



**Regular Meeting of the Bedford City Council
Tuesday, October 13, 2020
Bedford City Hall Building A
2000 Forest Ridge Drive
Bedford, Texas 76021**

**Council Chamber Work Session 5:30 p.m.
Council Chamber Regular Session 7:30 p.m.**

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

In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID19), there will be no public access to the location described above. Residents interested in the meeting can watch it live on the City’s website at <https://bedfordtx.gov/250/City-Council-Meetings-Online> or tune in to channels 16 (Spectrum) or 99 (AT&T).

The agenda packet and meeting information are posted online at <https://bedfordtx.gov/AgendaCenter/City-Council-2>. You may provide written comments on specific agenda items prior to the meeting by filling out the Comment Form at <https://bedfordtx.gov/FormCenter/City-Council-11/City-Council-Meeting-Sign-Up-Form-51>, emailing citysecretary@bedfordtx.gov or calling 817-952-2104. You may also use the Comment Form to sign up to speak on specific agenda items during the meeting by phone. You must provide a valid phone number and you will be called during the meeting at the appropriate time. All comments and requests to speak need to be received by 3:00 p.m. the day of the meeting.

WORK SESSION

- Review of the Action Items from the August 10, 2020 Council Work Session for Neighborhood Services.

EXECUTIVE SESSION

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

- a) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Block 1, Lot 1, Bedford School Addition.
- b) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Update on development at Joseph W Shaklee Survey, Abstract 1390, Tracts 2A01 and 2B.

REGULAR SESSION

CALL TO ORDER/GENERAL COMMENTS

INVOCATION

PLEDGE OF ALLEGIANCE

COUNCIL RECOGNITION

1. Proclamation recognizing Saturday, October 17, 2020 as Sparkling Ice Day in the City of Bedford.
2. Proclamation recognizing October 23-31, 2020 as Red Ribbon Week in the City of Bedford.

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 *(Consent items are deemed to need little Council deliberation and will be acted upon as on business item. Any member of the City Council may request that an item be withdrawn from the Consent Agenda and placed before the City Council for full discussion. Approval of the Consent Agenda authorizes the City Manager, or a designee, to implement each item in accordance with staff recommendation.)*

3. Consider approval of the following City Council minutes:
 - a) September 22, 2020 regular meeting

OLD BUSINESS

4. Consider an ordinance amending Chapter 54, "Environment" of the City of Bedford Code of Ordinances by amending Sections 54-67 through 54-68, providing for a penalty clause; providing for a repealing clause; providing for a severability clause; and declaring an effective date. (Tabled at the July 28, 2020 meeting)

NEW BUSINESS

5. Discussion and consideration of all matters incident and related to the issuance of "City of Bedford, Texas, General Obligation Bonds, Series 2020," including the adoption of an ordinance authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded.
6. Consider a resolution authorizing the City Manager to terminate the amendment to the Professional Services Agreement - Bedford Boys Ranch Park Phase Next - Multigenerational Center with Oxley Williams Tharp Architects, for a community performing arts theater.
7. Mayor/Council Member Reports
8. Report on most recent meeting of the following Boards and Commissions:
 - ✓ Animal Shelter Advisory Board
 - ✓ Beautification Commission
 - ✓ Community Affairs Commission
 - ✓ Cultural Commission
 - ✓ Economic Development Foundation
 - ✓ Library Advisory Board
 - ✓ Parks and Recreation Board
 - ✓ Teen Court Advisory Board
 - ✓ Senior Center Representative

9. City Manager/Staff Reports

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

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

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: **Friday, October 9, 2020 at 5:00 p.m.**, and remained so posted at least 72 hours before said meeting convened.

Michael Wells, City Secretary

Date Notice Removed

(Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in City functions and activities. Auxiliary aids and services or accommodations must be requested in writing to the City Secretary's Office a minimum of seventy-two hours (72) hours prior to the scheduled starting time of the posted meeting. Requests can be delivered in person or mailed to the City Secretary's Office at 2000 Forest Ridge Drive, Bedford, TX 76021, or emailed to citysecretary@bedfordtx.gov. Some requests may take longer due to the nature, extent and/or availability of such auxiliary aids, services or accommodations.)



Council Agenda Background

PRESENTER: Andrew Kloefkorn, Neighborhood Services Manager

DATE: 10/13/20

Work Session

ITEM:

Review of the Action Items from the August 10, 2020 Council Work Session for Neighborhood Services.

City Attorney Review: N/A

DISCUSSION:

On August 10, 2020, Neighborhood Services Manager Andrew Kloefkorn reviewed policy and procedures of the Neighborhood Services Division. During that work session, the City Council had several items that needed to be researched. These items have been consolidated into 20 action items:

- Action Item #1 No Parking Signs for private property at City Expense
- Action Item #2 Establish Timelines for all Code Issues
- Action Item #3 Define Hardship
- Action Item #4 Chronic/Habitual Violators
- Action Item #5 Social Media/NSD Promotion
- Action Item #6 Updated Policy Manual
- Action Item #7 City Council Monthly Report
- Action Item #8 Challenges of Donation Bin Recovery
- Action Item #9 Nuisance Ordinance
- Action Item #10 Define Majority of Lawn
- Action Item #11 Cost of Cleaning Pool
- Action Item #12 Fences-What is Dilapidated?
- Action Item #13 Define Junk Motor Vehicle
- Action Item #14 Minimum Housing Violations
- Action Item #15 Citations for Donations Bins
- Action Item #16 Definition of All-Weather Surface
- Action Item #17 Citation Info on Data Sheet (Performance Measure)
- Action Item #18 Determine if Signatures are Required on Citations
- Action Item #19 Determine if NSD Can Set Citation Amount
- Action Item #20 Copy of Code to Residents

ATTACHMENTS:

PowerPoint Presentation

BEDFORD COUNCIL WORK SESSION

Neighborhood Services Division

Action Item #1

*No Parking Signs for Private Property
at City's Expense (Good vs Bad)*

- City can not enforce
- Will need permission from owner
 - Split of yes/no
- Cost per sign \$154 x 30 (Total \$4,700)

Action Item #2

Establish Timeline for all Code Issues

- New Procedure Manual
- All second Notice of Violations (NOVs) have been eliminated unless hardship can be established
- Average case time is 7 days from start to finish

Action Item #3

Define Hardship

- Adversity, or something difficult that one must endure or overcome
- NSD Manager or Senior NSD Officer will review all hardship cases
- If hardship is met, NSD will work with resident
- If hardship is not met, NSD will move to next step

Action Item #3 (cont.)

- Director of Development will advise on hardship cases
- All hardships will be verified using current data
- A list of hardships will be included in City Council report

Action Item #4

Chronic/Habitual Violators

- Elimination of second NOV
- Citation/Abatement Notice
- Tracking Violators
- Working with Court to find solution
 - Summons?

Action Item #5

Social Media/NSD Promotion

- New NSD Senior Officer will begin Social Media Campaign
- Representation on Communication Team
- Weekly Postings
- Redo Water Bill Code Tip
 - List of Common Violations

Action Item #6

Updated Policy Manual

- Being finalized by NSD
- Will be sent to Director for review
- ACM and CM Review scheduled for 10/20
- Incorporates changes directed by Council

Action Item #7

City Council Monthly Report

- The goal is to be submitted within the first week of month
- Staffing, Data, Hotlist, Recommendation

Action Item #8

Challenges of Donation Bin Recovery

- \$150/bin third-party vendor (for removal)
- \$300-\$400 disposal cost for City
- Lack of personnel for City abatement
- Lack of space to store donation bins
- Less than a 3% recovery
- Staff does not recommend

Action Item #9

Nuisance Ordinance

- Amended
- Attorney Review
- Ready for Council Review
- 30 Day Compliance with New Ordinance
 - If approved

Action Item #10

Define Majority of Lawn

- Single weed does not constitute violation
- Single patch does not constitute violation
- Standard of use more than 1/3 of visible yard
- Unless In-Bond Complaint
 - Violation
 - Issue NOV

Action Item #11

Cost of Cleaning a Pool

- Treatment vs. Draining
- Can not mandate draining
- Mosquito Dunks (\$45/30 dunks)
- Public Works has program to assist with treatment
 - Advise resident of options
 - Cost of third-party treatment (\$80 - \$200/visit)

Action Item #12

Fences—What is Dilapidated?

- Yard with pool
 - Any part of the fence that allows a person into yard
 - Must correct immediately (Safety Issue)
- Yard with animal
 - Any part of the fence that allows the animal out of yard (potential)
 - Must correct immediately (Safety Issue)

Action Item #12 (cont.)

Fences—What is Dilapidated?

- Yard with no pool/animal
 - Leaning more than 15 degrees
 - Missing more than two slats per panel (average)
 - NOV with a seven (7) day timeframe
 - No second NOV
 - More than 25% of elevation requires permit

Action Item #13

Define Junk Motor Vehicle

- (1) A self-propelled, or trailer designed for use with a self-propelled vehicle and;
- (2) Does not have lawfully attached to it
 - a. an unexpired license plate; AND
- (3) Is:
 - a. wrecked, dismantled, or partially dismantled, or discarded;
 - b. is inoperable and has remained inoperable for more than:
 - 72 consecutive hours (public property)
 - 30 consecutive days (private property)

Action Item #14

Minimum Housing Violations

- Issues/Violations
 - Siding, trim, garage doors, windows
- NOV with 30 days to comply
 - Citations on 31st day and thereafter until compliance
- Hardship exceptions

Action Item #15

Citations for Donation Bins

- NOV with 7 days to comply
- Notice of Abatement at property owner's expense
- Ordinance permits City to cite property owner
 - Fine up to \$200/day

Action Item #16

Definition of All-Weather Surface

- Legal Definition:
 - A road surface over which vehicles and typical passenger vehicles can pass in all types of weather
- Sec. 114-154 Parking of commercial vehicles on residential property:
 - All-weather parking facility means asphalt or concrete paving suitable for vehicle parking
 - Historically, Code interpretation includes concrete pavers
- Sec. 114-154 (b)(5) Parking of vehicle may be off all-weather surface if enclosed with screening fence at least 6 ft high

Action Item #17

Citation Info on Data Sheet

- New FY Data Sheet
 - Will incorporate Citation performance measure

Action Item #18

Determine if Signatures are Required on Citations

- Citation can be issued without signature
- Judge will not issue a bench warrant without signature on citation
- Without signature, citation not effective
- Purchased Lexis Nexis for citation
- Working with Courts for NSD equipment

Action Item #19

Determine if NSD Can Set Citation Amount

- Code Compliance CAN NOT set amount
- Set by Courts
- No Authority

Action Item #20

Copy of Code to Residents

- Printed Code from Municode
- Pamphlets for residents
- Will be put into welcome packet for new residents



Council Agenda Background

PRESENTER: Michael Boyter, Mayor

DATE: 10/13/20

Council Recognition

ITEM:

Proclamation recognizing Saturday, October 17, 2020 as Sparkling Ice Day in the City of Bedford.

DISCUSSION:

Sparkling Ice has teamed up with the City of Bedford for their first-ever Sparkling Ice Cheers to You Town Beautification Project. At the beginning of 2020, the brand sought out unique towns across the nation whose parks and recreational areas needed rebuilding, restoration, or enhancements. After learning more about each community's needs, the brand chose Bedford as one of three communities for the project.

The company announced its final plans in July to bring the Sparkling Ice Musical Pocket Playground to life on the property adjacent to the City of Bedford's historic schoolhouse located at 2400 School Lane. Sparkling Ice Beverages has always been passionate about giving back and supporting local communities.

This project ran concurrently with the Sparkling Ice Cheers to Heroes campaign. The goals of this campaign are to celebrate America's everyday hometown heroes and to thank those on the frontlines of communities. After receiving over 3,000 submissions from 1,781 cities across the country, the brand chose Bedford business owner Rosako Bailey to be the winner of a \$10,000 grand prize.

Construction for the project is complete. The ribbon cutting for the Sparkling Ice Pocket Playground and the Cheers to Heroes award ceremony for Rosako Bailey will be held on Saturday, October 17.

A Sparkling Ice representative would like to say thank you via videoconference. Rosako Bailey will accept the proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

Whereas, Talking Rain Beverage Company, maker of Sparkling Ice® flavored sparkling water, is excited to announce the first-ever Sparkling Ice Cheers to You Town Beautification program, where the brand is teaming up with cities across the country to give back in a big way; and

Whereas, "Talking Rain prides itself on inclusivity, community, and togetherness each and every day," said Chris Hall, Talking Rain CEO. "Through the Sparkling Ice Cheers to You Town Beautification program, we hope to draw on The City of Bedford's existing charm, contributing a lasting foundation that will bring this community together in a meaningful way. We're thrilled to be a part of positive changes in this community;" and

Whereas, the brand has gifted the City of Bedford with a one-of-a-kind musical playground. The Sparkling Ice Musical Pocket Playground has been brought to life and is located on the City of Bedford's newest parkland, the Old Bedford School property. With this installment, the brand hopes to delight the local community through the joy of music for years to come; and

Whereas, this new initiative is an extension of the successful Sparkling Ice Cheers to Heroes campaign, which celebrates America's everyday hometown heroes, and to thank those on the frontlines of our communities. After receiving over 3,000 submissions from 1,781 cities across the country, the brand has chosen Bedford's own Rosoko Bailey to be the winner of grand prize of \$10,000.

NOW, THEREFORE, let it be known that I, Michael Boyter, Mayor of the City of Bedford, and the City Council do hereby proclaim Saturday, October 17, 2020 as:

Sparkling Ice Day

in the City of Bedford and urge all residents and businesses to visit www.sparklingice.com for more information and to schedule a visit to the Old Bedford School to experience the new Sparkling Ice Musical Pocket Playground.

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this
13th day of October 2020.*

Michael Boyter, Mayor





Council Agenda Background

PRESENTER: Michael Boyter, Mayor

DATE: 10/13/20

Council Recognition

ITEM:

Proclamation recognizing October 23–31, 2020 as Red Ribbon Week in the City of Bedford.

DISCUSSION:

In 1980, the National Federation of Parents for Drug Free Youth was founded by a group of concerned parents determined to play a leadership role in drug prevention. This organization is known today as the National Family Partnership.

In 1985, the parents and members of the National Family Partnership began the initial tradition of donning red ribbons as a tribute to Drug Enforcement Administration Agent Enrique Camarena, who was brutally tortured and murdered by a Mexican drug cartel. The red ribbon soon became a symbol and reminder of the killing and destruction caused by drugs in America.

The wearing of red ribbons continued, and in 1988, the National Family Partnership organized and held the first Nationwide Red Ribbon Campaign. This event brings millions of people together to raise awareness of the dangers of alcohol, tobacco, and other drugs, and to encourage prevention, early intervention, and treatment services. It is the largest, most visible prevention awareness campaign observed annually in the United States.

The 2020 Red Ribbon Theme is, “Be Happy. Be Brave. Be Drug Free.” This winning theme was created by Tricia Nelson, a teacher from Locust Corner Elementary School in Cincinnati, OH.

Sergeant Jerry Buford will accept this proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, the Red Ribbon Campaign was established by the National Family Partnership in 1988 to promote and encourage a drug-free lifestyle and involvement in drug prevention efforts; and

WHEREAS, cities across America have been plagued by the problems associated with drug use; and

WHEREAS, the hope in winning the war on drugs lies in the commitment and determination of local leaders in both government and in the community, and in partnership with the citizens of Bedford; and

WHEREAS, success will not occur overnight, our patience and continued commitment to drug education and prevention are imperative; and

WHEREAS, the 2020 Red Ribbon Theme is, "Be Happy. Be Brave. Be Drug Free.", created by Tricia Nelson, a teacher from Locust Corner Elementary School in Cincinnati, OH.

NOW, THEREFORE, let it be known that I, Michael Boyter, Mayor of the City of Bedford, and the City Council do hereby proclaim October 23-31, 2020 as:

National Red Ribbon Week

in the City of Bedford and encourage all citizens, businesses, public and private agencies, media, religious and educational institutions to wear and display red ribbons and participate in drug-free activities throughout the week, joining the rest of the state in promoting the Red Ribbon Celebration and a drug-free America.

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this
13th day of October, 2020.*

Michael Boyter, Mayor





Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 10/13/20

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) September 22, 2020 regular session

DISCUSSION:

N/A

ATTACHMENTS:

September 22, 2020 regular session

Council Minutes September 22, 2020

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 7:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 22nd day of September, 2020 with the following members present:

Michael Boyter	Mayor
Tom Burnett	Councilmembers
Dan Cogan	
Ruth Culver	
Amy Sabol	
Rusty Sartor	

constituting a quorum.

Councilmember Gagliardi arrived via videoconference at approximately 6:17 p.m.

Staff present included:

Jimmy Stathatos	City Manager
Cliff Blackwell	Assistant City Manager
Stan Lowry (via videoconference)	City Attorney
Michael Wells	City Secretary
Stephanie Ayers	Human Resources Director
Sean Fay	Fire Chief
Jeff Gibson	Police Chief
Wendy Hartnett	Special Events Manager
Don Henderson	Parks Superintendent
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director
Paula McPartlin	Assistant Finance Director
Maria Redburn	Library Director
Kelly Snook	Interim Capital Projects Director
Bill Syblon	Development Director

WORK SESSION

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

EXECUTIVE SESSION

- a) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Block 1, Lot 1, Bedford School Addition.

Council Minutes September 22, 2020

Council convened into Executive Session pursuant to Texas Government Code Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Block 1, Lot 1, Bedford School Addition, at 5:31 p.m.

Council reconvened from Executive Session at 5:38 p.m. Council will convene again into Executive Session at the end of the Regular Session.

- **Discussion on the Quarterly Investment Report for the Fiscal 3rd Quarter ending June 30, 2020.**

Assistant Finance Director Paula McPartlin stated the total book and market value of all the City's portfolios at the end of the third quarter was approximately \$148,000,000. The City funds portfolio decreased from approximately \$118,000,000 to \$116,000,000. The quarter end average yield was 0.67 percent, a decrease of 80 basis points. The State Water Implementation Revenue Fund for Texas (SWIRFT) portfolio decreased from \$32,700,000 to \$32,453,005. The quarter end average yield was 0.26 percent, a decrease of 18 basis points. The year-to-date average yield for the entire portfolio is 1.24 percent, or a decrease of 34 basis points. Quarterly interest income totaled \$307,033, with the culminated interest income being approximately \$1,696,000.

Tom Ross with Valley View Consulting, the City's investment advisors, discussed the impact of COVID-19 on the City's investments. He stated the Fed lowered the interest rate target to between zero and 25 basis points. He discussed the Treasury yield curve and stated the Fed announced they would not change the rates for another two to three years. He presented an overview of the City's investment holdings, the composition of the portfolio, a comparison to the previous quarter, and the allocation of the investments across various City funds. He stated the City's investments are primarily in certificates of deposit, which hold higher rates than securities; however, they cannot be used for the SWIRFT funds. There was discussion on interest rates and the City's investment policy.

- **Presentation by Community Affairs Commission Chairperson Sal Caruso regarding welcoming new businesses to Bedford. *This item requested by Mayor Boyter.**

This item was tabled.

- **Discussion regarding the City's Water, Sewer, and Stormwater rate structure and options to provide revenues to maintain adequate operating reserves and fund capital needs.**

Finance Director Maria Joyner discussed a review of the City's Water, Sewer, and Stormwater rates performed by NewGen Strategies and Solutions, which was presented to Council at their August 1, 2020 budget work session, along with various decision packages. She stated the overall objective of a rate study is to determine the adequacy and the most appropriate rate structure for the City's customers, taking into consideration conservation, consumption, and customer types were considered. The study was based on a review of the water and sewer budget, current rate charges, customer classes, current usage data, water and sewer debt expenditures, and future planned growth for the City. She stated the consultants will recommend Decision Package #4, which only passes along the increases from the Trinity River Authority (TRA) to the City's customers in the upcoming year. NewGen and staff also recommend reviewing the rates annually.

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Chris Ekrut with NewGen recommended passing the wholesale costs for water and wastewater treatment from the TRA to the City's customers every year, as failure to do so reduces the financial resources available to maintain the City's system. He discussed long-term capital needs, including approximately \$24,895,000 in water and \$13,198,000 in wastewater. Key metrics include revenue sufficiency, sufficient debt service coverage of 1.25 times expenses, and 90 days cash on hand. He provided various decisions packages on water and wastewater, including their impact on revenue, the number of days of cash-on-hand, debt service coverage, and on customer's monthly bills through 2024. Decision Package #3 includes steady annual increases and Decision Package #4 only includes the passthrough from the TRA in the first year because of COVID-19.

Michael Sommerdorf with NewGen stated stormwater service is subject to substantial fixed costs and capital needs of approximately \$7,500,000. He provided various decisions packages for stormwater, including their impact on revenue, the number of days of cash-on-hand, debt service coverage, and on customer's monthly bills through 2024.

- **Update and discussion on a performing arts center at the Old Bedford School.**

Jim Tharp with Oxley Williams Tharp (OWT) stated the project was discussed at the February 4, 2020, work session, and included a theater, a flex-meeting conference breakout rooms, ballrooms, using the Old Bedford School (OBS), office spaces, gallery spaces, and involvement of area hotels. A subcommittee meeting was held to discuss the goals and objectives in more detail and to begin the design process. He stated OWT presented a sketch at that meeting, and explained that it was not the design but a square footage versus budget study. He further stated OWT was told via email on March 13, 2020 that the project was put on hold. OWT was then asked to visit other properties to determine if they could be repurposed for a new multi-use performing arts facility. He discussed further work sessions where Council sought outside input and heard the desire to put the facility at the OBS. Mr. Tharp presented an overview of the typical design process. He felt there was misunderstanding with the sketch presented at the subcommittee in that it was a quick analysis to determine minimum square footage needed for the performing arts facility and whether it was in alignment with the budget, and was not the design. He recommended the subcommittee meet and perhaps invite outside industry experts to discuss what was heard, review where the project is, reaffirm the project objectives, allow OWT to offer advice and input, and allow Council to make an informed decision as to the next steps.

- **Discussion regarding staffing concerns and other related matters at the Police Department. *This item requested by Mayor Boyter.**

Chief Gibson presented a staffing update at the Police Department. He stated there is a shortage of 11 sworn officers, out of a total of 89 full-time equivalent sworn positions; however, four to five people are starting the police academy in October and recruiters are again able to visit the academies in person. There was discussion on the number of vacancies in the Department and the lateral hiring program approved by Council two years previously. Chief Gibson stated a 20-year comparison shows the number of officers leaving is similar to previous years. He further stated he is not concerned about an impact to public safety as personnel are borrowed from other areas within the Department and callbacks are used to meet minimum staffing requirements. There was discussion on the level of vacancies in other cities; the impact of lateral hiring programs on officers changing agencies; the impact of the vacancies, including increased overtime; the amount of time to train new officers compared to hiring already certified officers; field training, including that it does not affect staffing; recruiting; a restructuring of the Police Department organization to increase lateral opportunities; the impact to recruitment and retention of changes to the City's retirement compensation increases; and exit interviews.

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Mayor Boyter stated Council was presented with the top five reasons staff have left the organization, which included career change, dissatisfaction with pay, dissatisfaction with benefits, retirement, and unsurety of the City's future at the August 1, 2020 budget work session. There was discussion on recent increases and changes to pay and retirement; the meaning "unsure of City's future"; discussions Chief Gibson had with employees who have left the Department; and whether any employee left for less money. Mayor Boyter stated Council requested copies of the Police Department's exit interviews and there were discrepancies between what he heard from staff and the interviews. These included the top reason for employees leaving being dissatisfaction with supervision, with poor morale and inconsistent treatment of employees being third and fourth. Mayor Boyter stated at no point has Council heard those reasons from staff. Chief Gibson stated there is a discrepancy between the interviews and the personal conversations he had with employees who left the Department. There was discussion on changes to the Department's promotion process, including some dissatisfaction with the results and the exclusion of employees from certain units. Mayor Boyter stated the worst ratings on the exit interviews were opportunity of advancement and employee morale. Chief Gibson stated there is a morale problem in the Department due to opportunities and compensation, which are being addressed. Mayor Boyter stated Council needs accurate and honest information to make good decisions, and he was disappointed that three of the top four reasons why people were leaving, and the top two items that were considered poor on the exit interviews, were not expressed to Council.

There was discussion on Police Department training, including the impact of COVID-19; certification levels; various courses; in-house and third-party training; and whether officers are up to date on training and policies. Chief Gibson stated there is no officer that can be currently certified that does not have the correct state training, and every officer in the Department is a licensed peace officer with no suspensions and have met the criteria to continue services. He further stated COVID-19 extended some of the training dates but did not suspend any officer's license. Mayor Boyter stated members of Council received and reviewed training records and found areas of deficiencies per the records. There was discussion on training and the discrepancies. Chief Gibson believed the problem is with the transfer of the training records into the Department's new records management and computer aided dispatch system and assured Council the training was conducted. Mayor Boyter stated the records contradict what Chief Gibson told Council, that Council needs open and honest answers from staff, and was disappointed that Council could not verify the information provided by Chief Gibson.

There was discussion on physicals, including a change to a row test as done by the Department of Public Safety; the possibility of future resignations and retirements in the near future; the City not being in the position to compete with certain other cities in regards to salary; that 48 officers have left the Department since 2016; employee retention; evaluation of leadership, including Chief Gibson's recent 360 evaluation; the promotion process, including employees that have left due to not agreeing with the promotions, the perception of favoritism, and appointed versus tested positions; the recruiting process; officers per capita; and the nature of calls for service within Bedford

- **Review options for re-opening Bedford for community events, programs, playgrounds, and park pavilion rentals.**

This item was moved after Item #15 in the Regular Session.

Special Events Manager Wendy Hartnett stated Governor Greg Abbott amended his orders allowing recreation programs and drive-in type events, as well as opening venues such as pools

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and libraries. The orders further permit mayors to allow gatherings in excess of ten people and impose allowable conditions on gatherings. She believed the City was ready for a phased opening of programs and events, to include outdoor, socially spaced events. She recommended adding language about COVID-19 protocols and restrictions to disclosure statements.

Ms. Hartnett discussed reopening the City's playgrounds and allowing pavilion rentals, and there was discussion on sanitation and enforcing any COVID-19 restrictions. Ms. Hartnett presented information on the Christmas Tree Lighting as an example of drive through events, and there was discussion on revenues and expenses for the event, staffing for events, and what other cities are doing. Ms. Hartnett presented information on HalloweenFest and game events on the lawn of the OBS as examples of spaced events, and a ribbon cutting ceremony and childrens concert at the Sparking Ice playground as an example of an outdoor concert event. She discussed a project to use a City vehicle to provide mobile Wi-Fi for children that do not have internet access at home. There was discussion on expanding the Wi-Fi program, the risks of buildings being contaminated, cleaning pavilions and playgrounds, the number of citizens being served by the programs, Council's level of concerns for specific events and facilities, and using the drive-through template for other events.

Council was of the consensus to reopen the playgrounds, and to move forward with the Wi-Fi program and drive-thru events. A majority of Council did not support spaced or outdoor concert events or renting out the pavilions.

Library Director Maria Redburn stated the Governor's order expanded capacity for libraries to 75 percent, though she was not comfortable increasing capacity to that number. Forty-four people are currently allowed in the public area of the Library, but 12 were subtracted from that number for staff and vendors. The Governor's orders stated staff and vendors do not count towards total capacity and Ms. Redburn recommend increasing the capacity to 44 people. She discussed Library computers and the study rooms. Council was of the consensus to increase the Library capacity to 44 people, maintain the current policy for use of the study rooms, and expand technology usage. There was discussion on revisiting this item in the future. Ms. Reburn discussed a grant for which the Library applied to install Wi-Fi hot spots at locations around the Library and the OBS.

Mayor Boyter adjourned the Work Session at 7:50 p.m.

REGULAR SESSION

The Regular Session began at 8:00 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order. He welcomed new City Manager Jimmy Stathatos.

INVOCATION

Councilmember Sartor gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledges of Allegiance to the flags of the United States and Texas were given.

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COUNCIL RECOGNITION

- 1. Proclamation recognizing October 4-10, 2020 as Fire Prevention Week in the City of Bedford.**

Mayor Boyter read a proclamation recognizing October 4-10, 2020 as Fire Prevention Week in the City of Bedford. Fire Chief Sean Fay accepted the proclamation.

- 2. Proclamation recognizing October 2020 as Crime Prevention Month in the City of Bedford.**

Mayor Boyter read a proclamation recognizing October 2020 as Crime Prevention Month in the City of Bedford. Police Lieutenant Doug Crowell accepted the proclamation.

- 3. Proclamation recognizing October 6, 2020, as the official day for National Night Out in the City of Bedford.**

Mayor Boyter read a proclamation recognizing October 6, 2020, as the official day for National Night Out in the City of Bedford. Police Lieutenant Doug Crowell accepted the proclamation.

OPEN FORUM

Nobody signed up to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

City Manager Jimmy Stathatos presented an overview of the items on the consent agenda.

Motioned by Councilmember Culver, seconded by Councilmember Sabol, to approve the following items by consent: 4, 5, 6, 7 and 8.

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

- 4. Consider approval of the following City Council minutes:**
 - a) September 8, 2020 regular session**
 - b) September 15, 2020 special session**

This item was approved by consent.

- 5. Consider a resolution of the City Council of the City of Bedford, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2020 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the Company to reimburse ACSC’s reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring**

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an effective date; and requiring delivery of this resolution to the company and the ACSC's legal counsel.

This item was approved by consent.

- 6. Consider a resolution authorizing the City Manager to purchase library print and multimedia materials primarily using the State of Texas SmartBuy contract with various vendors in an amount not to exceed \$200,000.**

This item was approved by consent.

- 7. Consider a resolution approving the City of Bedford Investment Policy for Fiscal Year 2020.**

This item was approved by consent.

- 8. Consider a resolution of the City Council of the City of Bedford, Texas providing for adoption of a written policy authorizing the City to accept applications to provide primary Depository Bank Services from eligible financial institutions not doing business within the City; and providing an effective date.**

This item was approved by consent.

PERSONS TO BE HEARD

- 9. The following individual has requested to speak to the Council tonight under Persons to be Heard:
 - a) Roger Gallenstein, 4013 Fairmont Court, Bedford, Texas 76021 – Request to speak to Council regarding Bedford needs a destination.****

Roger Gallenstein, 4013 Fairmont Court, Bedford – Mr. Gallenstein discussed previous times he spoke to Council regarding the need for a destination. He stated the recent proposal for the Bedford Commons by David Pettit Economic Development is good and commended Council on it. He advised increasing the green space and reducing residential, and to use the term villas instead of townhomes. He stated Bedford previously was the place to be and felt it could be that again. He discussed Bedford Commons, the performing arts center at the OBS, and Generations Park, along with the new City Manager, in creating a destination. There was discussion on creating an organization of excellence with the goal of taking care of every resident and business and provide premier services; Generations Park, Bedford Commons, and the performing arts center; and the vision of late Councilmember Ray Champney of a destination in Bedford.

OLD BUSINESS

- 10. Consider an ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Bedford; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; providing for participation of the City in the supplemental death benefits fund of the Texas Municipal Retirement System, to provide certain in-service death benefits for**

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employees of the City and, establishing an effective date. (Tabled at the September 8, 2020 meeting)

This item was combined with Item #11. Human Resources Director Stephanie Ayers stated this item is to add a recurring 50 percent Updated Service Credit, a 70 percent cost-of-living adjustment (COLA) for retirees, and supplemental death benefits for current employees, to the City's plan through the Texas Municipal Retirement System. These additions would equate to a 15.81 percent contribution rate for the City. City Manager Jimmy Stathatos stated employee benefits are critical and that it is less expensive and better for an organization to retain employees rather than recruit them; however, it is important to balance the community's needs with what is best for the City. He recommended adding the Updated Service Credits, the Restricted Service Credits, and the death benefits, which would have an impact on retention and recruitment, but to revisit the retiree COLA in the future. In response to questions from Council, Ms. Ayers stated there has not been a COLA adjustment for retirees since the City implemented TMRS in 2009. Councilmember Sartor stated he did not have time to review and think about the updated ordinance and stated he would vote no on this item for those reasons.

Motioned by Councilmember Cogan, seconded by Councilmember Sabol, to approve an ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annually repeating basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Bedford; providing for participation of the City in the Supplemental Death Benefits Fund of the Texas Municipal Retirement System, to provide certain in-service death benefits for employees, and death benefits for annuitants whose last employment before retirement was with the City of Bedford, Texas; authorizing and allowing, under the act governing the Texas Municipal Retirement System, Restricted Prior Service Credit to employees who are members of the system for service previously performed for various other public entities for which they have not received credited service; and, establishing an effective date for the ordinance.

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

Voting in favor of the motion: Mayor Boyter, Councilmember Cogan, Councilmember Sabol, Councilmember Burnett, Councilmember Culver, and Councilmember Gagliardi.

Voting in opposition to the motion: Councilmember Sartor

11. Consider an ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Restricted Prior Service Credit" to employees who are members of the system for service previously performed for various other public entities for which they have not received credited service; and establishing an effective date. (Tabled at the September 8, 2020 meeting)

This item was combined with Item #10.

NEW BUSINESS

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

Strategic Services Manager Meg Jakubik presented information regarding this item. She stated

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staff reviews the Fee Ordinance annually to ensure fees are in line with costs and practices and make recommendations for any changes. She stated none of the proposed changes has a significant budgetary impact. Many recreation fees were removed and will be reincorporated once construction on Phase Next is completed. There was discussion on the Library no longer charging late fees and removing fees related to Generations Park.

Motioned by Councilmember Sartor, seconded by Councilmember Burnett, to approve an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance No. 19-3264; providing a repealing clause; providing a severability clause; and declaring an effective date.

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

13. Consider an ordinance amending the schedule of water rates by amendment of Section 1., Ordinance No. 19-3264; providing a repealing clause; providing a severability clause; and declaring an effective date.

Finance Director Maria Joyner presented information regarding this item. She stated staff recommends Decision Package #4, which includes the passthrough of the increase from TRA of \$0.06 per 1,000 gallons. The rate would increase from \$4.24 per 1,000 gallons to \$4.30 per 1,000 gallons. There was discussion on Decision Packages #3 and #4.

Motioned by Councilmember Cogan, seconded by Councilmember Sabol, to approve an ordinance amending the schedule of water rates based on Decision Package #3 by amendment of Section 1., Ordinance No. 19-3264; providing a repealing clause; providing a severability clause; and declaring an effective date.

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

Voting in favor of the motion: Mayor Boyter, Councilmember Sartor, Councilmember Cogan, Councilmember Sabol, Councilmember Burnett, and Councilmember Gagliardi.

Voting in opposition to the motion: Councilmember Culver

14. Consider an ordinance amending the schedule of sewer rates by amendment of Section 1., Ordinance No. 19-3265; providing a repealing clause; providing a severability clause; and declaring an effective date.

Ms. Joyner presented information regarding this item. She stated staff recommends Decision Package #4, which includes an increase of \$0.01 per 1,000 gallons; however, as Council approved Decision Package #3 for the water rates, she advised Council to approve Decision Package #3 for the sewer rates as well.

Motioned by Councilmember Burnett, seconded by Councilmember Sartor, to approve an ordinance amending the schedule of sewer rates based on Decision Package #3 by amendment of Section 1., Ordinance No. 19-3265; providing a repealing clause; providing a severability clause; and declaring an effective date.

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

15. Consider a resolution authorizing the City Manager to enter into a contract amendment

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with Steele & Freeman, Inc. for Construction Manager at Risk services in the amount of \$58,567,435.

Interim Capital Projects Director Kelly Snook presented information regarding this item. She stated this item is an amendment to the Construction Manager at Risk contract with Steele & Freeman in the amount of \$58,567,435, which is \$15,357.75 under the targeted number. It was discovered that both her and the contractor were carrying a line item for audio/visual, so there is now a buffer of an additional \$588,000 in the furniture, fixtures and equipment (FFE) budget.. She introduced the construction team from Steele & Freeman to Council. There was discussion on the timeline for the construction of the storage building.

Motioned by Councilmember Sartor, seconded by Councilmember Culver, to approve a resolution authorizing the City Manager to enter into a contract amendment with Steele & Freeman, Inc. for Construction Manager at Risk services in the amount of \$58,567,435.

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

Ms. Snook discussed an upcoming timeline for the project, including the installation of fencing and stormwater prevention, and the layout of the storage building, with the park being closed starting October 12, 2020. There was discussion on a livestream webcam allowing the public to watch construction.

16. Consider a resolution appointing members and chairpersons to Bedford's Citizen Boards and Commissions; and removing members pursuant to Section 2.10 of the City Charter.

Motioned by Councilmember Sabol, seconded by Councilmember Culver, to approve a resolution appointing the following members to Bedford's Citizen Boards and Commissions:

Animal Shelter Advisory Board

Susan Read, Place 1 Veterinarian – Term Expires September 30, 2022

Karen Killian, Place 5 General Public – Term Expires September 30, 2022

Beautification Commission

Rachel Eisermann, Place 3 – Term Expires September 30, 2022

Marty Geer, Place 6 – Term Expires September 30, 2022

Glenn Mizell, Place 10 – Term Expires September 30, 2022

Building and Standards Commission

Randy Youngs, Place 5 General Public – Term Expires December 31, 2022

Community Affairs Commission

Terry Sullivan, Place 1 – Term Expires September 30, 2022

Joshua Renken, Place 3 – Term Expires September 30, 2022

Lucy Snearley, Place 5 – Term Expires September 30, 2022

Cindy Almendarez, Place 7 – Term Expires September 30, 2022

Nicole Drouin, Place 8 – Term Expires September 30, 2021

Thomas Manor, Place 9 – Term Expires September 30, 2022

Cultural Commission

Sergio Santos, Place 4 – Term Expires September 30, 2022

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Tracy Madewell, Place 5 – Term Expires September 30, 2022
Chem Burks, Place 6 – Term Expires September 30, 2021
Josh Santillan, Place 8 Arts Organization – Term Expires September 30, 2022
Kimmie Hamm, Place 9 Arts Organization – Term Expires September 30, 2022

Ethics Commission

Amy Trevino, Place 7 – Term Expires September 30, 2021

Library Advisory Board

Lori Irvin, Place 5 – Term Expires September 30, 2022
Susan Hampton, Place 6 – Term Expires September 30, 2022
Dave Bowersock, Place 7 – Term Expires September 30, 2022
Renee DeLorge, Place 9 – Term Expires September 30, 2021

Parks and Recreation Board

Jeff Killian, Place 1 – Term Expires September 30, 2021
Jeannette Cook, Place 5 – Term Expires September 30, 2022
Heather Lopez Velarde, Place 6 – Term Expires September 30, 2022
Donna Hanson, Place 7 – Term Expires September 30, 2022

Planning and Zoning Commission

Bruce Emery, Place 1 – Term Expires September 30, 2022
Hendrik Prufer, Place 6 – Term Expires September 30, 2022
Bryan Henderson, Place 7 – Term Expires September 30, 2022
Tracy Manire, Place 9, Alternate – Term Expires September 30, 2022

Teen Court Advisory Board

Kathleen Toms, Place 2 – Term Expires December 31, 2022
Sara Steves, Alternate 1 – Term Expires December 31, 2021
Linda Moye, Alternate 2 – Term Expires December 31, 2022

Zoning Board of Adjustment

John Thompson, Place 2 – Term Expires December 31, 2022
Jesse Owens, Place 3 – Term Expires December 31, 2022

Chairpersons

Animal Shelter Advisory Board: Susan Read
Beautification Commission: Marty Geer
Community Affairs Commission: Sal Caruso
Cultural Commission: Kim Brown
Library Advisory Board: Margaret Carroll
Parks and Recreation Board: Randy Newby

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

17. Mayor/Council Member Reports

No reports were given.

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

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No reports were given.

19. City Manager/Staff Reports

Mr. Stathatos thanked the Council, staff, and the community for being so welcoming and felt excited and fortunate to be part of the organization. He thanked Communications Specialist Jeff Florey for setting up Council meetings to be shown on Facebook.

EXECUTIVE SESSION

- a) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Block 1, Lot 1, Bedford School Addition.

Council convened into Executive Session pursuant to Texas Government Code Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code - Block 1, Lot 1, Bedford School Addition, at 10:31 p.m.

Council reconvened from Executive Session at 10:38 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

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

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

ADJOURNMENT

Mayor Boyter adjourned the meeting at 10:40 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: William Syblon, Development Director
Andrew Kloefkorn, Neighborhood Services Manager **DATE:** 10/13/20

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

ITEM:

Consider an ordinance amending Chapter 54, "Environment" of the City of Bedford Code of Ordinances by amending Sections 54-67 through 54-68, providing for a penalty clause; providing for a repealing clause; providing for a severability clause; and declaring an effective date.

City Attorney Review: Yes

SUMMARY:

This item is to amend the City of Bedford Nuisance Ordinance to more specifically define what constitutes a nuisance. This item was tabled at the July 28, 2020 regular meeting.

BACKGROUND:

At the Tuesday, June 23, 2020 City Council meeting, Council discussed possible changes to the Nuisance Ordinance, with the input from a citizen. During the meeting, the possibility of holding a work session to discuss these changes was also discussed. Soon after the meeting, further correspondence was held with a request to place these changes on a regular Council meeting in August. On July 9, 2020, that request was amended to bring the item forward at the end of July. This item was tabled and requested to be brought back at the end of September for consideration. The revisions to the Ordinance are a result of a collaboration between staff and the City Attorney's office. It has been confirmed that this ordinance would allow enforcement of currently existing conditions.

The following reflects the changes being proposed:

From Section 54-67

Trash/debris means all solid waste; garbage; trash; litter; junk; tin cans; bottles; papers; grass and weed cuttings; tree limbs; brush; wood or building materials; discarded fences; discarded vehicle parts; tires; wreckage; ~~abandoned~~, operable or inoperable household fixtures that are not designed for outdoor use, including but not limited to, plumbing apparatus, electrical equipment, machinery, containers, ~~moveable~~ furniture, and appliances; equipment; tools; machines; broken or discarded furniture; and other forms of household effects on private or public property that contribute to urban blight.

Waste means regarded or discarded as worthless or useless, unwanted or unusable material.

From Section 54-68

- *Declaration of nuisance.*

The following are declared to be a nuisance and shall be abated, and any persons guilty of performing or causing any such nuisance, or permitting or suffering such on any property or to remain upon said property or in any structure, building occupied by or controlled by such persons or on any public street immediately adjacent to such premises shall be deemed guilty.

(1) Any property, buildings, structures or places containing **indoor or outdoor** accumulations of garbage, weeds, water, junk, trash and debris, stagnant liquids, flammable liquids, or other deposits or substances which are likely to become unwholesome, filthy, unsightly, offensive, ~~or~~ unsanitary **and or** likely to create or engender disease, **or which contributes to urban blight.**
Exception: Operable fixtures and/or appliances used for rear and side yard “outdoor kitchens” accessory to the principal structure and screened from public view.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance amending Chapter 54, “Environment” of the City of Bedford Code of Ordinances by amending Sections 54-67 through 54-68, providing for a penalty clause; providing for a repealing clause; providing for a severability clause; and declaring an effective date.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Amended Nuisance Ordinance
Redline Ordinance

ORDINANCE NO. 2020-

AN ORDINANCE AMENDING CHAPTER 54 "ENVIRONMENT" OF THE CITY OF BEDFORD CODE OF ORDINANCES BY AMENDING SECTIONS 54-67 THROUGH 54-68, PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

WHEREAS, cleanliness and aesthetics are important to the health, safety and welfare of the citizens, businesses and visitors of the City of Bedford; and,

WHEREAS, the City of Bedford supports the regulation of nuisances.

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

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

SECTION 2. That Chapter 54 "Environment," Sections 54-67 through 54-68 are amended as set forth below and are adopted to read as follows:

Sec. 54-67. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.]

Code enforcement official means the chief of police, building official, fire marshal, code enforcement official, health inspector or their designated representatives, charged with any enforcement and administration of this article.

Exterior property area means the open space or non-inhabited or occupied areas on the premises.

Foul means offensive to the senses, revolting, having an offensive odor, smelly, rotten or putrid, all waste, and body waste, including animal and vegetable waste resulting from handling, preparation, cooking, storage or consumption of food.

Garbage means all waste including animal and vegetable waste, dead animals, food, any matter that is no longer wanted or needed, anything that is worthless of nominal value, inferior, or vile.

Graffiti means the unauthorized application of paint, ink, chalk, dye or other similar substance, or other inscribed or engraved material on public or private structures located on publicly or privately owned real property within the city that is not authorized by law.

High grass and weeds means any vegetation that because of its height is objectionable, unsightly or unsanitary which contributes to urban blight and endangers the public safety by creating a fire hazard, excluding: shrubs; bushes, trees, cultivated flowers, gardens, and cultivated crops.

Nuisance means any condition, object, material, matter or light or noise as defined by city ordinance that is offensive, dangerous or detrimental to human life, safety or health; or that renders property, the ground, the water, the air or food a hazard or likely to cause injury to human life or health; or that threatens to become detrimental to the public health and be of an impure or unwholesome matter of any kind, or contributes to urban blight and any objectionable, unsightly, or unsanitary matter.

Trash/debris means all solid waste; garbage; trash; litter; junk; tin cans; bottles; papers; grass and weed cuttings; tree limbs; brush; wood or building materials; discarded fences; discarded vehicle parts; tires; wreckage; operable or inoperable household fixtures that are not designed for outdoor use, including but not limited to, plumbing apparatus, electrical equipment, machinery, containers, furniture, and appliances; equipment; tools; machines; broken or

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discarded furniture; and other forms of household effects on private or public property that contribute to urban blight.

Waste means regarded or discarded as worthless or useless, unwanted or unusable material.

'Sec. 54-68. - Declaration of nuisance.

The following are declared to be a nuisance and shall be abated, and any persons guilty of performing or causing any such nuisance, or permitting or suffering such on any property or to remain upon said property or in any structure, building occupied by or controlled by such persons or on any public street immediately adjacent to such premises shall be deemed guilty.

- (1) Any property, buildings, structures or places containing indoor or outdoor accumulations of garbage, weeds, water, junk, trash and debris, stagnant liquids, flammable liquids, or other deposits or substances which are likely to become unwholesome, filthy, unsightly, offensive, unsanitary and likely to create or engender disease, or which contributes to urban blight.

Exception: Operable fixtures and/or appliances used for rear and side yard "outdoor kitchens" accessory to the principal structure and screened from public view.

- (2) Discharging of any sewage waste directly or indirectly onto the ground or into any stream, creek, waterway or other body of water.
- (3) Permitting any property, tank, pond, alley, gutter, swimming pool, or open receptacle containing water, or a source of water to become stagnant, foul, nauseous, offensive or unpleasant, or provide harborage for mosquitoes, flies, or other insects.
- (4) Maintaining a swimming pool with impaired visibility of upper and/or lower drain(s) or in an unsafe, unsecured, unclean or unsanitary condition.
- (5) Any person who owns or occupies any property with a swimming pool to discharge water from the swimming pool onto the property of another, or to drain the pool in such a way as to drain onto the property of another without consent of adjoining property owner.
- (6) Permitting the accumulation, dumping or the burial of garbage, trash and debris, building materials, discarded furniture, tree limbs, household waste items, ashes, inoperable household appliances, vehicle tires, scrap metal, or automobile parts on any private property and/or depositing the same onto any private property, public right-of-way or public property or the dumping or burying of used motor oils or any other chemical substance which is not permitted by the state commission on environmental quality directly onto or into the ground.
- (7) Permitting a lawn irrigation system to spray or overflow water onto a public sidewalk or public street during periods of freezing weather when such water freezes and results in a potentially dangerous condition.
- (8) Allowing, generating or fostering any unreasonably loud, disturbing, or unnecessary noise in violation of the city ordinances which causes distress, discomfort or injury to persons in the immediate vicinity thereof.
- (9) Any property where rats or vermin breed or are harbored.
- (10) Any object or article placed, planted or allowed to grow upon or over any public street or sidewalk, except such as are permitted by ordinance of this city, in such manner as to obstruct or hinder the free passage upon such public street or sidewalk.
- (11) The act of sweeping or depositing any trash and debris onto any public street or other public place and allowing the same to remain in such place.
- (12) To create or allow graffiti that is visible from a public place or public right-of-way.
- (13) The act of scattering, distributing, or affixing any advertisements, circulars, handbills, printed or written announcements, or paper of like character, upon the public streets, within or on

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public buildings, signs, monuments, or grounds within the city, except as provided by the city's sign ordinance or other law.

- (14) The act of permitting light or lights to directly illuminate or shine upon a dwelling on a property of another after 11:00 p.m. in such a manner as to cause distress, discomfort or injury to persons, except with the express consent of such other person. This article shall not apply to lights maintained or controlled by the city upon its own property or property under its control or upon any street or alley of the city.
- (15) No vehicle shall be used for living, sleeping, home occupation, or household purposes when parked or stored on commercial or residential property.
- (16) Any tree and/or shrubbery allowed to grow onto or over a public street, except such as are permitted by ordinance of this city, in such manner as to obstruct or hinder the free passage of vehicles including but not limited to fire, police, emergency and non-emergency vehicles must maintain a minimum clear space between the street and lowest portion of the tree limbs of at least 14 feet above the public street and gutter.

SECTION 4. 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 5. 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 6. That any person, organization, corporation, partnership or entity that violates, disobeys, omits, neglects or fails to comply with the provisions of this ordinance shall be fined not more than two thousand dollars (\$2000.00) for each offense or violation. Each day that an offense or violation occurs shall constitute a separate offense.

SECTION 7. This Ordinance shall take effect from and after its date of passage in accordance with the laws of the State of Texas.

PRESENTED AND PASSED this 13th day of October 2020, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary

ORDINANCE NO. 2020-

APPROVED AS TO FORM:

Stan Lowry, City Attorney

ARTICLE III. - NUISANCES^[2]

Cross reference— Animal nuisances prohibited, § 18-133; civil emergencies, ch. 34; abandoned and junked motor vehicles, § 114-316 et seq.

State Law reference— Authority of city to define, prohibit and abate nuisances, V.T.C.A., Local Government Code § 217.042; nuisances and general sanitation, V.T.C.A., Health and Safety Code § 341.011 et seq.

Sec. 54-67. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.]

Code enforcement official means the chief of police, building official, fire marshal, code enforcement official, health inspector or their designated representatives, charged with any enforcement and administration of this article.

Exterior property area means the open space or non-inhabited or occupied areas on the premises.

Foul means offensive to the senses, revolting, having an offensive odor, smelly, rotten or putrid, all waste, and body waste, including animal and vegetable waste resulting from handling, preparation, cooking, storage or consumption of food.

Garbage means all waste including animal and vegetable waste, dead animals, food, any matter that is no longer wanted or needed, anything that is worthless of nominal value, inferior, or vile.

Graffiti means the unauthorized application of paint, ink, chalk, dye or other similar substance, or other inscribed or engraved material on public or private structures located on publicly or privately owned real property within the city that is not authorized by law.

High grass and weeds means any vegetation that because of its height is objectionable, unsightly or unsanitary which contributes to urban blight and endangers the public safety by creating a fire hazard, excluding: shrubs; bushes, trees, cultivated flowers, gardens, and cultivated crops.

Nuisance means any condition, object, material, matter or light or noise as defined by city ordinance that is offensive, dangerous or detrimental to human life, safety or health; or that renders property, the ground, the water, the air or food a hazard or likely to cause injury to human life or health; or that threatens to become detrimental to the public health and be of an impure or unwholesome matter of any kind, or contributes to urban blight and any objectionable, unsightly, or unsanitary matter.

Trash/debris means all solid wastes; ~~including~~ garbage; trash; litter; junk; tin cans; bottles; papers; grass and weed cuttings; tree limbs; brush; wood or building materials; discarded fences; discarded vehicle parts; tires; wreckage; ~~abandoned, operable~~ or inoperable household fixtures that are not designed for outdoor use, and appliances including but not limited to, plumbing apparatus, electrical equipment, and mechanical machinery, containers, moveable furniture, and/or appliances ~~not designed for or modified to withstand the elements and outdoor use;~~ equipment; tools; machines; broken or discarded furniture; and other forms of household effects ~~that are on private or public property and that contributes to urban blight, or have been abandoned and allowed to accumulate on private or public property or which and contributes to urban blight.~~

Waste means regarded or discarded as worthless or useless, unwanted or unusable material.

Sec. 54-68. - Declaration of nuisance.

The following are declared to be a nuisance and shall be abated, and any persons guilty of performing or causing any such nuisance, or permitting or suffering such on any property or to remain upon said property or in any structure, building occupied by or controlled by such persons or on any public street immediately adjacent to such premises shall be deemed guilty.

(1) Any property, buildings, structures or places containing indoor or outdoor accumulations of garbage, weeds, water, junk, trash and debris, stagnant liquids, flammable liquids, or other deposits or substances which are likely to become unwholesome, filthy, unsightly, offensive, ~~or~~ unsanitary and ~~or~~ likely to create or engender disease, or which contributes to urban blight.

Exception: Operable fixtures and/or appliances used for rear and side yard “outdoor kitchens” accessory to the principal structure and screened from public view.

(2) Discharging of any sewage waste directly or indirectly onto the ground or into any stream, creek, waterway or other body of water.

(3) Permitting any property, tank, pond, alley, gutter, swimming pool, or open receptacle containing water, or a source of water to become stagnant, foul, nauseous, offensive or unpleasant, or provide harborage for mosquitoes, flies, or other insects.

(4) Maintaining a swimming pool with impaired visibility of upper and/or lower drain(s) or in an unsafe, unsecured, unclean or unsanitary condition.

(5) Any person who owns or occupies any property with a swimming pool to discharge water from the swimming pool onto the property of another, or to drain the pool in such a way as to drain onto the property of another without consent of adjoining property owner.

(6) Permitting the accumulation, dumping or the burial of garbage, trash and debris, building materials, discarded furniture, tree limbs, household waste items, ashes, inoperable household appliances, vehicle tires, scrap metal, or automobile parts on any private property and/or depositing the same onto any private property, public right-of-way or public property or the dumping or burying of used motor oils or any other chemical substance which is not permitted by the state commission on environmental quality directly onto or into the ground.

(7) Permitting a lawn irrigation system to spray or overflow water onto a public sidewalk or public street during periods of freezing weather when such water freezes and results in a potentially dangerous condition.

(8) Allowing, generating or fostering any unreasonably loud, disturbing, or unnecessary noise in violation of the city ordinances which causes distress, discomfort or injury to persons in the immediate vicinity thereof.

(9) Any property where rats or vermin breed or are harbored.

(10) Any object or article placed, planted or allowed to grow upon or over any public street or sidewalk, except such as are permitted by ordinance of this city, in such manner as to obstruct or hinder the free passage upon such public street or sidewalk.

(11) The act of sweeping or depositing any trash and debris onto any public street or other public place and allowing the same to remain in such place.

(12) To create or allow graffiti that is visible from a public place or public right-of-way.

(13) The act of scattering, distributing, or affixing any advertisements, circulars, handbills, printed or written announcements, or paper of like character, upon the public streets, within or on public buildings, signs, monuments, or grounds within the city, except as provided by the city's sign ordinance or other law.

(14) The act of permitting light or lights to directly illuminate or shine upon a dwelling on a property of another after 11:00 p.m. in such a manner as to cause distress, discomfort or injury to persons, except with the express consent of such other person. This article shall not apply to lights maintained or controlled by the city upon its own property or property under its control or upon any street or alley of the city.

(15) No vehicle shall be used for living, sleeping, home occupation, or household purposes when parked or stored on commercial or residential property.

(16) Any tree and/or shrubbery allowed to grow onto or over a public street, except such as are permitted by ordinance of this city, in such manner as to obstruct or hinder the free passage of vehicles including but not limited to fire, police, emergency and non-emergency vehicles must maintain a minimum clear space between the street and lowest portion of the tree limbs of at least 14 feet above the public street and gutter.

(Ord. No. [12-3039](#), § 1, 10-23-12)



Council Agenda Background

PRESENTER: Maria Joyner, CPA, Director of Finance

DATE: 10/13/20

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

ITEM:

Discussion and consideration of all matters incident and related to the issuance of “City of Bedford, Texas, General Obligation Refunding Bonds, Series 2020,” including the adoption of an ordinance authorizing the issuance of such bonds and providing for the redemption of the obligations being refunded.

City Attorney Review: N/A

SUMMARY:

This item is to approve the sale of Series 2020 General Obligation Refunding Bonds to refund the outstanding Series 2011 General Obligation Refunding and Improvement Bonds and the Series 2011 Certificates of Obligation to achieve desired interest savings without extending the original term of the debt.

BACKGROUND:

Hilltop Securities, the City’s Financial Advisor, has identified an opportunity for the City to refinance approximately \$5,480,000 of the City’s outstanding obligations from the Series 2011 General Obligation Bonds and Series 2011 Certificates of Obligation bonds. The bonds were originally issued to complete various water/sewer system infrastructure projects, to acquire capital equipment for Emergency Services and Parks usage, to improve existing City facilities, including land acquisition, as well as improving the City’s drainage infrastructure.

By refunding the debt, the City expects to achieve \$680,868 in debt service savings or 12.42% in net present value savings, without extending the term of the 2011 obligations.

The sale of the Bond will be awarded to the bidder which provides the lowest bid based on lowest interest cost and any other costs to be incurred by the City as designated on the bid form. It is anticipated that the Bond will be delivered on Tuesday, November 10, 2020. All legal documents associated with the bonds have been reviewed by the City’s Bond Counsel, Norton Rose Fulbright.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance and all matters incident and related to the issuance of “City of Bedford, Texas General Obligation Refunding Bonds, Series 2020,” dated November 10, 2020.

FISCAL IMPACT:

Amount of issue: \$5,655,000

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2020-

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BEDFORD, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020," SPECIFYING THE TERMS AND FEATURES OF SAID BONDS; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE LETTER, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of the City of Bedford, Texas (the "City"), has heretofore issued, sold and delivered, and there are currently outstanding obligations of the following issues, to wit (collectively, the "Refunded Obligations"):

- (a) "City of Bedford, Texas, General Obligation Refunding and Improvement Bonds, Series 2011", dated July 15, 2011, scheduled to mature on February 1 in each of the years 2022 through 2031, inclusive, and aggregating in the principal amount of \$2,390,000 (the "Series 2011 Refunded Bonds"); and
- (b) "City of Bedford, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2011", dated July 15, 2011, scheduled to mature on February 1 in each of the years 2022 through 2031, inclusive, and aggregating in the principal amount of \$3,090,000 (the "Series 2011 Refunded Certificates");

WHEREAS, pursuant to the provisions of Texas Government Code, Chapter 1207, as amended, the Council is authorized to issue refunding bonds and deposit the proceeds of the sale thereof directly with the place of payment for the Refunded Obligations, and such deposit, when made in accordance with said statute, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, the Council hereby finds and determines that the Refunded Obligations should be refunded at this time in order to achieve a savings of \$_____ in debt service payments on such indebtedness, and the refunding will further provide a net present value savings to the City of \$_____; and

WHEREAS, the Council hereby finds and determines that the Refunded Obligations are scheduled to mature, or are subject to being redeemed, not more than twenty (20) years from the date of the refunding bonds herein authorized; now therefor

BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. Authorization - Designation - Principal Amount - Purpose. General obligation bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$5,650,000 to be designated and bear the title "CITY OF BEDFORD, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020" (the "Bonds"), for the purpose of providing funds (1) for the discharge and final payment of certain outstanding obligations of the City (identified in the preamble hereof and referred to as the "Refunded Obligations") and (2) to pay for professional services rendered in relation thereto, all in accordance with the authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Chapter 1207 of the Texas Government Code, as amended.

SECTION 2. Fully Registered Obligations - Bond Date - Authorized Denominations - Stated Maturity - Interest Rate. The Bonds shall be issued as fully registered obligations only, shall be dated November 1, 2020 (the "Bond Date"), shall be in denominations of \$100,000 or any integral multiple of \$1,000 in excess thereof and shall become due and payable on February 1, 2031 (the "Stated Maturity").

The Bonds shall bear interest on the unpaid principal amounts from the date of delivery to the initial purchasers at the rate of _____% per annum (calculated on the basis of a 360-day year consisting of

twelve 30-day months). Interest on the Bonds shall be payable on February 1 and August 1 in each year until maturity or prior redemption, commencing February 1, 2021.

SECTION 3. Terms of Payment - Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity or otherwise, shall be payable only to the registered owners or holders of the Bonds (the "Holders") appearing on the registration and transfer books maintained by the Paying Agent/Registrar and the payment thereof shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of _____, _____, Texas, to serve as Paying Agent/Registrar for the Bonds is hereby approved and confirmed. Books and records relating to the registration, payment, exchange, and transfer of the Bonds (the "Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of a "Paying Agent Registrar Agreement," substantially in the form attached hereto as **Exhibit A**, and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Mayor or Mayor Pro Tem and City Secretary are authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged; and, any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice of the change to be sent to each Holder by United States mail, first class postage prepaid; and, such notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Bonds, shall be payable at the Stated Maturity only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its designated offices, initially in _____, _____, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office") provided; however, with respect to principal payments prior to the Stated Maturity, and so long as _____ owns 100% of the Outstanding Bonds, the Bonds need not be surrendered to the Paying Agent/Registrar, who will merely document such payment on an internal ledger maintained by the Paying Agent/Registrar. The Paying Agent/Registrar shall pay interest on the Bonds only to the Holder whose name appears in the Register at the close of business on the fifteenth day of the month next preceding each interest payment date (the "Record Date") and shall pay either by: (1) check sent by United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Register or (2) by such other method, acceptable to the Paying Agent/Registrar, requested by the Holder at the Holder's risk and expense. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed; then, the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to be closed and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each Holder appearing on the Register at the close of business on the last business day next preceding the date of mailing of such notice.

SECTION 4. Redemption.

(a) Optional Redemption. The Bonds shall be subject to redemption prior to maturity, at the option of the City on and after August 1, 2029, in whole or in part, in principal amounts of \$1,000 or any integral multiple thereof and by lot by the Paying Agent/Registrar at the redemption price of par, together with interest accrued to the redemption date.

At least forty-five (45) days prior to an optional redemption date for the Bonds (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to redeem the Bonds and the date of redemption therefor. The decision of the City to exercise the right to redeem Bonds shall be entered in the minutes of the governing body of the City.

(b) Mandatory Redemption. The Bonds shall be subject to mandatory redemption prior to maturity at the price of par plus accrued interest to the mandatory redemption date on the respective dates and in principal amounts as follows:

<u>Redemption Date</u>	<u>Principal Amount (\$)</u>
February 1, 2021	
February 1, 2022	
February 1, 2023	
February 1, 2024	
February 1, 2025	
February 1, 2026	
February 1, 2027	
February 1, 2028	
February 1, 2029	
February 1, 2030	
February 1, 2031*	

*maturity

Approximately forty-five (45) days prior to each mandatory redemption date for the Bonds, the Paying Agent/Registrar shall select by lot the numbers of the Bonds to be redeemed on the next following February 1 from moneys set aside for that purpose in the Interest and Sinking Fund (as hereinafter defined). Any Bond not selected for prior redemption shall be paid on the date of the Stated Maturity.

The principal amount of the Bonds required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Bonds which, at least 50 days prior to the mandatory redemption date, shall have been acquired by the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation and not theretofore credited against a mandatory redemption requirement.

(c) Notice of Redemption. Not less than thirty (30) days prior to an optional redemption date for the Bonds, a notice of redemption shall be sent by United States Mail, first class postage prepaid, in the name of the City and at the City's expense, or by such other method as the Paying Agent/Registrar shall deem appropriate and effective, to each Holder of the Bonds to be redeemed in whole at the address of the Holder appearing on the Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Holder.

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds to be redeemed, (iii) state the redemption price, (iv) state that the Bonds shall become due and payable on the redemption date specified, and the interest thereon shall cease to accrue from and after the redemption date, and (v) solely with respect to the final payment of principal, specify that payment of the redemption price for the Bonds shall be made at the Designated Payment/Transfer Office of the Paying Agent/Registrar only upon presentation and surrender of the Bonds. If a Bond is subject by its terms to prior redemption

and has been called for redemption and notice of redemption has been duly given as hereinabove provided, such Bond shall become due and payable and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys sufficient for the payment of such Bond at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

(d) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by this Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption. If a conditional notice of redemption is given and such prerequisites to the redemption are not satisfied or sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

SECTION 5. Registration - Transfer - Exchange of Bonds - Predecessor Bonds. A Register relating to the registration, payment, and transfer or exchange of the Bonds shall at all times be kept and maintained by the City at the Designated Payment/Transfer Office of the Paying Agent/Registrar and at a place within the State of Texas, as provided herein and in accordance with the provisions of an agreement with the Paying Agent/Registrar and such rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Paying Agent/Registrar shall obtain, record, and maintain in the Register the name and address of each registered owner of the Bonds issued under and pursuant to the provisions of this Ordinance. Any Bond may, in accordance with its terms and the terms hereof, be transferred or exchanged for Bonds of like kind, of other authorized denominations upon the Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender for transfer of any Bond (other than the Initial Bond authorized in Section 7 hereof) at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Bonds, executed on behalf of, and furnished by, the City of authorized denominations and of like Stated Maturity and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds (other than the Initial Bond authorized in Section 7 hereof) may be exchanged for other Bonds of authorized denominations and of like aggregate principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Bonds are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds, executed on behalf of, and furnished by, the City, to the Holder requesting the exchange.

All Bonds issued in any transfer or exchange of Bonds shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States mail, first class postage prepaid, to the Holders, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds cancelled by reason of an exchange or transfer pursuant to the provisions of this Section are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same

obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer. Additionally, the term "Predecessor Bonds" shall include any mutilated, lost, destroyed, or stolen Bond for which a replacement Bond has been issued, registered, and delivered in lieu thereof pursuant to the provisions of Section 10 hereof and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

SECTION 6. Execution - Registration. The Bonds shall be executed on behalf of the City by the Mayor or Mayor Pro Tem under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signature of said officers and the seal of the City on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the Bond Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in Texas Government Code, Chapter 1201, as amended.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 8C, manually executed by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent, or a certificate of registration substantially in the form provided in Section 8D, manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate upon any Bond duly signed shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered and delivered.

SECTION 7. Initial Bond. The Bonds herein authorized shall be initially issued as a single fully registered bond in the aggregate principal amount shown in Section 1 hereof and numbered T-1. The initial bond (the "Initial Bond") shall be registered in the name of the initial purchaser(s), or the designee thereof. The Initial Bond shall be the Bond submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas, and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Bond and exchange it for definitive Bonds of authorized denominations and principal amounts for transfer and delivery to the named Holders at the addresses identified for such purpose; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 8. Forms.

A. Forms Generally. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Bonds, or any maturities thereof, are purchased with insurance and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the officers executing such Bonds as evidenced by their execution. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds and the Initial Bond shall be printed, lithographed, engraved, typewritten, photocopied or otherwise reproduced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

B. Form of Bonds.

REGISTERED
NO. [T-1][R-_____]

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF TEXAS
CITY OF BEDFORD, TEXAS
GENERAL OBLIGATION REFUNDING BOND
SERIES 2020

Bond Date:
November 1, 2020

Interest Rate:
_____ %

Stated Maturity:
February 1, 2031

Registered Owner: _____

Principal Amount: _____ DOLLARS

The City of Bedford (the "City"), a body corporate and municipal corporation in the County of Tarrant, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the registered owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the date of delivery to the initial purchasers) at the per annum rate of interest specified above computed on the basis of a 360-day year consisting of twelve 30-day months; such interest being payable on February 1 and August 1 in each year, commencing February 1, 2021, until maturity or prior redemption.

Principal of this Bond shall be payable at its Stated Maturity to the Registered Owner hereof upon presentation and surrender to _____, _____, Texas (the "Paying Agent/Registrar"), upon its presentation and surrender at its designated offices, initially in _____, _____, or, with respect to a successor paying agent/registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the fifteenth day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States mail, first class postage prepaid, to the address of the registered owner recorded in the Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$5,650,000 to be designated and bear the title "CITY OF BEDFORD, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020" (the "Bonds"), for the purpose of providing funds (1) for the discharge and final payment of certain outstanding obligations of the City (identified in the preamble of the Ordinance (defined below) and referred to as the "Refunded Obligations") and (2) to pay for professional services

rendered in relation thereto, all in accordance with the authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1207, as amended, and pursuant to an Ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Bonds shall be subject to redemption prior to maturity, at the option of the City on and after August 1, 2029, in whole or in part, in principal amounts of \$1,000 or any integral multiple thereof and by lot by the Paying Agent/Registrar at the redemption price of par, together with interest accrued to the redemption date.

At least forty-five (45) days prior to a redemption date for the Bonds (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of the decision to redeem the Bonds and the date of redemption therefor.

The Bonds are subject to mandatory redemption prior to maturity with funds on deposit in the Interest and Sinking Fund established and maintained for the payment thereof in the Ordinance, and shall be redeemed in part prior to maturity at the price of par and accrued interest thereon to the date of redemption, and without premium, on the dates and in the principal amounts as follows:

<u>Redemption Date</u>	<u>Principal Amount (\$)</u>
February 1, 2021	
February 1, 2022	
February 1, 2023	
February 1, 2024	
February 1, 2025	
February 1, 2026	
February 1, 2027	
February 1, 2028	
February 1, 2029	
February 1, 2030	
February 1, 2031*	

*maturity

The particular Bonds to be redeemed on each redemption date shall be chosen by lot by the Paying Agent/Registrar; provided, however, that the principal amount of Bonds required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Bonds which, at least 50 days prior to the mandatory redemption date, shall have been acquired by the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation.

At least thirty (30) days prior to an optional redemption of Bonds, the City shall cause a written notice of such redemption to be sent by United States mail, first class postage prepaid, to the registered owners of each Bond to be redeemed at the address shown on the Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Bond (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date such Bond (or the portion of its principal sum to be redeemed) shall become due and payable, and, if moneys for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable from and after the redemption date on the principal amount hereof redeemed.

With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the principal of and

premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption. If a conditional notice of redemption is given and such prerequisites to the redemption are not satisfied or sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

The Bonds are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the registered owner of this Bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Bonds; the terms and conditions relating to the transfer or exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the registered owners; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be discharged at or prior to its maturity, and deemed to be no longer Outstanding; and for other terms and provisions contained therein. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the registered owner whose name appears on the Register (i) on the Record Date, as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond, as the owner entitled to payment of principal hereof at its Stated Maturity and (iii) on any other date, as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each registered owner appearing on the Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented and declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Bonds is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Bonds to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Bonds do not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Bonds by the levy of a tax as stated above. In case any provision in this Bond shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms

and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Bond to be duly executed under the official seal of the City as of the Bond Date.

CITY OF BEDFORD, TEXAS

[Mayor][Mayor Pro Tem]

COUNTERSIGNED:

City Secretary

(City Seal)

C. Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Bond only.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER (((REGISTER NO. _____
OF PUBLIC ACCOUNTS (((_____
THE STATE OF TEXAS (((_____

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

D. Form of Certificate of Paying Agent/Registrar to appear on Definitive Bonds only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued and registered under the provisions of the within mentioned Ordinance; the bond or bonds of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The designated office of the Paying Agent/Registrar in _____, _____ is the Designated Payment/Transfer Office for this Bond.

_____ BANK,
_____, Texas, as Paying Agent/Registrar

Registered this date:

_____ By: _____
Authorized Signature

E. Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee:) _____

(Social Security or other identifying number: _____

)
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular.

SECTION 9. Levy of Taxes. To provide for the payment of the "Debt Service Requirements" of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their payment at maturity or a sinking fund of 2% (whichever amount is the greater), there is hereby levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations prescribed by law, and such tax hereby levied on each one hundred dollars' valuation of taxable property in the City for the Debt Service Requirements of the Bonds shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Bonds while Outstanding; full allowance being made for delinquencies and costs of collection; separate books and records relating to the receipt and disbursement of taxes levied, assessed and collected for and on account of the Bonds shall be kept and maintained by the City at all times while the Bonds are Outstanding, and the taxes collected for the payment of the Debt Service Requirements on the Bonds shall be deposited to the

credit of a "Special 2020 Bond Account" (the "Interest and Sinking Fund") maintained on the records of the City and deposited in a special fund maintained at an official depository of the City's funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Bonds.

The Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance and City Secretary, any one or more of said officials of the City, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Bonds, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Bonds.

The City has sufficient current funds available and such funds are hereby appropriated to make the payments to become due on the Bonds on February 1, 2021 and August 1, 2021, and the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance and City Secretary of the City, individually or jointly, are hereby authorized and directed to transfer and deposit in the Interest and Sinking Fund such amount of current funds which will be sufficient to pay the amounts to become due on the Bonds on February 1, 2021 and August 1, 2021.

SECTION 10. Mutilated - Destroyed - Lost and Stolen Bonds. In case any Bond shall be mutilated, or destroyed, lost or stolen, the Paying Agent/Registrar may execute and deliver a replacement Bond of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Bond, or in lieu of and in substitution for such destroyed, lost or stolen Bond, only upon the approval of the City and after (a) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Bond, and of the authenticity of the ownership thereof and (b) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless in their reasonable judgment. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Bond shall be borne by the Holder of the Bond mutilated, or destroyed, lost or stolen.

Every replacement Bond issued pursuant to this Section shall be a valid and binding obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Bonds.

SECTION 11. Satisfaction of Obligation of City. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Bonds or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting or consulting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would

cause the Bonds to be treated as “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity of the Bonds such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. The provisions of this paragraph are subject to the applicable unclaimed property law of the State of Texas.

The term “Government Securities,” as used herein, means (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

SECTION 12. Ordinance a Contract - Amendments - Outstanding Bonds. This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission in this Ordinance. Additionally, with the consent of Holders holding a majority in aggregate principal amount of the Bonds then Outstanding, the City may amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all the Holders of Outstanding Bonds no amendment, addition, or rescission shall: (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission. Notwithstanding anything in this Ordinance to the contrary, so long as Key Government Finance Inc., or an entity related to Key Government Finance Inc., is the owner of 100% of the Outstanding Bonds, no change or amendment to this Ordinance will be made without the prior written approval of Key Government Finance Inc.

The term “Outstanding” when used in this Ordinance with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

- (1) those Bonds canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;
- (2) those Bonds deemed to be duly paid by the City in accordance with the provisions of Section 11 hereof; and
- (3) those mutilated, destroyed, lost, or stolen Bonds which have been replaced with Bonds registered and delivered in lieu thereof as provided in Section 10 hereof.

SECTION 13. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms shall have the following meanings:

“*Closing Date*” means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“*Yield*” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds (including property financed with Gross Proceeds of the Refunded Obligations), and not use or permit the use of such Gross Proceeds (including

all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Obligations), other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take or pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the

Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of the Interest and Sinking Fund or its general fund, as permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place, and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Bonds Not Hedge Bonds.

(1) At the time the original obligations refunded by the Bonds were issued, the City reasonably expected to spend at least 85% of the spendable proceeds of such obligations within three (3) years after such obligations were issued.

(2) Not more than 50% of the proceeds of the original obligations refunded by the Bonds were invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

(k) Current Refunding. The Bonds are being issued to pay and discharge in full the Refunded Obligations and such payment of the Refunded Obligations will occur within ninety (90) days after the issuance of the Bonds.

(l) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager and Director of Finance, either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

(m) Qualified Tax-Exempt Obligations. In accordance with the provisions of paragraph (3) of subsection (b) of Section 265 of the Code, the City hereby designates the Bonds to be “qualified tax-exempt obligations” in that the Bonds are not “private activity bonds” as defined in the Code and the reasonably anticipated amount of “qualified tax-exempt obligations” to be issued by the City (including all subordinate entities of the City) for the calendar year 2020 will not exceed \$10,000,000.

SECTION 14. Sale of Bonds - Purchase Letter Approval. The Bonds are hereby sold to _____ (the “Purchaser”) in accordance with the Bond Purchase Letter (the “Purchase Letter”), dated as of October 13, 2020, attached hereto as **Exhibit B** and incorporated herein by reference as a part of this Ordinance, which sale of the Bonds to said Purchaser is hereby determined to be in the best interests of the City and is approved and confirmed. Delivery of the Bonds to the Purchaser shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale. The Mayor or Mayor Pro Tem is hereby authorized and directed to execute said Purchase Letter for and on behalf of the City and as the act and deed of this Council, and in regard to the approval and execution of the Purchase Letter, the Council hereby finds, determines, and declares that the representations, warranties, and agreements of the City contained in the Purchase Letter are true and correct in all material respects and shall be honored and performed by the City. The Initial Bond shall be registered in the name of the Purchaser.

SECTION 15. Control and Custody of Bonds. The Mayor or Mayor Pro Tem of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Bonds, and shall take and have charge and control of the Initial Bond pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

SECTION 16. Proceeds of Sale. Immediately following the delivery of the Bonds, the proceeds of sale (less those proceeds of sale designated to pay costs of issuance) shall be deposited with the Escrow Agent (as defined in Section 17 hereof) for application and disbursement in accordance with the provisions of the Escrow Agreement (as defined in Section 17 hereof) for the refunding of the Refunded Obligations. The proceeds of sale of the Bonds not so deposited with the Escrow Agent for the refunding of the Refunded Obligations shall be disbursed for payment of costs of issuance, or deposited in the Interest and Sinking Fund for the Bonds. Such proceeds of sale may be invested in authorized investments and any investment earnings realized may be deposited in the Interest and Sinking Fund as shall be determined by the City Council of the City.

[Additionally, on or immediately prior to the date of the delivery of the Bonds to the Purchasers, the Director of Finance shall cause to be transferred in immediately available funds to the Refunded Obligations Paying Agents from moneys on deposit in the interest and sinking funds maintained for the payment of the Refunded Obligations the sum of \$_____ to accomplish the refunding.]

SECTION 17. Escrow Agreement Approval - Redemption of Refunded Obligations.

(a) The Escrow Agreement dated October 13, 2020 (the “Escrow Agreement”) by and between the City and The Bank of New York Mellon Trust Company, N.A. (the “Escrow Agent”), attached hereto as **Exhibit C** and incorporated herein by reference as a part of this Ordinance for all purposes, is hereby approved as to form and content, and such Escrow Agreement in substantially the form and substance attached hereto, together with such changes or revisions as may be necessary to accomplish the refunding or benefit the City, is hereby authorized to be executed by the Mayor or Mayor Pro Tem for and on behalf of the City and as the act and deed of this City Council; and such Escrow Agreement as executed by said officials shall be deemed approved by this Council and constitute the Escrow Agreement herein approved.

(b) Furthermore, the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance and City Secretary of the City, individually or jointly, in cooperation with the Escrow

Agent are hereby authorized and directed to make the necessary arrangements for the purchase of the escrowed securities referenced in the Agreement and the delivery thereof to the Escrow Agent on the day of delivery of the Bonds to the Purchaser for deposit to the credit of the "SPECIAL 2020 CITY OF BEDFORD, TEXAS, REFUNDING BOND ESCROW FUND" (the "Escrow Fund"); all as contemplated and provided in Texas Government Code, Chapter 1207, as amended, this Ordinance and the Escrow Agreement.

(c) The Series 2011 Refunded Bonds shall be redeemed and the same are hereby called for redemption on February 1, 2021 at the price of par and accrued interest to the date of redemption. The City Secretary is hereby authorized and directed to file a copy of this Ordinance, together with a suggested form of a notice of redemption to be sent to holders of the Series 2011 Refunded Bonds, with The Bank of New York Mellon Trust Company, N.A. (current paying agent/registrars for the Series 2011 Refunded Bonds), in accordance with the redemption provisions applicable to such obligations; such suggested form of notice of redemption being attached hereto as **Exhibit D** and incorporated herein by reference as a part of this Ordinance for all purposes.

(d) The Series 2011 Refunded Certificates shall be redeemed and the same are hereby called for redemption on February 1, 2021 at the price of par and accrued interest to the date of redemption. The City Secretary is hereby authorized and directed to file a copy of this Ordinance, together with a suggested form of a notice of redemption to be sent to holders of the Series 2011 Refunded Certificates, with The Bank of New York Mellon Trust Company, N.A. (current paying agent/registrars for the Series 2011 Refunded Certificates), in accordance with the redemption provisions applicable to such obligations; such suggested form of notice of redemption being attached hereto as **Exhibit E** and incorporated herein by reference as a part of this Ordinance for all purposes.

(e) The redemption of the Refunded Obligations described above being associated with the refunding of such Refunded Obligations, the approval, authorization and arrangements herein given and provided for the redemption of such Refunded Obligations on the redemption date designated therefor and in the manner provided shall be irrevocable upon the issuance and delivery of the Bonds; and the City Secretary is hereby authorized and directed to make all arrangements necessary to notify the holders of such Refunded Obligations of the City's decision to redeem such Refunded Obligations on the date and in the manner herein provided and in accordance with the ordinances authorizing the issuance of such Refunded Obligations and this Ordinance.

SECTION 18. Notices to Holders - Waiver. Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States mail, first class postage prepaid, to the address of each Holder appearing in the Register at the close of business on the business day next preceding the mailing of such notice.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given; and, such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 19. Cancellation. All Bonds surrendered for payment, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it; and, if surrendered to the City, such Bonds shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly

canceled by the Paying Agent/Registrar. All canceled Bonds held by the Paying Agent/Registrar shall be returned to the City.

SECTION 20. Legal Opinion. The Purchaser's obligation to accept delivery of the Bonds is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Dallas, Texas, approving the Bonds as to their validity, with said opinion to be dated and delivered as of the date of delivery and payment for the Bonds. A true and correct reproduction of said opinion is hereby authorized to be printed on or attached to the definitive Bonds. The City Council confirms the continuation of the engagement of Norton Rose Fulbright US LLP as the City's bond counsel.

SECTION 21. Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Assistant City Manager, Director of Finance and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Bonds. In addition, prior to the initial delivery of the Bonds, the Mayor, City Manager, Assistant City Manager, Director of Finance or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 22. Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance. This Ordinance in its entirety is intended to be and is for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

SECTION 23. Inconsistent Provisions. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict; and, the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 24. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 25. Effect of Headings. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 26. Construction of Terms. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

SECTION 27. Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid; and, the Council hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 28. Incorporation of Findings and Determinations. The findings and determinations of the Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 29. Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 30. Effective Date. This Ordinance shall take effect and be in force from and after its passage and approval in accordance with the provisions of Texas Government Code, Section 1201.028, as amended.

[remainder of page intentionally left blank]

PASSED AND ADOPTED, this October 13, 2020.

CITY OF BEDFORD, TEXAS

Mayor

ATTEST:

City Secretary

(City Seal)

EXHIBIT A
PAYING AGENT/REGISTRAR AGREEMENT

EXHIBIT B
PURCHASE LETTER

EXHIBIT C
ESCROW AGREEMENT

EXHIBIT D

CONDITIONAL NOTICE OF REDEMPTION

**CITY OF BEDFORD, TEXAS
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS
SERIES 2011
Dated July 15, 2011**

CONDITIONAL NOTICE IS HEREBY GIVEN that all of the bonds of the above series maturing on and after February 1, 2022, and aggregating in the principal amount of \$2,390,000, have been called for redemption on February 1, 2021 (the "Redemption Date") at the redemption price of par and accrued interest to the date of redemption, such bonds (the "Bonds") being identified as follows:

<u>Year of Maturity</u>	<u>Principal Amount Outstanding/ Being Refunded (\$)</u>	<u>CUSIP Number</u>
2022	590,000	
2023	225,000	
2024	240,000	
2025	250,000	
2026	255,000	
2027	270,000	
2028	130,000	
2029	135,000	
2030	145,000	
2031	150,000	

THIS CONDITIONAL NOTICE OF REDEMPTION, and the payment of the principal of and premium, if any, and interest on the Bonds (the "Redemption Price") on the Redemption Date, is subject to the receipt of an amount sufficient to pay in full the Redemption Price on the Redemption Date.

IN THE EVENT funds for the payment of the Redemption Price are not received by the Redemption Date, this notice shall be null and void and of no force and effect. Any Bonds theretofore delivered for redemption shall be returned to the respective owners thereof, and said Bonds shall remain outstanding as though this Conditional Notice of Redemption had not been given. Notice of failure to receive funds and rescission of this redemption shall be given by the Paying Agent/Registrar by first class mail to the registered holders of the Bonds.

Provided such funds are received by the Redemption Date, such Bonds shall become due and payable on the Redemption Date and interest thereon shall cease to accrue from and after said redemption date and payment of the redemption price of said Bonds shall be paid to the registered owners of the Bonds only upon presentation and surrender thereof to The Bank of New York Mellon Trust Company, N.A. at the following addresses:

First Class/Registered/Certified
The Bank of New York Mellon
Trust Company, N.A.
Global Corporate Trust
P.O. Box 396
East Syracuse, NY 13057

Express Delivery/Courier
The Bank of New York Mellon
Trust Company, N.A.
Global Corporate Trust
111 Sanders Creek Pkwy.
East Syracuse, NY 13057

By Hand Only
The Bank of New York Mellon Trust
Company, N.A.
Global Corporate Trust
Corporate Trust Window
101 Barclay Street, 1st Floor East
New York, NY 10286

THIS NOTICE is issued and given pursuant to the terms and conditions prescribed for the redemption of said Bonds and pursuant to an ordinance by the City Council of the City of Bedford, Texas.

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.
2001 Bryan Street, 10th Floor
Dallas, Texas 75201

EXHIBIT E

CONDITIONAL NOTICE OF REDEMPTION

**CITY OF BEDFORD, TEXAS
COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION
SERIES 2011
Dated July 15, 2011**

CONDITIONAL NOTICE IS HEREBY GIVEN that all of the obligations of the above series maturing on and after February 1, 2022, and aggregating in the principal amount of \$3,090,000 have been called for redemption on February 1, 2021 (the "Redemption Date") at the redemption price of par and accrued interest to the date of redemption, such certificates of obligation (the "Certificates") being identified as follows:

<u>Year of Maturity</u>	<u>Principal Amount Outstanding/ Being Refunded (\$)</u>	<u>CUSIP Number</u>
2022	260,000	
2023	260,000	
2024	280,000	
2025	290,000	
2026	300,000	
2027	310,000	
2028	325,000	
2029	340,000	
2030	355,000	
2031	370,000	

THIS CONDITIONAL NOTICE OF REDEMPTION, and the payment of the principal of and premium, if any, and interest on the Certificates (the "Redemption Price") on the Redemption Date, is subject to the receipt of an amount sufficient to pay in full the Redemption Price on the Redemption Date.

IN THE EVENT funds for the payment of the Redemption Price are not received by the Redemption Date, this notice shall be null and void and of no force and effect. Any Certificates theretofore delivered for redemption shall be returned to the respective owners thereof, and said Certificates shall remain outstanding as though this Conditional Notice of Redemption had not been given. Notice of failure to receive funds and rescission of this redemption shall be given by the Paying Agent/Registrar by first class mail to the registered holders of the Certificates.

Provided such funds are received by the Redemption Date, such Certificates shall become due and payable on the Redemption Date and interest thereon shall cease to accrue from and after said redemption date and payment of the redemption price of said obligations shall be paid to the registered owners of the obligations only upon presentation and surrender thereof to The Bank of New York Mellon Trust Company, N.A. at the following addresses:

First Class/Registered/Certified
The Bank of New York Mellon
Trust Company, N.A.
Global Corporate Trust
P.O. Box 396
East Syracuse, NY 13057

Express Delivery/Courier
The Bank of New York Mellon
Trust Company, N.A.
Global Corporate Trust
111 Sanders Creek Pkwy.
East Syracuse, NY 13057

By Hand Only
The Bank of New York Mellon Trust
Company, N.A.
Global Corporate Trust
Corporate Trust Window
101 Barclay Street, 1st Floor East
New York, NY 10286

THIS NOTICE is issued and given pursuant to the terms and conditions prescribed for the redemption of said obligations and pursuant to an ordinance by the City Council of the City of Bedford, Texas.

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.
2001 Bryan Street, 10th Floor
Dallas, Texas 75201

RESOLUTION NO. 2020-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE THE AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT - BEDFORD BOYS RANCH PARK PHASE NEXT - MULTIGENERATIONAL CENTER WITH OXLEY WILLIAMS THARP ARCHITECTS, FOR A COMMUNITY PERFORMING ARTS THEATER.

WHEREAS, the City Council of Bedford, Texas determines the necessity to terminate the amendment to the Professional Services Agreement - Bedford Boys Ranch Park Phase Next - Multigenerational Center for a community performing arts theater; and,

WHEREAS, Oxley, Williams and Tharp Architects has been contracted to provide architectural, structural engineering, and associated services through the amendment for the community performing arts theater; and,

WHEREAS, the City Council of Bedford, Texas does authorize the City Manager to terminate the amendment to the Professional Services Agreement.

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

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

SECTION 2. That the City Council does hereby authorize the City Manager to terminate the amendment to the Professional Services Agreement with Oxley Williams Tharp Architects.

SECTION 3. That the total cost of the amendment is in the amount of \$362,500.

SECTION 4. That the final billing of \$15,294.98 has been expended for services related to the design of a restroom addition to Old Bedford School.

PRESENTED AND PASSED this 13th day of October 2020, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary



AIA® Document G802™ – 2017

Amendment to the Professional Services Agreement

PROJECT: (name and address)
Bedford Boys Ranch Park - Phase
Next Multigenerational Center

AGREEMENT INFORMATION:
Date: 27 November 2018

AMENDMENT INFORMATION:
Amendment Number: 001

2801 Forest Ridge Drive
Bedford, Texas

Date: 31 July 2019

OWNER: (name and address)
City of Bedford
2000 Forest Ridge Drive
Bedford, Texas 76021
817.952.2100

ARCHITECT: (name and address)
Oxley Williams Tharp Architects
509 Pecan Street, Suite 100
Fort Worth, Texas 76102

The Owner and Architect amend the Agreement as follows:

The project will now include the design of a new, approximately 10,000 SF community performing arts theater on the site of the Old Bedford School property located at 2400 School Lane, Bedford, Texas 76021. Contract will include the following scope of services.

1. Architecture
2. Structural Engineering
3. Mechanical & Electrical Engineering
4. Acoustical Design & A/V
5. Cost Estimating
6. Theater Consulting

All associated Civil Engineering, Geotechnical Investigation and Landscape Architecture will be under a separate contract amendment between the Owner ("City") and Halff Associates.

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:
\$362,500

Schedule Adjustment:
TBD-As mutually agreed upon by all parties

SIGNATURES:

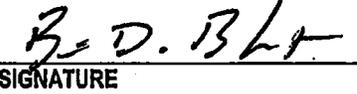
Oxley Williams Tharp Architects
ARCHITECT (Firm name)


SIGNATURE

Jim Tharp AIA NCARB, Principal
PRINTED NAME AND TITLE

31 July 2019
DATE

City of Bedford
OWNER (Firm name)


SIGNATURE

Brian D Bosshardt, City Manager
PRINTED NAME AND TITLE

9/25/19
DATE