

A G E N D A

**Regular Meeting of the Bedford City Council
Tuesday, April 11, 2017
Bedford City Hall Building A
2000 Forest Ridge Drive
Bedford, Texas 76021**

**Council Chamber Work Session 5:30 p.m.
Council Chamber Regular Session 6:30 p.m.**

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

COUNCIL CHAMBER WORK SESSION

- **Receive a report on the Library Satisfaction Survey.**
- **Discussion on the meter box installations associated with the Automated Meter Reading (AMR) System Project.**

EXECUTIVE SESSION

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

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Linbrook Apartments at 531 Bedford Road.**
- b) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Apartment Association.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Williams, TW Survey A1735 Tr 6C02, also known as, 1805 L. Don Dodson Drive.**
- d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons.**

REGULAR SESSION

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Rev. Ken Ehrke, Pastor, Embrace United Church of Christ)

PLEDGE OF ALLEGIANCE

OPEN FORUM

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

CONSIDER APPROVAL OF ITEMS BY CONSENT

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 Any member of the City Council may request that an item be withdrawn from the Consent Agenda and placed before the City Council for full discussion.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.

1. Consider approval of the following City Council minutes:

- a) March 28, 2017 regular meeting

COUNCIL RECOGNITION

- 2. Proclamation declaring the month of May 2017 as Motorcycle Safety Awareness Month in the City of Bedford.**
- 3. Presentation of the 2016 Achievement of Excellence Award to the Bedford Public Library.**

NEW BUSINESS

- 4. Consider a resolution authorizing the Interim City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Hurst, North Richland Hills and the County of Tarrant, Texas for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.**
- 5. Consider a resolution authorizing the Interim City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the City of Fort Worth for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.**
- 6. Report on most recent meeting of the following Boards and Commissions:**
- ✓ **Animal Shelter Advisory Board**
 - ✓ **Beautification Commission**
 - ✓ **Community Affairs Commission**
 - ✓ **Cultural Commission**
 - ✓ **Library Advisory Board**
 - ✓ **Parks and Recreation Board**
 - ✓ **Teen Court Advisory Board**
 - ✓ **Senior Citizen Liaison**
- 7. Council member Reports**
- 8. City Manager/Staff Reports**

EXECUTIVE SESSION

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

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Linbrook Apartments at 531 Bedford Road.
- b) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation – Apartment Association.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Williams, TW Survey A1735 Tr 6C02, also known as, 1805 L. Don Dodson Drive.
- d) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons.

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

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

ADJOURNMENT

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: **Friday, April 7, 2017 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: Maria Redburn, Library Director

DATE: 04/11/17

Work Session

ITEM:

Receive a report on the Library Satisfaction Survey.

DISCUSSION:

A report covering the following topics will be presented:

- Library Satisfaction Results
- Improvements to Koha Integrated Library System
- STEM Kits and Programming

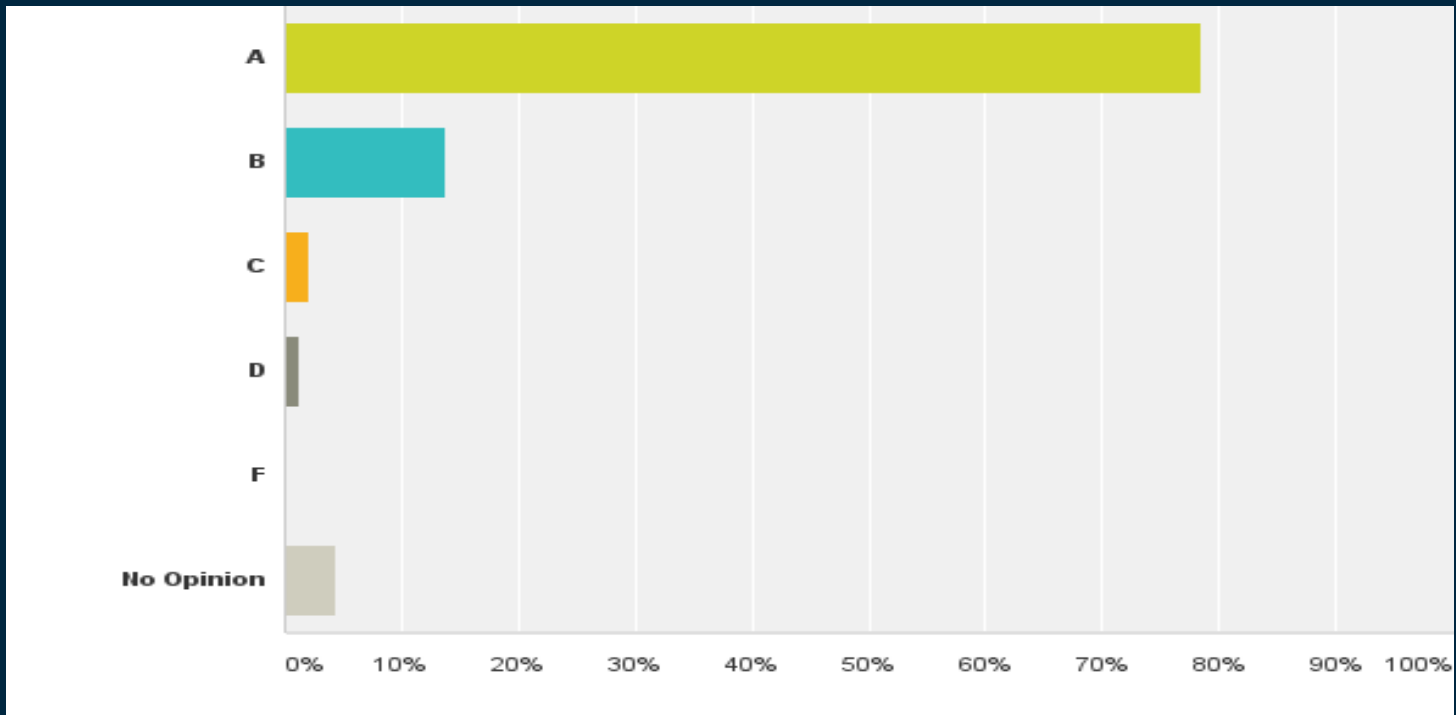
ATTACHMENTS:

PowerPoint

Library Survey Results

To Enrich, Empower & Transform Lives

Overall Grade



Customer Service Ratings

97% Ability of Staff to Quickly Assist

96% Friendliness of Staff

93% Knowledge of Staff



Top Rated Library Services

1. Checking Out Materials
2. Getting Information
3. Children's Programs
4. Free Wifi
5. Using a Computer



Because of the Library I...

Enrich

- 70% Read for Pleasure
- 62% Used Digital Content
- 60% Discovered a New Book
- 59% Saved Money
- 32% Read to My Child



Because of the Library I...

Empower

- 70% Educational Purposes
- 38% Learned Something New
- 32% Access to Internet/Printing
- 28% Improved Health



Because of the Library I...

Transform

- 12% Got a Job/Better Job
- 3% Business Creation
- 5% Business Improvement
- 6% Learned to Read



Focus Areas

1. Patron Education on Koha
2. Staff Technology Education
3. Increase Collection Size
4. Add More Programs



UPGRADED FEATURE!

You can now tell if another patron has a hold on your checked-out item without going to the item's record!

A recent micro-upgrade to our Koha system has changed how the renewal status of your items displays in your online BPL account. **Now, if someone has placed a hold on one of your items, it will read "Not renewable (on hold)" in the Renewal column of your checkouts list.** You no longer have to click on each item to see if it has holds!



bedford public library

... for learning, for leisure, for life

Questions?





Council Agenda Background

PRESENTER: Kenny Overstreet, Public Works Director

DATE: 04/11/17

Work Session

ITEM:

Discussion on the meter box installations associated with the Automated Meter Reading (AMR) System Project.

DISCUSSION:

On November 30, 2016, bids were received for the installation of automated meters. One of the specifications in the bid items was for locking meter box lids to limit the potential for damage to the meter, endpoint or the connecting wire. The cost to replace the meter ranges from \$150 for a ¾" to \$675 for a 2". Replacement of the end point is \$142.50. If an individual attempts to turn the water off by using the curb stop located in the meter box and breaks it, the cost for repair parts averages \$37.59. These costs do not capture employee labor cost for the repair/installation.

In 2005, the City Council adopted Ordinance No. 05-2812. Section 2(a) of the ordinance states, "A person may not knowingly tamper, connect to, or alter any component of the City's water system including valves, meters, meter boxes, meter box lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the City."

Staff has been directed to review alternate options other than the locking lids, which limit individuals from accessing the meter and the curb stop. Staff is seeking input from Council on the direction to proceed.

Options to consider include:

- Installing locking lids.
- Installing non-locking lids.
- Installation of a turn-off valve on the customer side of the meter.
- Offer a rebate program for residents who install or repair the cut-off on the customer's service line.

ATTACHMENTS:

Ordinance No. 05-2812

ORDINANCE NO. 05-2812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS, PERTAINING TO ILLEGAL WATER CONNECTIONS AND/OR THE THEFT OF WATER FROM THE WATER SUPPLY OF THE CITY OF BEDFORD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City of Bedford recognizes that the amount of water available to its water customers is limited; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City of Bedford is authorized to adopt such policies necessary to preserve and conserve available water supplies; and

WHEREAS, the City of Bedford seeks to minimize water losses to its supply of water from illegal connections and theft through the adoption of an ordinance pertaining to illegal water connections and theft of water.

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: A person commits an offense of theft of water by any of the following actions:

- (a) A person may not knowingly tamper, connect to, or alter any component of the City's water system including valves, meters, meter boxes, meter box lids, hydrants, lines, pump stations, ground storage tanks, and elevated storage tanks. This shall include direct or indirect efforts to initiate or restore water service without the approval of the City.
- (b) If, without the written consent of the City Manager or the City Manager's designee, the person knowingly causes, suffers or allows the initiation or restoration of water service to the property after termination of services(s). For purposes of this section, it shall be assumed that the owner, occupant, or person in control of the property caused, suffered, or allowed the unlawful initiation or restoration of services(s).
- (c) A person may not knowingly make or cause a false report to be made to the City of a reading of a water meter installed for metered billing.
- (d) A person commits a separate offense each day that the person performs an act prohibited by this section or fails to perform an act required by this section.

Section 3: THAT, any person, firm or corporation violating any provision of this article shall be deemed guilty of a Class C misdemeanor and shall, upon final conviction thereof, be fined in an amount not to exceed \$2,000.00 (Two Thousand Dollars) and any subsequent offense shall be a minimum of \$500. and not to exceed \$2,000. and/or discontinuance of water service by the City.

Section 4: THAT, if any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or

unenforceability of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section 5: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this Ordinance as an alternative method of publication provided by law.

Section 7: THAT, this Ordinance shall become effective upon its adoption and publication provided by law.

PASSED AND APPROVED this 8th day of November, 2005, by a vote of 6 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Rita Frick, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 04/11/17

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) March 28, 2017 regular meeting

DISCUSSION:

N/A

ATTACHMENTS:

March 28, 2017 regular meeting

Council Minutes March 28, 2017

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 28th day of March, 2017 with the following members present:

| | |
|----------------|-----------------|
| Jim Griffin | Mayor |
| Michael Boyter | Council Members |
| Roger Fisher | |
| Dave Gebhart | |
| Rusty Sartor | |
| Roy W. Turner | |

constituting a quorum.

Staff present included:

| | |
|------------------|--------------------------------|
| Kelli Agan | Interim City Manager |
| Cliff Blackwell | Interim Assistant City Manager |
| Stan Lowry | City Attorney |
| Michael Wells | City Secretary |
| Natalie Foster | Public Information Officer |
| Jeff Gibson | Police Chief |
| Meg Jakubik | Strategic Services Manager |
| Kenny Overstreet | Public Works Director |
| Maria Redburn | Library Director |
| Emilio Sanchez | Planning Manager |
| Eric Valdez | Community Services Manager |

COUNCIL CHAMBER WORK SESSION

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

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

Council discussed placing the following items on consent: 1

- **Receive an update on HEB Reads initiatives.**

Kierra Elledge, the HEB ISD STEM and School Library Coordinator, reported that the kickoff event for HEB Reads is Saturday, May 6, 2017 at Pennington Field. Over two million minutes were read by HEB ISD students and 100 percent of the schools participated. Students read an average of 1,400 minutes during the summer. The students that participated in summer reading showed a gain of 89 points over their beginning of the year tests. Three of the schools, including Meadow Creek and Bedford Heights in Bedford, had over 100,000 minutes read. Some schools were challenged to take their data and to compete against themselves instead of other schools. She thanked the Council for the City's outreach by coming into summer school and helping students. Library Director Maria Redburn stated that the Library received \$28,000 in grant funding for STEM from the Texas State Library and Archives Commission (TSLAC) and the Institute for Museum

Council Minutes March 28, 2017

and Library Services. Their outreach site for at-risk children is Harston Woods, which has installed shelves for library books in their community center. The residents asked for the Library to keep coming out during the school year and the Library has rolled the outreach into their STEM programming, and will continue STEM activities with the children during the summer. The neighborhood is not actually in Bedford, but all the children are bussed to Spring Garden Elementary. She stated that if children can start reading, they will do better on their assessments. Their parents all work so they are unable to go to community centers or the Library on a weekly basis; however, the children who read over 1,500 minutes attended the Mayor's party. Ms. Elledge stated that the ISD was awarded an Arts Council Northeast grant for approximately \$2,600, which will be applied equally between Hurst, Euless and Bedford towards their summer programming for art performances. The ISD, along with the three cities, applied for another grant for a book-mobile, which would include STEM, literacy and educational activities. In answer to questions from Council, Ms. Elledge stated that the grant for the book-mobile was through TSLAC. Ms. Redburn stated that the money for the grant may go away as it is federal funds administered through TSLAC. There was discussion on grant opportunities; cooperative efforts between the cities and the ISD; and work done by Grants Administrator Brandi West on these grants. Ms. Redburn stated that for the book-mobile, maintenance would be the responsibility of the ISD, while the cities would be responsible for any consumables and supplies. There was discussion on the Education Foundation seeking grants through project partners for the HEB Reads initiative; the North Tarrant Express donating money through the Education Foundation for STEM programming; children having the option to select their own books; and dictionaries given out by Rotary clubs.

- **Receive a report on recent Police Department activities.**

Police Chief Jeff Gibson presented a report on recent Police Department activities. The Department's mission statement is they believe in the self-worth and dignity of all individuals. Their vision statement is they police through progressive policing. Those two components, coupled with their five-year strategic plan, gets them where they are going and is the platform from which they build their success. He discussed the Bedford 1 Community program, which is broken down into three phases for the apartment community. Phase 1 is a four-hour class on crime prevention techniques. Phase 2 is an inspection phase, which is best practices, and includes such things as landscaping and crime prevention techniques. Phase 3, which has only been completed by Windmill Terrace, is where a complex takes the Department's recommendations from Phase 2 and has completed the repairs and additions to make the complex as safe as possible. Currently, there are seven complexes in Phase 1 and one in Phase 2. One of the challenges with the program is that apartment communities tend to change owners very frequently and so the process must start all over again. Chief Gibson discussed the Safe Return Home program, which deals specifically with returning dementia and Alzheimer patients safely home. He stated that if the Department is unable to find a person in 12 hours, the results are less than desirable. He discussed the Silver Alert state-wide alert model, which requires specific criteria and stated that to set that alert, the Department needs to have a note from a licensed doctor indicating the missing person meets that criteria. The Safe Return Home program allows the Department to do all the leg work before a tragic situation happens. Even if they do not meet the criteria for a Silver Alert, the Department will still have useful information to direct resources to find the missing person more quickly. Chief Gibson discussed the Bedford Citizens Observation Program (BCOP), where the Department receives evidence on suspects committing crimes through the partnership with residents and businesses. He discussed the Department's new, more robust website, which has a major focus area on information. He also discussed their newly launched social media networks through Facebook, with 4,000 followers, and Twitter, with 500 followers. The Department is seeing tremendous results not only through the Department's sites, but the City's social media sites as well as they both share information. He discussed the Department's Explorer Program, which helps bridge the gap between the age group of 18 to 24 years old, which tends to make foolish decisions that would disqualify members from entering law enforcement. The program teaches both integrity and character. Chief Gibson discussed the

Council Minutes March 28, 2017

Commercial Vehicle Enforcement program. Bedford partners with the cities of Hurst, Euless, Grapevine and Southlake in combining their commercial vehicle enforcement units to concentrate their efforts in removing hazardous vehicles off the roadways. He discussed the Department's drone program, including the challenge of operating in Class B airspace being so close to DFW Airport. A tremendous amount of documentation must be completed and it has taken over 14 months to do so. As of the end of 2016, the Department is approved as far as any federal regulations and guidelines, and has received their Certificate of Waiver of Authorization. Currently, they are in the training phase. They are operating strictly under law enforcement guidelines and not violating any Fourth Amendment rights. The use of drones is an officer safety issue, whereby a piece of equipment can be put in harm's way instead of an officer. Chief Gibson discussed the implementation of their Honor Guard, which will exemplify the professionalism of the organization at various civic events. In answer to questions from Council, Chief Gibson cited the example of an armed burglary suspect in a school as a time when the drone would be used. He further stated that being in Class B Airspace, a 107 commercial pilot's license will be completed by April, so there will be a commercial pilot coordinating the unit, who will be responsible for training all the officers in the unit; that there will also be a spotter and sufficient equipment has been purchased so there are multiple eyes on different viewing paths; that no fiscal funds were used to purchase the equipment as it was purchased from the Secret Service Taskforce, donations from Citizen's Police Academy Alumni Association, and seizure funds; that the Department has purchased another two training drones; and that multiple drones could be deployed at one time but the Department does not have platform to do so at this time. There was discussion on the Department being forward thinking with Safe Return Home program and "To Protect and Serve" as a slogan.

EXECUTIVE SESSION

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

- a) Pursuant to Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - Linbrook Apartments at 531 Bedford Road.**
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Williams, TW Survey A1735 Tr 6C02, also known as, 1805 L. Don Dodson Drive.**
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.071, consultation with City Attorney regarding pending or contemplated litigation - Linbrook Apartments at 531 Bedford Road; Section 551.087, deliberation regarding economic development negotiations relative to Williams, TW Survey A1735 Tr 6C02, also known as, 1805 L. Don Dodson Drive; Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons, at 6:08 p.m.

Council reconvened from Executive Session at 6:24 p.m.

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

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

REGULAR SESSION

The Regular Session began at 6:34 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Griffin called the meeting to order.

INVOCATION (Dr. Kevin Henson, St. Timothy Cumberland Presbyterian Church)

Dr. Kevin Henson of St. Timothy Cumberland Presbyterian Church gave the invocation.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS/UPCOMING EVENTS

Public Information Officer Natalie Foster reported that the Bedford Police Department's Annual Motorcycle Rally will be held at Texas Harley-Davidson on Saturday, April 1, 2017, with an opening ceremony at 8:30 a.m. and the competition starting at 9:00 a.m. Riders compete to see whose skills on the motorcycle are the best, all while raising money for several non-profit organizations that help first-responder families that have been affected by line-of-duty deaths. There will also be activities for children, vendors, raffles, and silent auctions. She reported the City Expo and Pet Fair will also be held on April 1 from 10:00 a.m. to 2:00 p.m. at the Boys Ranch Activity Center (BRAC). Inside the building, there will be booths from every City department and outside, the Animal Shelter will have pets up for adoption, local vets, rescue groups, and food. All adoptions at the event will include a free microchip. She reported that on Saturday, April 8, 2017, there will be ArtsFest and the Easter Egg Celebration. The egg hunt and Easter festivities will be from 10:00 a.m. to 12:00 p.m. at the Boys Ranch Park Pavilion, and there will be a special egg hunt just for dogs. ArtsFest will be held at the BRAC from 10:00 a.m. to 6:00 p.m., with local arts and craft vendors, food trucks, live music, juried art, and performers. She reported the Fire Department's "Fill the Boot" campaign will be held on April 8, April 15 and April 22, 2017. Firefighters will be on various Bedford street corners from 10:00 a.m. to 2:00 p.m. filling their boots to raise money for the Muscular Dystrophy Association.

OPEN FORUM

Nobody chose to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

1. Consider approval of the following City Council minutes:
 - a) March 14, 2017 regular meeting

Motioned by Councilmember Gebhart, seconded by Councilmember Fisher, to approve the following items by consent: 1

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

COUNCIL RECOGNITION

2. Employee Service Recognition

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

Joey Gauger, Police Department - 20 years of service
Doug Crowell, Police Department - 30 years of service

Council Minutes March 28, 2017

3. Proclamation declaring the month of April 2017 as Child Abuse Prevention Month in the City of Bedford.

Mayor Griffin read a proclamation declaring the month of April 2017 as Child Abuse Prevention Month in the City of Bedford. Jamie Harton with Alliance For Children accepted the proclamation.

4. Proclamation recognizing the week of April 2-8, 2017 as National Crime Victims' Rights Week.

Mayor Griffin read a proclamation recognizing the week of April 2-8, 2017 as National Crime Victims' Rights Week. Chief Gibson and Crime Victims/Domestic Violence Coordinator Courtney Janes accepted the proclamation.

5. Proclamation recognizing the week of April 9-15, 2017 as National Public Safety Telecommunicators Week.

Mayor Griffin read a proclamation recognizing the week of April 9-15, 2017 as National Public Safety Telecommunicators Week. Chief Gibson and Communications Supervisor over the Dispatch Division Amy James accepted the proclamation.

NEW BUSINESS

6. Public hearing and consider an ordinance to rezone Lot 1R, Block 1, First State Bank Plaza Addition, located at 1 Texas Harley Way, from Planned Unit Development to amended Planned Unit Development/Specific Use Permit/ Motorcycle Sales and Service, specific to 3.2.C(8)a of the City of Bedford Zoning Ordinance, allowing for Adam Smith's Texas Harley-Davidson to sell and service motorcycles on a site that is smaller in area than the originally approved site plan. The property is generally located north of State Highway 183 and east of Parkwood Drive. (PZ-SUP-2017-50006)

Planning Manager Emilio Sanchez presented information regarding this item, which is a request to amend a Specific Use Permit for Adam Smith's Texas Harley-Davidson. Mr. Smith is wanting to sell his property, including the building, but maintain ownership of the dealership, and then do a long-term land lease back on the site. He further wants to plat off the location of the former maintenance shop and maintain an acre of land so he can develop it in the future to complement both the dealership and the Bedford Commons. This requires an amendment to the site plan that was approved as part of the Specific Use Permit, as it is a smaller site than was originally approved. The area being platted off will not change until Bedford Commons starts off. The plat will be filed administratively. The Planning and Zoning Commission recommended approval of this item at their March 9, 2017 meeting with the stipulation that both lots meet the parking regulations. The submitted site plan meets all the Bedford Commons landscape setbacks for Type B frontage. In answer to questions from Council, Mr. Sanchez stated the Bedford Commons regulations incorporate the Master Highway Corridor Overlay District (MHC) only along the first 200 feet and this site falls outside the MHC.

Mayor Griffin opened the public hearing at 7:06 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:06 p.m.

Motioned by Councilmember Fisher, seconded by Councilmember Gebhart, to approve an ordinance to rezone Lot 1R, Block 1, First State Bank Plaza Addition, located at 1 Texas Harley Way, from Planned Unit Development to amended Planned Unit Development/Specific Use

Council Minutes March 28, 2017

Permit/ Motorcycle Sales and Service, specific to 3.2.C(8)a of the City of Bedford Zoning Ordinance, allowing for Adam Smith's Texas Harley-Davidson to sell and service motorcycles on a site that is smaller in area than the originally approved site plan. The property is generally located north of State Highway 183 and east of Parkwood Drive. (PZ-SUP-2017-50006)

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

- 7. Public hearing and consider an ordinance to rezone Lot 1R, Block 1, First State Bank Plaza Addition, located at 1 Texas Harley Way, Bedford, Texas, from Planned Unit Development (PUD) to amended Planned Unit Development/Specific Use Permit/Automobile Parking Lot and Area, specific to 3.2.C(5)c of the City of Bedford Zoning Ordinance, allowing for Adam Smith's Texas Harley-Davidson to utilize the property for parking motor vehicles. The property is general located north of Airport Freeway and east of Parkwood Drive. (PZ-SUP-2017-50007)**

Mr. Sanchez presented information regarding this item, which is a continuation of the first case, seeking a Specific Use Permit (SUP) for the smaller lot. As it is being platted off on its own, it no longer has a primary use so it needs a SUP for a secondary use, which is automotive parking. The Planning and Zoning Commission recommended approval of this item at their March 9, 2017 meeting. In answer to questions from Council, Mr. Sanchez confirmed that when the lot is developed in the future, it would require a site plan approval process through the Council. He stated that in the Zoning Ordinance there is a requirement of a certain distance from an automobile parking lot to the primary use, and there is no other building on the lot except for a paved parking lot; that the Zoning Ordinance does not specify the size of the vehicle but in the Transportation Code, there are different definitions for automotive vehicles and commercial vehicles; and that the site plan being approved designates the parking spaces as nine feet in width and eighteen feet in length, which would only accommodate passenger-sized vehicles.

Mayor Griffin opened the public hearing at 7:11 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:11 p.m.

Motioned by Councilmember Fisher, seconded by Councilmember Gebhart, to approve an ordinance to rezone Lot 1R, Block 1, First State Bank Plaza Addition, located at 1 Texas Harley Way, Bedford, Texas, from Planned Unit Development (PUD) to amended Planned Unit Development/Specific Use Permit/Automobile Parking Lot and Area, specific to 3.2.C(5)c of the City of Bedford Zoning Ordinance, allowing for Adam Smith's Texas Harley-Davidson to utilize the property for parking motor vehicles. The property is general located north of Airport Freeway and east of Parkwood Drive, with the stipulation that all vehicles are parked within a defined parking space. (PZ-SUP-2017-50007)

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

- 8. Public hearing and consider a resolution approving a site plan for a 4,700 sq. ft. Texas Health Resources HEB Hospital cath lab expansion. The property is zoned service commercial (S) and located in the Master Highway Corridor Overlay District (MHC). The address is 1600 Hospital Parkway and the legal description is Lot 1B, Block 1, HEB Medical Center Addition. The property is generally located south of Airport Freeway and east of Hospital Parkway. (PZ-SP-2017-50010)**

Councilmember Fisher recused himself from the discussion on this item as an overabundance of caution. In speaking with the City Attorney, and though neither believes there is a conflict, he will recuse himself as his wife works for Texas Health Resources.

Council Minutes March 28, 2017

Mr. Sanchez presented information regarding this item, which is a request for Texas Health Resources HEB Hospital to expand their cath lab above the second floor on the northeast corner of the building. They are looking at a 4,700-square foot addition to the building. As it is in the Master Highway Corridor Overlay District (MHC), part of the process requires site plan approval. The site plan is not changing, but there are changes to the building elevations. This addition will match the existing second floor. The MHC requires 100 percent masonry and the applicant is using materials like the existing building, so that it matches and would not look out-of-place on the façade of the building. The area is visible from the service road but it would be difficult to see from the highway with how the trees are laid out. The Planning and Zoning Commission recommended approval of this item at their March 9, 2017 meeting.

Mayor Griffin opened the public hearing at 7:15 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:15 p.m.

Motioned by Councilmember Gebhart, seconded by Councilmember Sartor, to approve a resolution approving a site plan for a 4,700-sq. ft. Texas Health Resources HEB Hospital cath lab expansion. The property is zoned service commercial (S) and located in the Master Highway Corridor Overlay District (MHC). The address is 1600 Hospital Parkway and the legal description is Lot 1B, Block 1, HEB Medical Center Addition. The property is generally located south of Airport Freeway and east of Hospital Parkway. (PZ-SP-2017-50010)

Motion approved 5-0-0. Mayor Griffin declared the motion carried.

- 9. Consider a resolution authorizing the Interim City Manager to enter into an agreement, utilizing the Tarrant County Interlocal Agreement, in the amount of \$53,340.75, with TexOp Construction, LP for the asphalt milling on Brown Trail from Harwood Road to the northern city limit (Harwood Terrace) and Tibbets Drive from Hospital Parkway to the eastern city limit.**

Public Works Director Kenny Overstreet presented information regarding this item. He stated he previously brought an interlocal agreement to Council for Tarrant County to overlay Tibbets Drive from the hospital east to the city limits, and Brown Trail from Harwood Road north to the city limits. This item is an agreement with TexOp to do the milling, which has an interlocal agreement with Tarrant County, Precinct 3. The City has utilized this contract with TexOp for the past four years to do this type of work. The cost is \$53,340.75, which was budgeted through the Street Improvement Economic Development Corporation. In answer to questions from Council, Mr. Overstreet stated that the amount is \$3,000 under what was budgeted; that TexOp has done good work for the City, including on Bedford Road, Cummings Drive, Murphy Drive, and the intersection of Harwood Road and Forest Ridge Drive, with no complaints on their work; that the County will provide the labor and equipment for the overlay; that the specifications given to TexOp were to go down two inches when starting the mill, continue two inches to the end, and do a taper mill back up; and that if a subgrade failure were to occur because of the removal, the City would be required to make the repairs. Regarding what work a neighboring city did on Cheek-Sparger Road from Brown Trail to Tara Village, he stated they widened the road and gave it a better road surface to get a turn lane into the school; that the roadway was ripped out and subgrade work was done, but there was no milling; and that there were problems with a natural spring in that area. In answer to further questions from Council, Mr. Overstreet stated that the contract with TexOp is to pull off the existing asphalt; that the following week, the County will start laying the asphalt; that the County will be working with the City of Colleyville on their portion of Brown Trail, as well as to redo another location in Colleyville due to a ride issue; and that there are other local companies that do this type of work, and staff will look at putting out a bid in the future.

Council Minutes March 28, 2017

Motioned by Councilmember Turner, seconded by Councilmember Gebhart, to approve a resolution authorizing the Interim City Manager to enter into an agreement, utilizing the Tarrant County Interlocal Agreement, in the amount of \$53,340.75, with TexOp Construction, LP for the asphalt milling on Brown Trail from Harwood Road to the northern city limit (Harwood Terrace) and Tibbets Drive from Hospital Parkway to the eastern city limit.

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

10. Consider a resolution authorizing the Interim City Manager to enter into a contract with Kimley-Horn and Associates for the Phase Next Feasibility Study.

Community Services Manager Eric Valdez presented information regarding this item, which is to amend the professional services contract with Kimley-Horn and Associates (KHA) in the amount of \$120,000 to conduct a feasibility study for Phase Next of the Boys Ranch Park improvements and to update the Boys Ranch Master Plan. In 2009, an agreement was entered with KHA to provide a Boys Ranch Master Plan, which had language to provide for future amendments. The original design of the Master Plan included four distinct phases of construction; after completion of the first phase, there is now a desire to combine the remaining phases into what is called "Phase Next." This would provide improvements to the park, as well as address aging infrastructure. The original Master Plan only called for minor improvements to the Boys Ranch Activity Center (BRAC); the feasibility study would include a multi-purpose, multi-generational building. The scope of the services to be provided by KHA include data collection, a needs assessment, a final plan, and a report due on July 25, 2017. Upon review of the final report, a decision will be made whether to pursue voter approval of Phase Next.

There was discussion on communicating to the residents what it would cost to service the debt for Phase Next and the recreation center ultimately being revenue neutral. Mark Hatchel with KHA stated that though it is not a specific item in the proposal, they typically work with the company helping with the bond analysis for the City, and the cost is an important piece of information to be included along with the recommendations so the taxpayers know the impact. He further stated it is important in working with the community on a new facility that they know not only the construction costs but the operational costs and their sustainability; that KHA has an operations specialist that will look at the center, associated aquatics, and the revenue and expenses of maintaining the athletic facilities; and that KHA has been asked to look at Splash, including potential renovations, expansion and/or an indoor component. Mr. Valdez stated an indoor aquatic facility tends to spike labor costs as it needs to be kept open longer. In answer to questions from Council, Mr. Hatchel stated that in data collection, one of the first steps is to meet with staff and other interested users to understand what the issues are from the City's perspective; that KHA would do a cursory assessment of existing facilities and document any maintenance or known issues, and from there write a summary report to decide what the next course of action should be; and that they would document why a facility is physically and functionally obsolete in order for people to grasp why new facilities need to be built. There was discussion on Council and different groups of the public being involved in the assessment. Regarding deliverables at the end of the process, Mr. Hatchel stated that there will be meetings at each step; that they will document the findings of the data collection by April 28; that the needs assessment is to be completed by June 30; that they will develop a generic concept for the recreation center and an updated site conceptual master plan, which considers the new spaces available and options; and that the final plan and report will be completed by July 25 and the bond election notification by August 21 for a November 7 bond election. There was discussion on KHA having done the first four phases of the park and having already started a lot of the groundwork. Mr. Hatchel stated that their history with the project allows KHA to go faster and learn from any issues that have come up in the past; and that two new significant team partners have joined them. There was discussion on signage at the park; and that there is no need to bid this item as it an amendment to a professional services contract. In answer to questions from Council, Interim City Manager Kelli Agan stated that Phase

Council Minutes March 28, 2017

1 was a \$3.2M project, with an additional \$100,000 in grant funding from Texas Parks and Wildlife; that the project came in under budget, with the monument signs approved at the previous meeting being paid out of that surplus; and that there is \$10,000 left in that account. In answer to further questions from Council, Mr. Hatchel stated that they will look at all the existing buildings at the Boys Ranch that belong to the City, as well as the ballfields, tennis courts and hockey rink; that regarding programming, they look at local examples of programming typically found in cities Bedford's size, what other area providers are doing, what the users want, and what staff needs, which all meshes together to make a unique recreation center that fits Bedford; and that to find out what users want, public meetings and interviews with key user groups will be held. In answer to questions from Council, Mr. Valdez confirmed that using KHA will be both cheaper as they have already done work on the site and are familiar with it, and will expedite completing the project. There was discussion on a tour taken of a new facility in a neighboring city, which is revenue neutral trending to revenue positive because the city listened to the community. Mr. Valdez stated that staff has visited over ten recreation facilities, including five out of state. Mr. Hatchel stated that defining the number of meetings means not only the amount of meetings to be held, but holding them in the timeframe given.

Motioned by Councilmember Fisher, seconded by Councilmember Sartor, to approve a resolution authorizing the Interim City Manager to enter into a contract with Kimley-Horn and Associates for the Phase Next Feasibility Study.

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

- 11. Consider a resolution of the City Council of the City of Bedford, Texas, supporting House Bill 1427 which amends Section 41.005 of the Texas Utilities Code to clarify that a municipality may regulate the operations of an electric cooperative through the City's zoning ordinance, which is a permissible public health, safety, or welfare regulation; and providing for an immediate effective date.**

Strategic Service Manager Meg Jakubik presented information regarding this item. She stated the City is a member of the Oncor Steering Committee and as such, is aware that the City of The Colony has an issue with their electric provider, Brazos Electric Cooperative. Brazos wanted to put in a substation and came to the city for a zoning approval; however, the location conflicted with the city's zoning ordinance and so the request was turned down. That precipitated a lawsuit by Brazos against the city. Cities have been less than successful in protecting their zoning ordinances and the lawsuits have been coming down in judgement that the enforcement of the zoning ordinance violated the Public Utility Regulatory Act (PURA). The city is also trying to clarify this issue legislatively so other cities do not have this same issue in the future, and this item is a resolution of support for that action. In answer to questions from Council, Ms. Jakubik confirmed that the item is in support of House Bill 1427, which is to uphold cities' zoning ordinances as they relate to health, safety and welfare, and to protect from incompatible uses being next to each other. She further confirmed that without the protection proposed by House Bill 1427, a city's zoning ordinance could be steamrolled and cities could be forced to put something anywhere in the city. In answer to questions from Council, Ms. Jakubik stated that a copy of the resolution would be sent to several legislators, particularly those on the House committee with jurisdiction on the bill, and to the Oncor Steering Committee; and that all Steering Committee cities were offered the opportunity to pass such a resolution.

Motioned by Councilmember Turner, seconded by Councilmember Fisher, to approve a resolution of the City Council of the City of Bedford, Texas, supporting House Bill 1427 which amends Section 41.005 of the Texas Utilities Code to clarify that a municipality may regulate the operations of an electric cooperative through the City's zoning ordinance, which is a permissible public health, safety, or welfare regulation; and providing for an immediate effective date.

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

- 12. Consider a resolution of the City of Bedford suspending the April 27, 2017 effective date of the Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of the Cities Served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the company and legal counsel for the Steering Committee.**

Ms. Jakubik presented information regarding this item. She stated that on March 17, 2017, Oncor filed with the cities retaining original jurisdiction an increase in system-wide transmission and distribution rates by \$317M, which is approximately 7.5 percent over present revenues. The Oncor Steering Committee works on behalf of all the cities, and hires experts to review rate requests to ensure the company's requests are reasonable. The City is seeking to suspend the rate request to allow the Steering Committee's experts time to review the filing to see if it is reasonable, if there can be a settlement, or if it can be brought before the Public Utility Commission. This resolution will suspend the rates for 90 days, and depending on the outcome of the review, further action may be taken to Council. The City takes this same action on these types of request; otherwise, the rates would go into effect within 30 days. In answer to questions from Council, Ms. Jakubik stated that typically, the Committee has been successful in reducing the rates and minimizing the impact, while also allowing Oncor the opportunity to make the necessary system-wide improvements; that all expenses related to rate-making review are reimbursable by Oncor; that the cities in the Committee have per capita spending to afford the other expenses, including for the litigation related to the sale of Oncor; that Bedford's portion is \$0.11 per capita for participation in the Committee; and that State law requires Oncor to bring these requests to cities retaining original jurisdiction.

Motioned by Councilmember Fisher, seconded by Councilmember Gebhart, to approve a resolution of the City of Bedford suspending the April 27, 2017 effective date of the Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of the Cities Served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the company and legal counsel for the Steering Committee.

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

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

- ✓ **Animal Shelter Advisory Board**

No report was given.

- ✓ **Beautification Commission**

Councilmember Turner reported that the Commission is working on projects that will attract monarch butterflies.

- ✓ **Community Affairs Commission**

Councilmember Boyter reported that the Commission is coming off a fantastic residential outreach meeting the previous Wednesday. It was the largest crowd at that kind of event, which is a testament to everyone involved. He thanked the Mayor, Development Director Bill Syblon and Mr. Overstreet for giving presentations. Ms. Jakubik did a fantastic job organizing the event and

Council Minutes March 28, 2017

everybody on the Commission did a great job in making the event successful. He recognized Steve Grubbs from the Commission, who was in attendance. The City Expo will be held on April 1, 2017. There will be a block party at the Bedford Estates subdivision on April 21, 2017 starting at 6:00 p.m.

✓ **Cultural Commission**

Mayor Griffin praised the Commission for their hard work and dedication in putting together the ArtsFest event, which will be held on April 8, 2017. There will be juried art, art vendors, food vendors, and bands.

✓ **Library Advisory Board**

Councilmember Boyter praised Ms. Redburn for touting, and getting children interested in, the great things going on at the Library. The Library will be manning booths at the City Expo. The Library Satisfaction Survey has been completed, and the Board will be working through the results.

✓ **Parks and Recreation Board**

Councilmember Sartor recognized Randy Newby from the Board, who was in attendance.

✓ **Teen Court Advisory Board**

Councilmember Gebhart announced that the upcoming fundraiser gala for Teen Court will be held April 27, 2017 and will feature auction items including memorabilia and jewelry.

✓ **Senior Citizen Liaison**

No report was given.

14. Council Member Reports

No other reports were given.

15. City Manager/Staff Reports

No report was given.

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

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

ADJOURNMENT

Mayor Griffin adjourned the meeting at 8:01 p.m.

Jim Griffin, Mayor

ATTEST:

Council Minutes March 28, 2017

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: Jim Griffin, Mayor

DATE: 04/11/17

Council Recognition

ITEM:

Proclamation declaring the month of May 2017 as Motorcycle Safety Awareness Month in the City of Bedford.

DISCUSSION:

Members of the Patriots Motorcycle Club will be present to accept the proclamation.

ATTACHMENTS:

Proclamation



CITY OF
BEDFORD

Proclamation

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are relatively unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all, fatalities through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and

WHEREAS, we urge all citizens of our community to become aware of the inherent danger involved in operating a motorcycle and for riders and motorists alike to give each other the mutual respect they deserve.

NOW, THEREFORE, let it be known that I, Jim Griffin, Mayor of the City of Bedford, and the City Council do hereby proclaim the month of May, 2017, as:

Motorcycle Safety and Awareness Month

in the City of Bedford and urge all residents to do their part to increase motorcycle safety and awareness in our community.

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this
11th day of April, 2017.*

JIM GRIFFIN, MAYOR





Council Agenda Background

PRESENTER: Jana Prock, TML Board Representative and
Keller Public Library Director

DATE: 04/11/17

Council Recognition

ITEM:

Presentation of the 2016 Achievement of Excellence Award to the Bedford Public Library.

DISCUSSION:

Maria Redburn, Library Director, and Cynthia Reid, Administrative/Volunteer Coordinator, will accept the 2016 Achievement in Excellence in Libraries Award from the Texas Municipal Library Directors Association. Out of a possible 581 public libraries in Texas, only 44 libraries received this award. Cynthia Reid prepared, compiled and submitted the award application on behalf of the Bedford Public Library. To successfully receive the Achievement of Library Excellence Award, the applicant must provide documentation in the following 10 categories:

- Conduct a Summer Reading Program.
- Provide services to underserved populations either through outreach, special programs, collaborations with other libraries or organizations, special classes, special collections, etc.
- Provide enhanced service to the public during the past year either through increase in service or a change in type of services.
- Provide current marketing materials highlighting basic services and publicity about specific programs the library offers.
- Develop a set of policies and procedures for the library which have been reviewed and updated within the past five years. Include samples of recently revised policies and/or procedures.
- Provide cultural, topical and educational programming for adults and families.
- Provide literacy support for all ages.
- Invest in collaborative efforts.
- Establish professional staff training to include training opportunities for staff at all levels.
- Provide a library web presence either through the City's or the Library's own website.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Brandi West, Grants Administrator

DATE: 04/11/17

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

ITEM:

Consider a resolution authorizing the Interim City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Hurst, North Richland Hills and the County of Tarrant, Texas for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.

City Attorney Review: Yes

DISCUSSION:

In June 2016, the Police Department, along with the cities of Fort Worth, Arlington, Hurst, North Richland Hills and the County of Tarrant, applied for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.

Through this grant, the Police Department has been awarded funding for supply costs for two new programs offered through the Department: Honor Guard and Explorer Program.

The Honor Guard will represent the City at state ceremonies, City functions and events, parades, funeral services for fallen officers, and other duties deemed necessary by the Chief of Police, or his designee. Officers chosen for the Honor Guard will require a different uniform to distinguish them from other members of the Department. This distinctive uniform will be worn when performing Honor Guard duties.

The Explorer Program is a career educational and experience-based program designed to help young people develop into mature, caring and responsible adults. The youth involved will give back to the City of Bedford by completing hundreds of hours of community service annually.

The grant requires all cities within Tarrant County to seek funding under one application. The City of Fort Worth has assumed the role of fiscal agent and therefore will be considered the award 'recipient' with all the other entities, including the City of Bedford, being a 'subrecipient.' The City of Fort Worth will facilitate and manage the grant throughout the life of the grant as required by the grant award contract.

Since the County is considered disparate, all cities participating in the Fiscal Year 2016 Byrne Justice Assistance Grant must provide Tarrant County with 25% of the award allocation per grant guidelines. The grant allocates \$15,390 to the City of Bedford, of which \$3,848 will be reallocated to Tarrant County, leaving a funding balance of \$11,542.

This MOU is one of two MOUs required by the grant: one is a MOU with all participating cities outlining the responsibilities of all parties involved; the second is a MOU between the City of Fort Worth and the City of Bedford directly, outlining responsibilities of the recipient and sub-recipient, respectively.

The Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Program Award funding does not require a cash match from the City of Bedford.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the Interim City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Hurst, North Richland Hills and the County of Tarrant, Texas for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.

FISCAL IMPACT:

FY 2016 JAG Grant Funding: \$11,542

ATTACHMENTS:

Resolution
Memorandum of Understanding

RESOLUTION NO. 17-

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BEDFORD AND THE CITIES OF FORT WORTH, ARLINGTON, HURST, NORTH RICHLAND HILLS AND THE COUNTY OF TARRANT, TEXAS FOR THE FISCAL YEAR 2016 BYRNE JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM AWARD.

WHEREAS, the City Council of Bedford, Texas finds that the grant funds awarded will benefit the community; and,

WHEREAS, the City Council of Bedford, Texas acknowledges the City of Fort Worth as the fiscal agent and distributor of all Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award funds between the cooperating parties; and,

WHEREAS, the City Council of Bedford, Texas acknowledges that 25% of the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) will be provided to Tarrant County per grant guidelines.

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

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

SECTION 2. That the City Council of Bedford, Texas, authorizes the Interim City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the cities of Fort Worth, Arlington, Hurst, North Richland Hills and the County of Tarrant, Texas for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.

PRESENTED AND PASSED this 11th day of April 2017 by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

CITY SECRETARY CONTRACT NO. _____

THE STATE OF TEXAS

COUNTIES OF TARRANT,
DENTON AND WISE

KNOW ALL BY THESE PRESENT

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITIES OF FORT WORTH, ARLINGTON,
BEDFORD, HURST, NORTH RICHLAND HILLS,
AND COUNTY OF TARRANT, TEXAS**

FY 2016 BYRNE JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM AWARD

This Memorandum of Understanding ("MOU") is made and entered into this ____ day of _____ 2017, by and between the COUNTY of TARRANT, acting by and through its duly authorized representative (hereinafter referred to as COUNTY), the CITY of FORT WORTH, acting by and through its duly authorized representative (hereinafter referred to as CITY), and the Cities of Arlington, Bedford, Hurst, North Richland Hills, acting by and through their duly authorized representatives (hereinafter collectively referred to as SUBRECIPIENTS), located entirely within the State of Texas, witnesseth:

WHEREAS, the governing bodies of City, County, and Subrecipients find that the performance of this MOU is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this MOU; and

WHEREAS, under the FY 2016 Byrne Justice Assistance Grant (JAG), the Department of Justice (DOJ) has awarded a total of \$552,581.00 to be distributed to the parties to this MOU; and

WHEREAS, the CITY has agreed to serve as the fiscal agent for the FY 2016 BYRNE JUSTICE ASSISTANCE GRANT (JAG), and distribute all such funds between the cooperating parties; and

WHEREAS, the CITY agrees to provide the COUNTY \$90,054.00 a portion from the FY 2016 JAG award; SUBRECIPIENTS:

ARLINGTON agrees to provide the COUNTY \$37,472.00 from the JAG award,
BEDFORD agrees to provide the COUNTY \$3,848.00 from the JAG award,
HURST agrees to provide the COUNTY \$3,781.00 from the JAG award,
NORTH RICHLAND HILLS agrees to provide the COUNTY \$2,991.00 from the JAG award,

WHEREAS, the CITY, SUBRECIPIENTS and COUNTY believe it to be in their best interests to reallocate the FY 2016 JAG funds as set forth herein.

NOW THEREFORE, the COUNTY and CITY, and SUBRECIPIENTS agree as follows:

Section 1.

CITY agrees to reimburse the COUNTY a total of \$138,146.00 of JAG funds. This total includes the amounts provided by City and Subrecipients outlined above. In no event shall County receive more than \$138,146.00 under this MOU.

CITY agrees to reimburse SUBRECIPIENT ARLINGTON a total of \$112,417.00 of JAG funds.

CITY agrees to reimburse SUBRECIPIENT BEDFORD a total of \$11,542.00 of JAG funds.

CITY agrees to reimburse SUBRECIPIENT HURST a total of \$11,342.00 of JAG funds.

CITY agrees to reimburse SUBRECIPIENT NORTH RICHLAND HILLS a total of \$8,973.00 of JAG funds.

Section 2.

The above parties agree to utilize their jurisdiction's individual award as outlined in a separate Memorandum of Understanding between the City of Fort Worth and the individual municipality or county.

Section 3.

It is expressly understood and agreed that, in the execution of this MOU, no party waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

Section 4.

Each party to this MOU will be responsible for its own actions in providing services under this MOU and shall not be liable for any civil liability that may arise from the furnishing of the services by any other party.

Section 5.

This MOU creates no rights in any third party.

Section 6.

As to each individual party, this MOU incorporates by reference the terms and conditions contained in the following three additional documents, as if set forth at length herein: (1) the Memorandum of Understanding between the City of Fort Worth and the individual municipality or county; (2) the applicable Grant Award Agreement; and (3) the individual municipality's budget submitted in connection with this grant award. This MOU, including the documents incorporated specifically herein by reference, contains the entire understanding between the parties as to the matters contained herein. Any prior or contemporaneous oral or written agreement or other documents are hereby declared null and void to the extent they may conflict with any provision of this MOU.

The signature lines for each subrecipient are being executed on individual pages and are attached as part of the MOU.

Section 7.

The person signing this MOU hereby warrants that he or she has the legal authority to execute this MOU on behalf of his or her respective Party, and that such binding authority has been granted by proper order, resolution, ordinance, or other authorization of the entity. The other Party is fully entitled to rely on this warranty and representation in entering into this MOU.

IN WITNESS WHEREOF, the following authorized representatives execute this agreement:

CITY OF FORT WORTH, TEXAS

ATTEST:

By: _____
Valerie R. Washington
Assistant City Manager

City Secretary

Date: _____

Date: _____

Contract No.: _____

M&C No.: _____

APPROVAL RECOMMENDED:

Joel F. Fitzgerald
Chief of Police

Date: _____

APPROVED AS TO FORM AND LEGALITY:

Jo Ann Pate
Assistant City Attorney

Date: _____



Council Agenda Background

PRESENTER: Brandi West, Grants Administrator

DATE: 04/11/17

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

ITEM:

Consider a resolution authorizing the Interim City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the City of Fort Worth for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.

City Attorney Review: Yes

DISCUSSION:

In June 2016, the Police Department, along with the cities of Fort Worth, Arlington, Hurst, North Richland Hills and the County of Tarrant, applied for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.

Through this grant, the Police Department has been awarded funding for supply costs for two new programs offered through the Bedford Police Department: Honor Guard and Explorer Program.

The Honor Guard will represent the City at state ceremonies, City functions and events, parades, funeral services for fallen officers, and other duties deemed necessary by the Chief of Police, or his designee. Officers chosen for the Honor Guard will require a different uniform to distinguish them from other members of the Department. This distinctive uniform will be worn when performing Honor Guard duties.

The Explorer Program is a career educational and experience-based program designed to help young people develop into mature, caring and responsible adults. The youth involved will give back to the City of Bedford by completing hundreds of hours of community service annually.

The grant requires all cities within Tarrant County to seek funding under one application. The City of Fort Worth has assumed the role of fiscal agent and therefore will be considered the award 'recipient' with all the other entities, including the City of Bedford, being a 'subrecipient.' The City of Fort Worth will facilitate and manage the grant throughout the life of the grant as required by the grant award contract.

Since the County is considered disparate, all cities participating in the Fiscal Year 2016 Byrne Justice Assistance Grant must provide Tarrant County with 25% of the award allocation per grant guidelines. The grant allocates \$15,390 to the City of Bedford, of which \$3,848 will be reallocated to Tarrant County, leaving a funding balance of \$11,542.

This MOU is one of two MOUs required by the grant: one is a MOU with all participating cities, outlining the responsibilities of all parties involved; the second is a MOU between the City of Fort Worth and the City of Bedford directly, outlining responsibilities of the recipient and sub-recipient respectively.

The Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Program Award funding does not require a cash match from the City of Bedford.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the Interim City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the City of Fort Worth for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.

FISCAL IMPACT:

FY 2016 JAG Grant Funding: \$11,542

ATTACHMENTS:

Resolution
Memorandum of Understanding

RESOLUTION NO. 17-

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BEDFORD AND THE CITY OF FORT WORTH FOR THE FISCAL YEAR 2016 BYRNE JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM AWARD.

WHEREAS, the City Council of Bedford, Texas finds that the grant funds awarded will benefit the community; and,

WHEREAS, the City Council of Bedford, Texas acknowledges the City of Fort Worth as the fiscal agent and distributor of all Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award funds between the cooperating parties; and,

WHEREAS, the City Council of Bedford, Texas acknowledges that 25% of the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) will be provided to Tarrant County per grant guidelines.

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

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

SECTION 2. That the City Council of Bedford, Texas, authorizes the Interim City Manager to enter into a Memorandum of Understanding (MOU) between the City of Bedford and the City of Fort Worth for the Fiscal Year 2016 Byrne Justice Assistance Grant (JAG) Formula Program Award.

PRESENTED AND PASSED this 11th day of April 2017 by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

**Memorandum of Understanding
Between the City of Fort Worth, TX and City of Bedford, TX
FY 2016 Byrne Justice Assistance Grant**

- 1. PARTIES.** The parties to this Memorandum of Understanding (“MOU”) are the City of Fort Worth, Texas (“Recipient”) and City of Bedford, Texas (“Subrecipient”).
- 2. AUTHORITY.** This MOU sets forth the Recipient’s and the Subrecipient’s responsibilities under the U.S. Department of Justice (“DOJ”), Bureau of Justice Assistance, Fiscal Year 2016 Byrne Justice Assistance Grant (JAG).
- 3. PURPOSE.** The purpose of this MOU is to enhance the working relationship between the parties in order to facilitate effective implementation of the FY 2016 Byrne JAG, in compliance with the DOJ Program requirements. A portion of grant funds awarded under the JAG has been allocated to secure grant funding for the Tarrant County Mental Health Law Liaison Program, as outlined in the FY 2016 Byrne JAG agreement titled “Memorandum of Understanding Between the Cities of Fort Worth, Arlington, Bedford, Hurst, North Richland Hills, and County of Tarrant, Texas.” In addition to those grant funds, once awarded, grant funds in the amount of \$11,542.00 shall provide funding for the uniform costs for two new programs offered through the Bedford Police Department: Bedford Police Department Honor Guard and Explorer Program as outlined in the Budget Narrative, attached as “Exhibit A” and incorporated by reference as part of this MOU.
- 4. RESPONSIBILITIES:**
 - A. Recipient:**
 - 1) The Recipient is the cognizant fiscal agency of the FY 2016 Byrne JAG Funds and agrees to participate in a collaborative manner with the Subrecipient throughout the life of the grant.
 - 2) After the FY 2016 Byrne JAG is awarded, the Recipient shall facilitate and manage the grant throughout the life of the grant, as required by the grant award contract.
 - 3) The Fort Worth Police Department – Program Support Division – Grants and Program Management Unit (PSD GPMU) will oversee the administration, procurement, and reporting of the Subrecipient’s grant-funded activities. PSD-GPMU shall review, approve, and/or request approval from DOJ for any written requests by Subrecipient to modify the terms of Exhibit A.
 - 4) The Recipient shall reimburse the Subrecipient an amount not to exceed \$11,542.00 from available grant funds for approved services and expenses rendered in accordance with the terms of this MOU upon receipt of a proper and verified invoice with satisfactory program accompanying documentation of services provided. The reimbursement made to the Subrecipient shall not exceed actual costs incurred to

provide the services under this MOU. Actual costs, both direct and indirect, must be reasonable and allowable as those terms are defined and explained in the Office of Management and Budget 2 CFR Chapter I, Chapter II, Part 200.

B. Subrecipient:

- 1) Participate in a collaborative effort with the Recipient in the application, administration, and implementation of the FY 2016 JAG, collaboration to last throughout the life of the grant.
- 2) Meet all statutory, administrative, and other included requirements pertaining to administration, procurement, and reporting in connection with the FY 2016 Byrne JAG. Requirements to be met include those found in (1) the Office of Management and Budget circulars, (2) the Office of Justice Programs Financial Guidelines, (3) Exhibit A to this MOU, entitled “FY 2016 JAG Budget Narrative”, which is incorporated by reference as part of this MOU, and (4) “Exhibit B” to the MOU, entitled “Award Document” which is incorporated by reference as part of this MOU.
- 3) Maintain full documentation supporting fulfillment of the requirements set forth above. All such documentation shall be furnished to Recipient upon request if necessary for Recipient to fulfill its obligations under the FY 2016 Byrne JAG Grant. If this documentation is not maintained and furnished to Recipient on request, Recipient may exercise all remedies available under this MOU, including the right to withhold payment to Subrecipient or terminate this MOU as described herein.
- 4) Submit to the Recipient monthly performance reports regardless of level of activity. In addition, the Subrecipient shall submit program updates and other reports requested by the Recipient and DOJ in appropriate format and on a timely basis; and make available at reasonable times and for reasonable periods records and other programmatic or financial records, books, reports, and supporting documents for reviewing and copying by the Recipient, U.S. Department of Justice, Bureau of Justice Assistance or their authorized representatives. The monthly reports are due to the Recipient no later than the 15th calendar day of the following month. The monthly performance reports must contain the following information:
 - a) A detailed list of all projects or activities for which FY 2016 Byrne JAG funds were expended or obligated during the previous month, including:
 - (1) The name of project or activity;
 - (2) A description of project or activity; and
 - (3) An evaluation of the completion status of the project or activity.
- 5) Submit monthly Request for Reimbursement (RFR) forms and vendor report forms with an original signature by an authorized representative to the Grant Specialist, Grants and Program Management Unit, Fort Worth Police Department, 505 West Felix Street, Fort Worth, TX 76115 no later than the 15th calendar day of the month following expenditures. Reimbursements by the Recipient will not be made until after receipt of

an acceptable and approved RFR and a monthly programmatic report from the Subrecipient. Reimbursements shall be made within 30 days receipt of said documents. The monthly RFRs and Vendor Report Forms must contain the following information:

- a. The amount of FY 2016 Byrne JAG funds that were expended to projects or activities during the previous month; and
 - b. The amount of FY 2016 Byrne JAG funds that were obligated during the previous month.
- 6) Submit any and all proposed changes to the attached budget to the Recipient prior to any expenditure deviation from approved budget. No expenditures inconsistent with the attached budget shall be made by Subrecipient prior to receiving written approval from Recipient. Failure to obtain pre-approval for deviations from budget may result in a denial of reimbursement.
- 7) Maintain financial, programmatic, and supporting documents, statistical records, and other records pertinent to claims submitted during the contract period for a minimum of five (5) years after the termination of the contract period, or for five (5) years after the end of the federal fiscal year in which services were provided. Such records shall be available to Recipient for investigation, examination and audits as necessary. If any litigation, claim, or audit involving these records begins before the fifth (5) year period expires, the Recipient will notify the Subrecipient of such litigation, claim or audit, and Subrecipient will be responsible for maintaining the records and documents for not less than three (3) years after the final conclusion of all litigation, claims, or audits. Litigation is considered resolved when a final order is issued, or a written agreement is entered into between the DOJ, Recipient and Subrecipient. Audits are considered concluded upon the closure of the audit covering the entire award period.

5. PERFORMANCE. Recipient will monitor and evaluate Subrecipient's performance using the goals and performance standards required in this MOU. Substandard performance as determined by Recipient, including noncompliance with any applicable regulation, will constitute noncompliance with this MOU. If action to correct such substandard performance is not taken by Subrecipient within a reasonable period of time after being notified in writing by Recipient, procedures to suspend or terminate the MOU will be initiated.

6. COMPENSATION. Payment by Recipient to Subrecipient shall require completion of all Recipient forms and copies of adequate supporting documentation verifying eligibility of expenses.

Subrecipient will not commingle grant funds with any other funds in any manner that would prevent Recipient from readily identifying expenditures for the FY 2016 Byrne JAG grant.

7. SUBRECIPIENT MONITORING AND MANAGEMENT.

A. Pursuant to 2 C.F.R. Section 200.331, the following information is applicable to Subrecipient's FY 2016 Byrne JAG Award:

- (1) Federal Award Identification – 2016-DJ-BX-0716
- (2) Subrecipient’s Name – City of Bedford
- (3) Subrecipient’s unique entity identifier – 069-019-438
- (4) Federal Award Identification Number (FAIN) – 2016-DJ-BX-0716
- (5) Federal Award Date – 08/26/2016
- (6) Subaward Period of Performance Start and End Date -08/01/2015 – 09/30/2019
- (7) Amount of Federal Funds obligated by this action - \$518,315.00
- (8) Total Amount of Federal Funds obligated to the Subrecipient - \$11,542.00
- (9) Federal award project description – FY16 Justice Assistance Grant Collaboration with Fort Worth, Tarrant County, Arlington, Bedford, Hurst, and North Richland Hills.
- (10) Name of Federal Awarding Agency, Pass-Through Entity – Department of Justice passed through the City of Fort Worth
- (11) CFDA Number and Name- 16.738 Edward Byrne Memorial Justice Assistance Program
- (12) Identification of whether the award is R&D- This award is not being utilized for research or development.
- (13) Indirect cost rate for the Federal award- The Subrecipient did not request reimbursement for indirect costs.

8. CERTIFICATIONS.

A. Subrecipient hereby assures and certifies that:

1. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victim of Crime Act (42 U.S.C. § 1064(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 1231-34); the Education Amendments of 1972 (20 U.S.C. §§ 1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); *see* Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
2. No federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.
3. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the Subrecipient shall complete and submit Standard Form – LL, “Disclosure of Lobbying Activities,” in accordance with its instructions.

4. If any funds have been paid or will be paid to purchase law enforcement equipment, the Subrecipient shall comply with Executive Order 13688 (“Federal Support for Local Law Enforcement Equipment Acquisition”). The term “law enforcement equipment” includes, but is not limited to administrative equipment such as office furniture and computers. It also includes military and military-styled equipment, firearms, tactical vehicles, including property covered under 22 C.F.R. 121 and 15 C.F.R. Part 774.

9. POINTS OF CONTACT

A. Recipient

The primary point of contact for Recipient is Janice Butler-McGowan, telephone number: (817) 392-1789, email address: Janice.butler-mcgowan@fortworthtexas.gov. Monthly RFRs should be submitted, in writing, to the Fort Worth Police Department, 505 West Felix Street, Fort Worth, TX 76115, Attention: Grant Specialist.

Performance reports should be submitted by the Project Directors of the aforementioned FY 2016 Byrne Justice Assistance Grant programs in writing to Fort Worth Police Department, 505 West Felix Street, Fort Worth, TX 76115, Attention: Grant Specialist.

B. Subrecipient

The primary point of contact for Subrecipient is Brandi West, telephone number: (817) 952-2107 email address: Brandi.West@bedfordtx.gov, mailing address: 2000 Forest Ridge Drive, Bedford, Texas, 76021.

C. Recipient and Subrecipient

Before any item included in an RFR would be denied as unallowable, Recipient agrees to confer with Subrecipient to allow for clarification and explanation. Recipient agrees to memorialize in writing any oral conversations concerning this subject matter.

10. ENTIRETY OF UNDERSTANDING. This MOU, including Exhibits A and B and any documents incorporated specifically herein by reference, constitutes the entire understanding between the parties as to the matters contained herein. Any prior or contemporaneous oral or written agreement or other documents are hereby declared null and void to the extent they may conflict with any provision of this MOU.

11. IMMUNITY. The Parties and their respective governing bodies do not waive their sovereign immunity by entering into this MOU, and each fully retains all immunities and defenses provided by law or otherwise with respect to any action based on or occurring as a result of this MOU.

12. INDEPENDENT CONTRACTOR. The parties to this MOU do not intend to enter into a legal partnership, as that term is used to describe a legal entity and to involve joint and several

liabilities. Recipient shall operate hereunder as an independent contractor and not as an officer, agent, servant or employee of Subrecipient. Likewise, Subrecipient shall operate hereunder as an independent contractor and not as an officer, agent, servant or employee of the Recipient. Neither Recipient nor Subrecipient shall be responsible under the Doctrine of Respondeat Superior for the acts and omissions of the officers, members, agents, servants, employees, or officers of the other.

13. OTHER PROVISIONS. Nothing in this MOU is intended to conflict with any current laws or regulations or with the directives of the City of Fort Worth or City of Bedford. The provisions of this MOU are severable and if for any reason a clause, sentence, paragraph or other part of this MOU shall be determined to be invalid by a court or federal or state agency, board or commission having jurisdiction over the subject matter thereof, such invalidity shall not affect other provisions which can be given effect without the invalid provision.

Any monies expended by a party under or in connection with this MOU must come from funds currently available to that party.

Subrecipient agrees that Recipient or its representatives shall, until the expiration of five (5) years after the grant period, have access to and the right to examine any directly pertinent books, documents, papers and have access during normal working hours to all necessary facilities and shall be provided adequate and appropriate workspace in order to conduct audits in compliance with the provisions of this section. Recipient shall give Subrecipient reasonable advance notice of intended audits.

14. TERM. This MOU will become effective on the date it is executed by both parties (“Effective Date”) and will remain in effect until the later of (1) expiration of the grant period or (2) submission of the final report regarding the FY 2016 Byrne Justice Assistance Grant to the DOJ.

15. MODIFICATION AND AMENDMENT. No amendment, modification, or alteration of the terms of this MOU shall be binding unless the same is in writing, dated subsequent to the date hereof, and duly executed by the parties hereto.

16. NOTICES. Notices required pursuant to the provisions of this MOU shall be conclusively determined to have been delivered when (1) hand-delivered to the other party, or (2) received by the other party by United States Mail, registered, return receipt requested, addressed as follows:

For the City of Fort Worth:
Janice Butler-McGowan
Grant Specialist
City of Fort Worth Police Department
505 West Felix Street
Fort Worth, TX 76115

For the City of Bedford:
Kelli Agan, Interim City
Manager
2000 Forest Ridge Bedford,
TX 76021

17. TERMINATION.

It is expressly understood and agreed by and between the parties that this MOU is wholly conditioned upon the actual receipt by Recipient of the FY 2016 Byrne JAG Grant; that all monies distributed to Sub recipient hereunder shall be exclusively from Federal funds received under said grant and not from any other monies of Recipient; and that if such funds are not timely forthcoming, in whole or in part, Recipient may, at its sole discretion, terminate with MOU and Recipient shall not be liable for payment for any work or services performed by Sub recipient under or in connection with this MOU.

Either party may terminate this MOU at any time, by providing the other party with sixty (60) days' written notice of termination.

Recipient may terminate this MOU whenever such termination is determined to be in Recipient's best interest, in event of Sub recipient default, inability or failure to perform or to comply with any of the terms herein, or for other good cause.

Termination will be effected by written notice to Sub recipient, specifying the portions of the MOU affected and the effective date of termination. Subrecipient shall be reimbursed for valid, eligible expenditures made prior to termination. Recipient will have no responsibility or liability for Subrecipient's expenditures or actions occurring after the effective date of termination.

18. SIGNATURE AUTHORITY. The person signing this MOU hereby warrants that he or she has the legal authority to execute this MOU on behalf of his or her respective party, and that such binding authority has been granted by proper order, resolution, ordinance, or other authorization of the entity. The other party is fully entitled to rely on this warranty and representation in entering into this MOU.

[The remainder of this page was intentionally left blank.]

ACCEPTED AND AGREED:

CITY OF BEDFORD:

By: _____
Kelli Agan
Interim City Manager

Date: _____

APPROVED AS TO FORM AND LEGALITY:

City of Bedford

Printed Name: _____

Signature: _____

Date: _____

Contract Compliance Manager:

By signing I acknowledge that I am the person responsible for the monitoring and administration of this contract, including ensuring all performance and reporting requirements.

Name of Employee

Title

ACCEPTED AND AGREED:

CITY OF FORT WORTH:

By: _____
Valerie R. Washington
Assistant City Manager

Date: _____

APPROVAL RECOMMENDED:

By: _____
Joel F. Fitzgerald
Chief of Police

Date: _____

APPROVED AS TO FORM AND LEGALITY:

By: _____
Jo Ann Pate
Assistant City Attorney

Date: _____

Contract Authorization:

M&C: _____

Date Approved: _____

ATTEST:

By: _____
Mary J. Kayser
City Secretary