion record layout at the Daily Rate. The **Customer** must provide complete file and field definitions for **New World** to map the data.

### 4. Files to be converted

Up to 7 files from the following possible sources are included.

#### **Financial**

- Vendor Information (includes PO and AP)
- Asset Management (Fixed Assets)
- General Ledger/Budget History
- Misc Billing Customer and Invoice History

#### **Payroll**

- Employee, Detailed Earnings History, Position Master

#### **Utility**

- Utility Information

#### **Community Development**

- Permit/Inspection History

**EXHIBIT H**  
**DEVELOPMENT SOFTWARE**

The following Development Software modules, when developed, will be delivered to **Customer** as Licensed Standard Software:

DEVELOPMENT SOFTWARE		
ITEM	DESCRIPTION	INVESTMENT
<b><u>eSUITE</u></b>		
1.	<b>eCommunity</b>	
	- eParcels	\$8,000
	<b>NEW WORLD STANDARD SOFTWARE LICENSE FEE</b>	<b>8,000</b>
	<b>LESS DEMONSTRATION SITE DISCOUNT</b>	<b>(1,600)</b>
	<b>TOTAL SOFTWARE LICENSE FEE <sup>7,8</sup></b>	<b>\$6,400</b>

Implementation, training, support services, and SSMA costs are not included in this **Agreement**. SSMA costs will be added to **Customer's** current SSMA fees as described in Exhibit C to this **Agreement**. Implementation, training, and support services associated with the Development Software will be provided at the Daily Rate.

Payment terms for the Development Software are described in Exhibit AA.

**EXHIBIT I**  
**FIRST AMENDMENT TO SOFTWARE LICENSE AND SERVICES AGREEMENT**  
**DATED OCTOBER 19, 1993**

THIS AMENDMENT (the "Amendment") is made as of **February 20, 2014**, by and between **New World Systems Corporation** ("New World"), a Michigan Corporation, and **City of Bedford, Texas**. ("Customer").

**RECITALS**

WHEREAS, **Customer** and **New World** have entered into an Agreement dated October 19, 1993 for Licensed Software and Services (the "Agreement"); and

WHEREAS, **Customer** and **New World** desire to modify the 1993 Agreement on the terms and conditions set forth herein;

NOW, THEREFORE, and for good and valuable consideration, the receipt of which is hereby acknowledged, **New World** and the **Customer** agree as follows:

- 1. Modifications to the Agreement.** The original Agreement dated October 19, 1993 is hereby modified as follows:
  - (a) Page 12, Section 14.2 is hereby modified to delete the following sentence: "Each party shall indemnify and hold the other harmless with respect to any claims or liabilities for personal injury arising out of its own acts or omissions or those of its officers, employees and/or agents."
  - (b) Page 13, Section 16, Level 3, the first sentence is hereby deleted in its entirety and replaced with the following: "Only after the completion of both Levels 1 and 2 above without a satisfactory resolution of the dispute or controversy, either party may bring suit in any court of appropriate jurisdiction in the State of Texas."
- 2. Effective Date.** Each of the modifications set forth in Section 1 shall be made as of the "Effective Date" on this Agreement.
- 3. Legal Effect.** Except as expressly modified by this Amendment, all of the Agreement's terms and conditions shall remain unchanged and in full force and effect.
- 4. Order of Precedence.** In the event of any conflict between the 1993 Agreement and this **Agreement**, the terms and conditions of this **Agreement** shall control.



RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDER NUMBER ONE FOR THE NORTHWEST PRESSUE PLANE PROJECT IN AN AMOUNT NOT TO EXCEED \$15,500.

WHEREAS, the City Council of Bedford, Texas has determined that repairing the 8" water valve located at Harwood Road and Brown Trail is necessary for the health and safety of its citizens; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to protect the vitality of neighborhoods.

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

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

SECTION 2. That the City Council does hereby authorize the City Manager to approve Change Order Number One for the Northwest Pressure Plane Project in an amount not to exceed \$15,500.

SECTION 3. That funding in the amount of \$15,500 will come from the 2012 Series CO Fund.

PRESENTED AND PASSED this 25th day of February, 2014, 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



## Saber Development Corporation

P. O. Box 540186

Dallas, Texas 75354-0186

Telephone 214-366-1300 \* Fax 214-366-1303

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City of Bedford  
1813 Reliance Pkwy  
Bedford, Texas 76021

Feb. 5, 2014

Attn: Mr. Patrick Martin

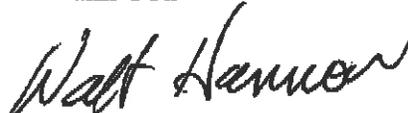
Re: Misc. Valve Replacement

Dear Mr. Martin:

We are pleased to quote the removal and replacement of the 8" Valve at Harwood  
And Brown Trail as described for pay item 1 on sheet 9 of the documents for

\$ 15,500.00 dollars Complete and in place.

Thank You

  
Walt Hannon





# Council Agenda Background

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

**DATE:** 02/25/14

**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 Pacheco Koch, LLC in the amount of \$22,446 for the Simpson Terrace Elevated Storage Tank Interior Coating Project.

**City Attorney Review:** Yes

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

**DISCUSSION:**

On February 16, 2012, Texas Tank Services prepared the annual inspection report for the one million gallon elevated storage tank located at 1000 Simpson Terrace. The report showed the interior coating in the tank had a large amount of blistering and a lot of sediment layers consisting of calcium carbonate that needed to be removed and replaced with a new epoxy coating. It has been eight years since the inside of the tank has been resurfaced in this manner.

Pacheco Koch, LLC has prepared a professional services contract in an amount not to exceed \$22,446 to follow the recommendation on the Texas Tank Services inspection. The work would include project management, coordination, permitting, contract document preparation, bid phase services, and construction administration. The Simpson Terrace Tank Bowl Rehabilitation project was approved in the FY 2013/14 budget.

Staff recommends utilizing Pacheco Koch, LLC for the management of this project. Funding would be paid out of the Water and Sewer Fund.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a professional services contract with Pacheco Koch, LLC in the amount of \$22,446 for the Simpson Terrace Elevated Storage Tank Interior Coating Project.

**FISCAL IMPACT:**

<b>Water and Sewer Fund:</b>	
Budget	\$175,000
Engineering Contract	\$22,446
Balance Remaining for construction	\$152,554

**ATTACHMENTS:**

Resolution  
Professional Services Contract for Pacheco Koch, LLC (on file with the City Secretary's Office)

RESOLUTION NO. 14-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PACHECO KOCH, LLC, IN AN AMOUNT NOT TO EXCEED \$22,446 FOR THE SIMPSON TERRACE ELEVATED STORAGE TANK INTERIOR COATING PROJECTING.

WHEREAS, the City Council of Bedford, Texas has determined that a professional services contract with Pacheco Koch, LLC for a new interior coating on the elevated storage tank located at 1000 Simpson Terrace is necessary for the health and safety of its citizens; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to protect the vitality of neighborhoods.

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

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

SECTION 2. That the City Council does hereby authorize the City Manager to enter into a Professional Services Contract with Pacheco Koch, LLC, in an amount not to exceed \$22,446, for the Simpson Terrace Elevated Storage Tank Interior Coating Project.

SECTION 3. That funding will come from the Water and Sewer Fund.

PRESENTED AND PASSED this 25th day of February, 2014, 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