

A G E N D A

Regular Meeting of the Bedford City Council
Monday, August 24, 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

- Presentation by David Pettit Economic Development.
- Discussion on recreation storefront option at 209 Harwood Road in Bedford.
- Update on Covid-19 pandemic; impacts, planning, and future considerations.
- Follow-up discussion on viability plans for a meeting/entertainment venue(s).

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 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2, Lot 1, Bedford Baptist Temple Sub.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Park Place Meadow Block 1 Lot 4R1A.

REGULAR SESSION

CALL TO ORDER/GENERAL COMMENTS

INVOCATION

PLEDGE OF ALLEGIANCE

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

CONSIDER APPROVAL OF ITEMS BY CONSENT *(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) August 1, 2020 work session
 - b) August 3, 2020 special session
 - c) August 10, 2020 work session
 - d) August 11, 2020 regular session
 - e) August 17, 2020 special session
2. Consider a resolution of the City Council of Bedford, Texas authorizing the submission of a HOME Investment Partnership Program grant application to the HOME Homeowners Rehabilitation Program administered by the Community Development and Housing Division of Tarrant County, Texas; and agreeing to meet all match contribution requirements for the expenditures under the Tarrant County HOME Investment Partnership Program for program year 2020.

NEW BUSINESS

3. Consider an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2020 through September 30, 2021; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date.
4. Consider a resolution to ratify the property tax increase as reflected in the FY 2020-2021 City of Bedford Program of Services (Budget).
5. Consider an ordinance levying taxes for the Tax Year 2020 for the City of Bedford, Texas; establishing the Ad Valorem Tax Rate of _____ per one hundred dollars valuation; providing for the apportionment of taxes for interest and sinking and for general operating needs; providing penalties and interest for delinquent taxes; and providing an effective date.
6. Consider a resolution of the City Council of the City of Bedford, Texas approving an Economic Development Program Agreement, pursuant to Chapter 380 of the Texas Local Government Code and the City's Economic Development Incentive Policy and Program, with Northern Tool + Equipment Company, Inc.
7. Consider a resolution authorizing the Interim City Manager to enter into a contract with A & M Construction and Utilities, Inc., in the amount of \$2,217,876.70, for the SWIFT-20-10 Harwood Road-Hurst City Limits to Bedfordshire Water System Improvements Project.
8. Consider a resolution authorizing funding, ratifying the expenditure, and authorizing the Interim City Manager to expend funds to Reynolds Asphalt and Gra-Tex Utilities, in the amount of \$55,225, for emergency water line and street repairs on Bedford Road due to a major water main break on July 29, 2020.
9. Mayor/Council Member Reports

10. 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**

11. City Manager/Staff Reports

- a. **Presentation on certain policies adopted by the Bedford Police Department.**
- b. **Discussion regarding Generations Park monument signage.**
- c. **Report on Phase Next cost estimate.**
- d. **Report on efficiency study options and pricing.**

12. 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, August 21, 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: Brian TenEyck, Recreation Manager

DATE: 08/24/20

Work Session

ITEM:

Discussion on recreation storefront option at 209 Harwood Road in Bedford.

City Attorney Review: N/A

DISCUSSION:

Staff will present a recreation storefront option to bridge recreation activities until the new Center at Generations Park is built. A representatives from Parkwood Village Shopping Center will be available to answer any follow up questions.

ATTACHMENTS:

PowerPoint

BEDFORD RECREATION STORE FRONT

209 Harwood Rd. Bedford TX 76021

Property Information



SUITE	SF
125-133	2,464
125-137	3,292
141-103	896
209A	6,262
217-209	4,530*

*2nd generation restaurant

FOR LEASE

GLA 157,954 SF
 AVAILABILITY 896 - 6,262 SF
 PRICING Call For Rates
 \$3.11 PSF NNN

- Densely populated area
- Great tenant mix
- Convenient location to major highways
- Join these and other tenants:



DEMOGRAPHICS	1 MILE	3 MILE	5 MILE
Population	10,577	121,101	263,132
Average HH Income	\$108,429	\$86,408	\$98,214
Households	4,348	49,285	101,456
Daytime Population	5,368	47,370	98,330

2019 Costar Estimates



FOR MORE INFORMATION, PLEASE CONTACT

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214 466 1549

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ERIC DEUILLET
214 466 1545

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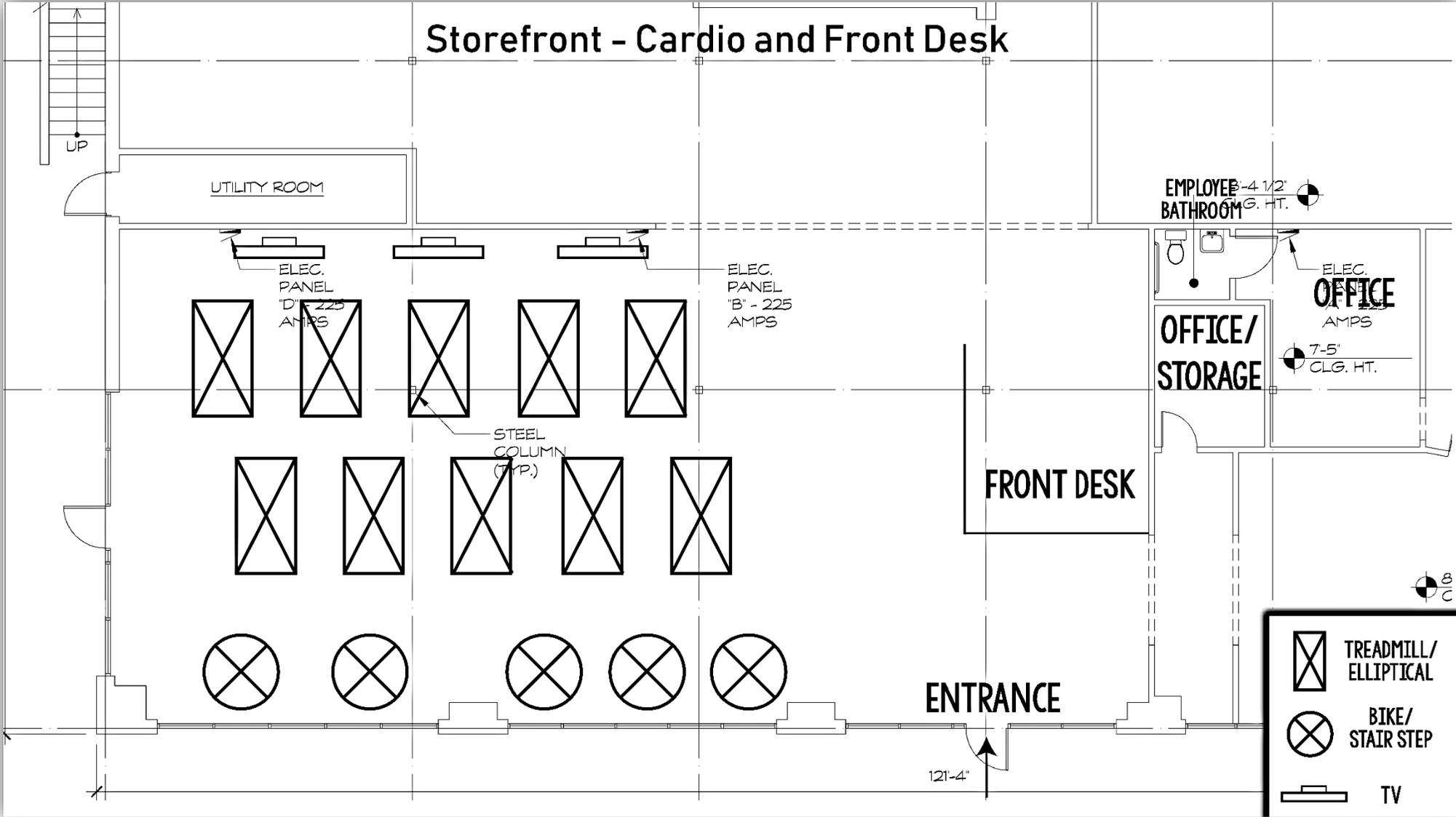
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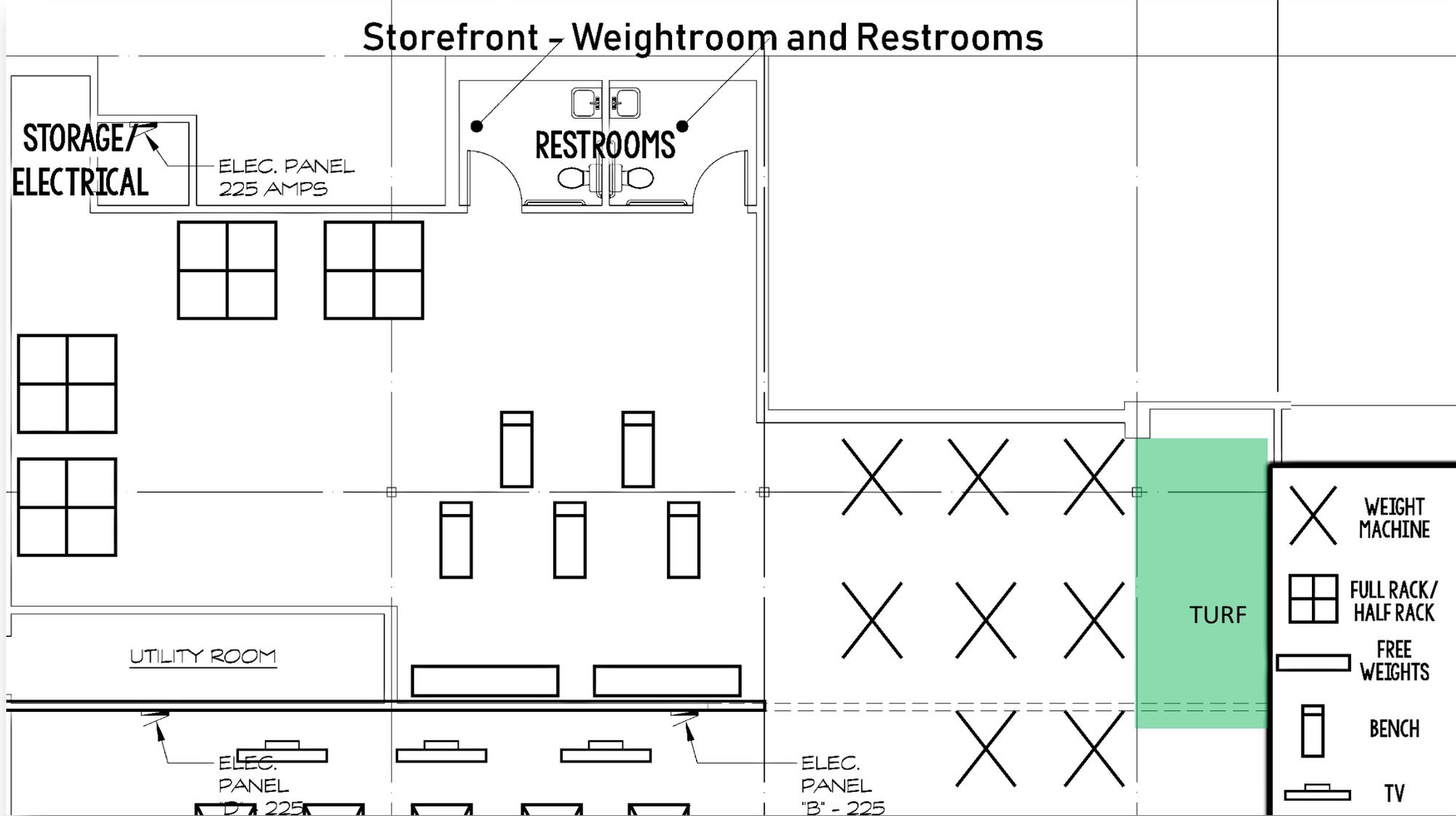
Executive Summary

- The City of Bedford Parks and Recreation Department provides ample opportunities for parks, recreation facilities, and program services to Bedford citizens that significantly contributes to the quality of life for City residents.
- The storefront will allow the Recreation Department to keep its membership base intact and continue engaging its residents. This community engagement will also aid in the marketing for The Center at Generations Park.
- By using an independent storefront, staff will lessen the load of programming at the Old Bedford School by having a space for recreation classes and events.
- The storefront will provide the Recreation Department an opportunity to develop a successful business model and market plan to be utilized at The Center.

Room Layout - Cardio

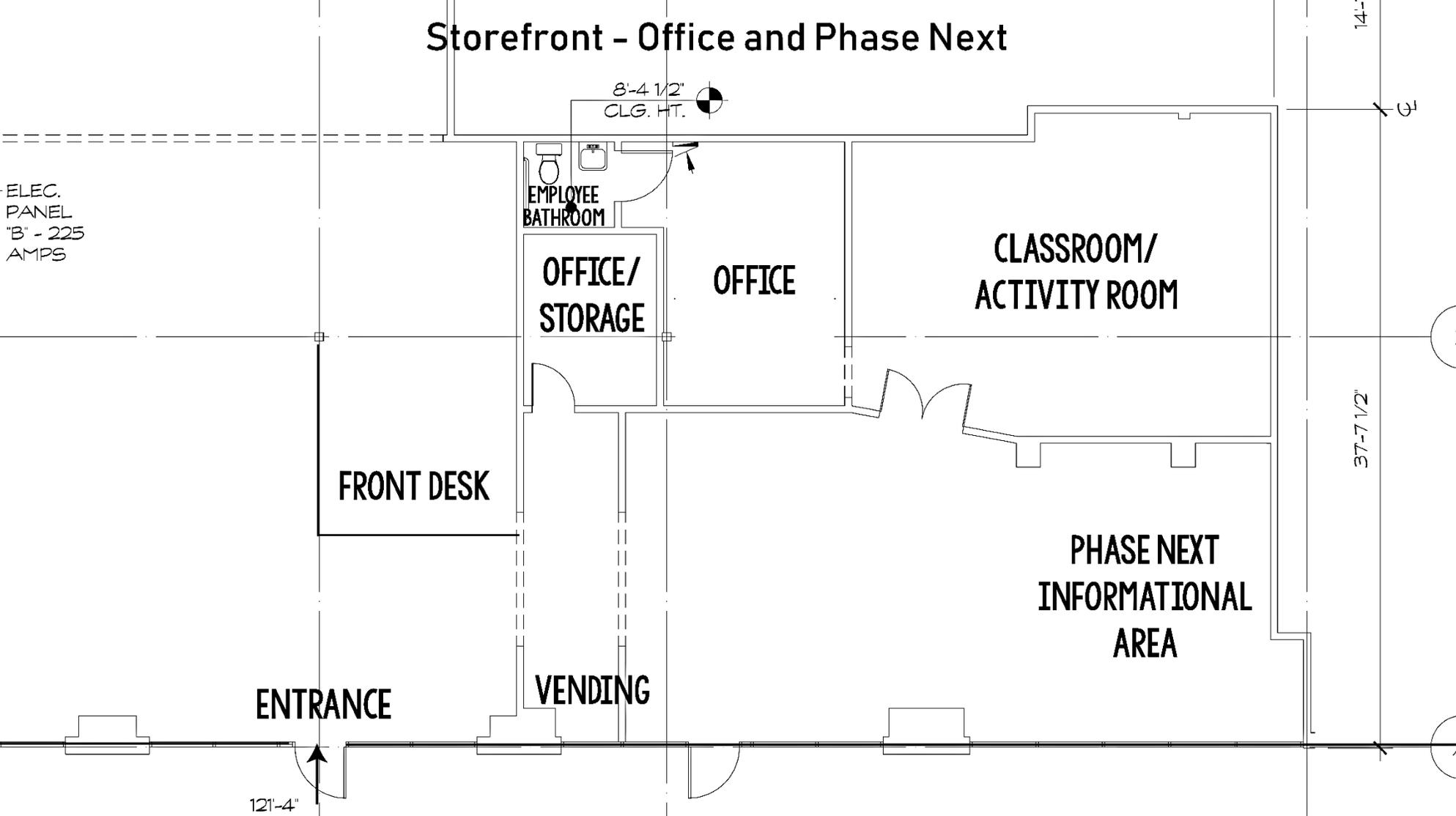


Room Layout - Weight Room



	WEIGHT MACHINE
	FULL RACK / HALF RACK
	FREE WEIGHTS
	BENCH
	TV

Room Layout – Classroom, Phase Next, and Office



Business Hours

HOURS OF OPERATION OPTION 1

Monday - Friday: 7:00 a.m. - 9:00 p.m.

Saturday - Sunday: 8:00 a.m. - 5:00 p.m.

HOURS OF OPERATION OPTION 2

Monday - Friday: 7:00 a.m. - 9:00 p.m.

Membership Pricing

MEMBERSHIPS*

Category	Monthly Pass	Annual Pass
Adult (16+)	Resident: \$ 17.00 Non-resident: \$22.00	Resident: \$127.00 Non-resident: \$202.00
Senior (55+)	Resident: \$12.00 Non-resident: \$17.00	Resident: \$82.00 Non-resident: \$122.00

Day Pass: \$7.00

*Same price as BRAC rates

Class Schedule* - Store Front

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00 a.m. – 9:00 a.m. REFLECT - TONE	8:00 a.m. – 9:00 a.m. REFLECT - CARDIO	8:00 a.m. – 9:00 a.m. REFLECT - PILATES	8:00 a.m. – 9:00 a.m. REFLECT - CARDIO	8:00 a.m. – 9:00 a.m. REFLECT - TONE
9:30 a.m. – 10:30 a.m. YOGA	9:00 a.m. – 10:00 a.m. LOW IMPACT EXERCISE	9:30 a.m. – 10:30 a.m. YOGA	9:00 a.m. – 10:00 a.m. LOW IMPACT EXERCISE	9:30 a.m. – 10:30 a.m. YOGA
11:00 a.m. – 12:00 p.m. REFLECT – STRENGTH	10:15 a.m. – 11:15 a.m. PERSONAL TOUCH	11:00 a.m. – 12:00 p.m. REFLECT - STRENGTH	11:15 a.m. – 12:15 p.m. TAI CHI	11:00 a.m. – 12:00 p.m. REFLECT - STRENGTH
1:00 p.m. – 4:00 p.m. LINE DANCING	11:15 a.m. – 12:15 p.m. TAI CHI	1:00 p.m. – 2:00 p.m. REFLECT - BOXING	1:00 p.m. – 2:00 p.m. REFLECT - CORE	1:00 p.m. – 2:00 p.m. REFLECT - BOXING
6:00 p.m. – 6:45 p.m. CHEER	1:00 p.m. – 2:00 p.m. REFLECT - BOXING	2:00 p.m. – 3:00 p.m. REFLECT - STRETCHING	3:00 p.m. – 4:00 p.m. REFLECT - CARDIO	2:00 p.m. – 3:00 p.m. REFLECT – STRETCHING
7:00 p.m. – 8:00 p.m. SALSA	3:00 p.m. – 4:00 p.m. REFLECT - CARDIO	4:00 p.m. – 5:00 p.m. KIDS SALSA	5:00 p.m. – 6:00 p.m. BALLET	5:00 p.m. – 6:00 p.m. REFLECT – PILATES
8:00 p.m. – 9:00 p.m. BACHATA	6:00 p.m. – 7:00 p.m. ZUMBA	5:30 p.m. – 6:30 p.m. PERSONAL TOUCH	6:00 p.m. – 7:00 p.m. HIP HOP DANCE	6:00 p.m. – 7:00 p.m. BOOTCAMP
	7:00 p.m. – 8:00 p.m. SALSA	6:30 p.m. – 7:30 p.m. BOOTCAMP	7:00 p.m. – 8:00 p.m. ZUMBA	7:00 p.m. – 8:00 p.m. TANGO
	8:00 p.m. – 9:00 p.m. BACHATA			8:00 p.m. – 9:00 p.m. TANGO

 - Included with membership

*CLASSES AND SCHEDULE SUBJECT TO CHANGE

Expenditures – Equipment

Workout and Weight Equipment

Chin-Up Weider Power Tower	\$250.00
Squat Racks (2) Rogue Fitness	\$1,200.00
Weight Set	\$450.00
Dumbbells 5lbs-60lbs	\$1,100.00
Dumbbell Rack	\$250.00
Bench Press Rack (2)	\$1,000.00
Roman Chair	\$200.00
Ballet Barre	\$225.00
Plyometric Box Set	\$200.00
Echelon Reflect 50" – 2 yr Plan	\$2,200.00
Echelon EX1 Max Bike – 2 yr Plan	\$1,600.00
Indoor Tire Flip Machine	\$1,300.00
Total	\$9,975.00



Chin-Up Power Tower --

-- Echelon Reflect 50"



Indoor Tire Flip --

-- Plyometric Box Set



-- Echelon Max Bike



Staffing and Schedules

Store Front Staffing

- Barrett Albright - Recreation Administrative Coordinator
- Janell Denton - Recreation/Senior Programs Supervisor
- Mike Radoyevich – Aquatics/Athletics Coordinator
- Dale Dawson - Building Maintenance Store Front/OBS
- 2 Customer Service Attendants shifts daily
 - 6:45 a.m. to 12:30 p.m.
 - 5:00 p.m. to 9:30 p.m.

Employee Schedule – Weekday*

Time	Employee
6:45 a.m. – 12:30 p.m.	Part-time Staff
11:30 a.m. – 5:30 p.m.	Barrett A./Janell D. /Mike R.
5:00 p.m. – 9:30 p.m.	Part-time Staff

*Schedule may change for weekend shifts

Ongoing Expenditures - Staffing and Rent

Weekends Open –

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6:45a - 12:30p	7:45a - 12:30p	7:45a - 12:30p				
11:30a - 5:30p						
5p - 9:30p						

 Part-time Staff
 Full-time Staff

Number of Hours: 72.75 (part-time)
 Average hourly cost of CSA: \$11.50
 Weekly cost of Part-Time staff: $72.75 \times \$11.50 = \836.63 - \$3,346.52 monthly (approximate)
Yearly cost of Part-Time Staff: \$41,831.25 (50 weeks)

Weekends Closed

Monday	Tuesday	Wednesday	Thursday	Friday
6:45a - 12:30p				
11:30a - 5:30p				
5p - 9:30p				

 Part-time Staff
 Full-time Staff

Number of Hours: 51.25 (part-time)
 Average hourly cost of CSA: \$11.50
 Weekly cost of Part-Time staff = $51.25 \times \$11.50 = \589.38 - \$2,357.52 monthly (approximate)
Yearly cost of Part-Time Staff: \$29,468.75 (50 weeks)

Rental Expenditures – Option 1

Rent	\$5,200.00
Internet	\$600.00*
Triple Net <small>(water, taxes, insurance)</small>	\$1,600.00
Electricity	\$300.00*
Total	\$7,700.00

Rental Expenditures – Option 2 Including Construction Cost

Rent	\$5,660.00
Internet	\$600.00*
Triple Net <small>(water, taxes, insurance)</small>	\$1,600.00*
Electricity	\$300.00
Total	\$8,160.00

*estimates

Initial Capital Expenses –

Flooring – Merit Flooring		
4400 s.f.	Prep, provide and install Rubber floors.	\$16,096.00
522 s.f.	Prep, provide and install LVP.	\$2,149.92
140 s.f.	Prep. Provide, and install VCT.	\$470.86
20 yds	Prep, provide and install Carpet.	\$366.62
480 lf	Remove and replace cove base.	\$893.60
	Total	\$19,977.00

Walls – Ware Brothers			
Tape/bed/Texture in front office, paint all walls excluding ceilings.		\$6,500.00	
Remove existing double door in front room. Install double glass atrium door; labor and material.		\$2,400.00	
Remove existing ceiling tiles in front room . Change 2x4 grid to 2x2 grid and replace with upgraded ceiling tiles.		\$5,600.00	
		Subtotal	\$14,500.00
		Contracting Fee	\$1,740.00
		Total	\$16,240.00

Flooring	\$19,977.00
Walls	\$16,240.00
Grand Total	\$36,217.00

Quotes provided by Facility Maintenance

Initial Capital Expenses -

Turf Flooring – Winter Green

270 s.f.	Artificial Grass and Install	\$2,500.00
	Total	\$2,500.00



Turn Key Expenditures – Structure Commercial Leasing

Flooring		
4400 s.f.	Prep, provide and install Rubber floors.	\$28,216.00
522 s.f.	Prep, provide and install LVP.	\$1,827.00
140 s.f.	Prep. Provide, and install VCT.	\$490.00
20 yds	Prep, provide and install Carpet.	\$440.00
480 lf	Remove and replace cove base.	\$720.00
	Total	\$31,693.00

Walls	
Tape/bed/Texture in front office, paint all walls excluding ceilings.	\$3,250.00
Remove existing double door in front room. Install double glass atrium door; labor and material	\$1,490.00
Remove existing ceiling tiles in front room . Change 2x4 grid to 2x2 grid and replace with upgraded ceiling tiles.	\$2,160.00
	Total
	\$6,900.00

Flooring	\$31,693.00
Walls	\$6,900.00
Grand Total	\$38,593.00

Revenue Plan

Revenues	Patrons (monthly)	Monthly	Yearly
Memberships	65	\$1,100.00	\$13,200.00
Classes (9)	40	\$1,200.00	\$14,400.00
Personal Training	7-10	\$500.00	\$6,000.00
Rentals	4*	\$200.00	\$2,400.00
Vending	NA	\$100.00	1,200.00
Total		\$3,100.00	\$37,200.00

* Rentals revenue for option 2 store hours – open on weekends



Council Agenda Background

PRESENTER: Sean Fay, Fire Chief/Emergency Management Coordinator

DATE: 08/24/20

Work Session

ITEM:

Update on Covid-19 pandemic; impacts, planning, and future considerations.

City Attorney Review: N/A

DISCUSSION:

The presentation will give an update on the spread of Covid-19 in Tarrant County and in the City of Bedford, with associated impacts to services, contingency planning, and future considerations.

ATTACHMENTS:

PowerPoint

Covid-19 3rd Council Update

Office of Emergency Management

Interim Report on

Covid-19 Disaster, March 2020

Covid-19, 3rd Council Update

Covid-19, March 2020 Disaster Goals:

#1 Life Safety

#2 Continuance of services

#3 Fiscal sustainability

Covid-19, 3rd Council Update

TIMELINE AND EVENTS REVIEW

(03/13/2020) First Council Update - From March 13, 2020 to April 28, 2020 (46 Days)

(04/28/2020) Second Council Update - From April 28, 2020 to June 17, 2020 (50 Days)

(08/24/2020) This Council Update - From June 17, 2020 to August 12, 2020 (56 Days)

Covid-19, 3rd Council Update

SNAP SHOT
COMPARISON

	April 28, 2020 FIRST BRIEFING	June 17, 2020 SECOND BRIEFING	August 12, 2020 THIRD BRIEFING
TARRANT COUNTY			
Total Cases	2088	7822	34,774
Deaths	58	199	434
Recovered	289	3427	24,270
Hosp. Bed Availability	46%	33%	31%
BEDFORD			
Total Cases	48	120	588
Deaths	0	4	6
Recovered	4	63	389

Source: <https://www.tarrantcounty.com/en/public-health/disease-control---prevention/coronaviruas.html>

Covid-19, 3rd Council Update

Impacts to services

Operational Contingency Planning

Future Considerations

Covid-19, 3rd Council Update

DISCUSSION



Council Agenda Background

PRESENTER: Michael Boyter, Mayor

DATE: 08/24/20

Work Session

ITEM:

Follow-up discussion on viability plans for a meeting/entertainment venue(s).

DISCUSSION:

This item is a follow-up to the discussion on the viability plans for a meeting/entertainment venue(s) from the Council meeting on August 11, 2020.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 08/24/20

Minutes

ITEM:

Consider approval of the following City Council minutes:

- a) August 1, 2020 work session
- b) August 3, 2020 special session
- c) August 10, 2020 work session
- d) August 11, 2020 regular session
- e) August 17, 2020 special session

DISCUSSION:

N/A

ATTACHMENTS:

August 1, 2020 work session
August 3, 2020 special session
August 10, 2020 work session
August 11, 2020 regular session
August 17, 2020 special session

Council Minutes August 1, 2020

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in work session at 8:30 a.m. in City Hall Building C, 1805 L. Don Dodson, Bedford, on the 1st day of August, 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 at 8:51 a.m.

Staff present included:

Cliff Blackwell	Interim City Manager
Michael Wells	City Secretary
Stephanie Ayers	Human Resources Director
Natalie Foster	Public Information Officer
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director

Staff present via videoconference included:

Chuck Carlisle	Facility Services Manager
Sean Fay	Fire Chief
Jeff Gibson	Police Chief
Wendy Hartnett	Special Events Manager
Don Henderson	Parks Superintendent
Kenny Overstreet	Public Works Director
Maria Redburn	Library Director
Bill Syblon	Development Director
Cheryl Taylor	City Engineer
Brian TenEyck	Recreation Manager
David Yancy	Information Technology Manager

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the Work Session to order at 8:31 a.m.

WORK SESSION

1. Receive and discuss FY 2020-2021 budget overview.

Council Minutes August 1, 2020

Interim City Manager Cliff Blackwell stated the City faced several challenges this year, including COVID-19, civil unrest, and a potential economic downturn, with fiscal sustainability becoming the highest priority as the City dealt with these issues. He further stated the presented budget is realistic and maintains the same quality of services. There is a decrease from the current budget due primarily to one-time line items in the current budget and turnover in the public safety departments. The only commitments in the budget are maintaining the current service level, the public safety step plan, and the Enterprise vehicle replacement program. No other additional programs or personnel were included in the budget in order to give Council options. He discussed the impact of Senate Bill 2 in moving up the dates required to pass the budget.

Strategic Services Manager Meg Jakubik stated the budget strategy and assumptions include Council goals and their strategic plan, funding the existing levels of services, the effects of the COVID-19 pandemic, and a utility rate study. There has been an average increase in the Consumer Price Index of 1.58 percent, and in the Municipal Price Index of 1.61 percent, over the previous five years. She presented information on the City's gross sales tax history and stated the drops due to the pandemic were not as significant as they could have been. The taxable value for this year is \$4.894 billion, and a comparison of over the past few years shows significant increases that are beginning to level off. There is a 4.6 percent growth in taxable value over the previous year, and an increase in the average net taxable value of a home in Bedford from \$220,040 to \$227,410. A comparison of area cities shows Bedford to be in the mid-range of employees per 1,000 residents and budget per capita.

Ms. Jakubik presented an overview of the budget. Revenues by fund show the General Fund making up a majority, followed by the Water/Sewer Fund. She presented a comparison of revenues from Fiscal Year 2019 and 2020, which shows an increase in property tax and a decrease in charges for services, primarily due to the modification in operations for aquatics and recreation. There are decreases in fines due to staffing issues in the Police Department and interest due to market conditions and increases in transfers to the General Fund. Ms. Jakubik presented a breakdown of expenditures by department and classification across all funds, which shows Public Works to be the largest Department, followed by public safety, with 41 percent of the overall budget being personnel, followed by debt/transfers. There was discussion on transfers and an upcoming cost allocation study. Ms. Jakubik stated expenditures for 4thFest were moved from Tourism to the General Fund, and the budget for the Old Bedford School was reduced to the operation of the building and placeholder vacancies. An increase in Water and Sewer expenditures is to true up purchases, an increase in the General Fund is due to higher contractual fees, and personnel costs were reduced due to several tenured employees leaving the City.

Ms. Jakubik presented information on the General Fund, and stated revenue is beginning to outpace expenditures due to strategic decisions made by the Council. Property taxes make up 47 percent of revenue, followed by sales tax. There are decreases for charges for service and increases in franchise taxes, mainly with the cable franchise, and ambulance billing due to the change in the billing provider. Seventy-seven percent of General Fund expenditures go towards personnel, and two-thirds of expenditures go towards public safety. Overall, the General Fund expenditures are \$36,028,621 compared to \$37.1 million the previous year. Changes in the General Fund include the Behavioral Intervention Unit (BIU) moving under the Criminal Investigations Division, the Senior Center moving under Recreation, a reduction in aquatics expenses, 4thFest moving to the General Fund, and a decrease in certain identified personnel expenses for those who responded to the pandemic since their salaries are covered by the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Ms. Jakubik stated the public safety step plan is the only compensation package included in the presented budget, and one-third of employees on the step plan have maxed out. She further stated the fourth round of the Enterprise program did not include new budget dollars due to reallocation of other funding.

Council Minutes August 1, 2020

Ms. Jakubik presented information regarding the tax rate. The no-new-revenue tax rate, formally known as the effective tax rate, is calculated at \$0.562799 per \$100 valuation. The voter approved tax rate, formally the rollback rate, is calculated at \$0.571968 per \$100 valuation, and is the figure used to fund the proposed budget. There was discussion on increases in the senior tax ceiling, taxable values leveling off, and decreases in protests on appraisals. Mr. Blackwell stated the City would still have a surplus if the no-new-revenue tax rate was adopted. A comparison with the proposed tax rate to the previous year's rate shows a slight decrease in debt service portion and a 2.7 percent increase in the maintenance and operations portion. Ms. Jakubik presented an overview of the City's tax rate history since 2010 and the overlapping tax rate, showing the City making up 23.9 percent of the rate, with the Hurst-Euless-Bedford Independent School District making up 51.3 percent. The impact of the proposed tax rate on the average home in Bedford is approximately \$50.00. Ms. Jakubik presented information on the impact of the tax rates on newly qualified senior exemption properties. She presented a breakdown of the monthly cost allocation of a taxpayer's bill and stated approximately half goes towards funding public safety.

Ms. Jakubik presented information on the Debt Service Fund, including an overview of the current debt service schedule totaling \$7,334,470. She stated staff is not proposing any bonds this fiscal year. She presented an overview of the annual funding requirements, which shows a downward trend.

Ms. Jakubik presented an overview of special revenue funds. She stated the Street Improvement Economic Development Corporation (SIEDC) Fund is funded primarily through sales tax and expenditures are reviewed and approved by the SIEDC board. She stated cash resources are being utilized for street maintenance needs as the debt for this fund has been paid off. Supplemental requests in the Fund include replacements for a haul trailer and message boards. Ms. Jakubik presented information on the Tourism Fund, which is funded through the hotel/motel occupancy tax, and stated the budget was increased as things begin to open back up. The budget will also be amended for an arts grant program. There was discussion on BluesFest, including revenue and expenditures; making the festival pay for itself or finding another avenue to fund it so it does not affect the arts grant program; increasing ticket prices; potential attendance; sponsorships; costs savings for deposits on entertainment; revenue from the barbecue portion of the event; holding further Council discussion on BluesFest; and possibly moving it to October or Memorial Day weekend. There was further discussion on the impact of COVID-19 on the hotel/motel occupancy tax; revenue projections for the hotel/motel tax; and fluidity in City operations to compensate for changes in revenue.

Ms. Jakubik presented an overview of the City's minor funds, including Commercial Vehicle Enforcement, Public, Educational, and Governmental (PEG), Beautification, Park Donations, and Court Funds. There was discussion regarding the PEG fund, including limitations on what it can be used and using it to solve audio issues in the Council Chambers.

Ms. Jakubik presented an overview of the enterprise funds. Water and sewer charges are the majority of the revenue in the Water/Sewer Fund, and two-thirds of expenditures are direct payments to the Trinity River Authority (TRA). She showed projections for increases in costs for water and wastewater from TRA through 2025, and the current water and sewer rates. The majority of revenue in the Stormwater Fund comes from stormwater charges, and a majority of expenditures goes towards debt service and transfers. There was discussion on the history of stormwater charges and possible rate increases.

Human Resources Director Stephanie Ayers presented information on upcoming benefits renewals. For medical insurance, the current provider, Cigna, offered a rate pass equating to a

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one percent decrease. UHC offered a seven percent decrease, and a 9.9 percent rate cap for the following year. Aetna offered a 14 percent decrease and \$25,000 in wellness credits. Ms. Ayers stated staff is recommending contracting with Aetna for medical insurance. There was discussion on the City's claims and premiums. Ms. Ayers presented a comparison of the current plans and the two Aetna High Deductible High Premium (HDHP) plans, the Texas Health Resources THA plan and an Exclusive Provider Organization (EPO) buyup plan. There was discussion on the THA plan, including the hospitals and facilities that can be utilized. Ms. Ayers presented multiple options to Council with the Aetna plans, including various funding amounts into employee Health Savings Accounts (HSA), premium reductions, and overall savings to the City. She presented an overview of benchmarking of Bedford's medical insurance compared to other cities. There was discussion on the City's and employee contributions to medical insurance; the benchmarking figures; the reasons for decreasing costs; and possible changes to coverage. Ms. Ayers presented information on other benefit renewals, including Life and AD&D with Cigna at a decrease of five percent along with a true open enrollment; Long Term Disability with Cigna at a decrease of six percent, with an increase to the maximum from \$5,000 to \$10,000; the employee clinic through Texas Health Resources; and the Employee Assistance Program with Alliance Work Partners with a rate pass.

Ms. Ayers presented the top reasons for employees leaving the City during the current fiscal year, including career change, dissatisfaction with pay, dissatisfaction with benefits, retirement, and unsureness of the City's future. There was discussion on the total number of employees that have left due to unsureness of the City's future, the total number of employees that have left in the previous year, the number of employees who did exit interviews versus those that did not, and how many employees have left per department. There was discussion on the number of employees who have left the Police Department, including the reasoning; that the Police Department is down 14 sworn officers out of 89; dissatisfaction with pay and benefits, including HSA contributions and Texas Municipal Retirement System (TMRS) options; police officer pay compared to other cities; a recent compensation study; reclassification of positions within the Department; and the policy and a supplemental request regarding holiday pay. Ms. Ayers presented a comparison of the City's TMRS benefits with other area cities and the cost of adding various options to the benefits. There was discussion comparing the City's TMRS benefits to cities to where the City is losing employees; and the costs on adding options to TMRS.

Item #2 was presented and discussed at this point in the meeting.

Ms. Jakubik presented information on unfunded capital needs, including painting and interior coating of the Cummings Elevated Storage Tank, painting the Simpson Terrace Elevated Storage Tank, Harwood Road from Forest Ridge Drive to the Hurst city limits, the Sulphur Branch 18" trunk sewer, rehabbing the Hurricane Creek and Bear Creek trunk sewers, Basin 16.0W, channel improvements from State Highway 183 to Bedford Road, and reconstruction of Shady Lake Drive and Briar Drive. In response to questions from Council, Public Works Director Kenny Overstreet stated the two storage tank painting items could not be paid for from the State Water Implementation Fund for Texas (SWIFT) loans. There was discussion on the need to paint the water tanks.

Ms. Jakubik presented information on unfunded equipment replacement, including computers; ambulance M155; a plymovent system for one of the fire stations; defibrillators on Fire apparatus; workout equipment for the Fire Department; a brake lathe and vehicle lift for the Public Work's Fleet Division; and a tractor with backhoe attachment and two mowers for the Parks Division. Ms. Jakubik presented information on unfunded maintenance needs, including roof replacements for City Hall Building A, the Law Enforcement Center, and Animal Control; a camera system for the Police Department; painting the Law Enforcement Center; a security camera system for the Fire

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Department; bay door replacement and floor resurfacing at the Public Work Service Center garage; and carpet replacement at the Library. There was discussion on the items presented by Ms. Jakubik; Fire Department radios and self-contained breathing apparatuses; adding security cameras and replacing the gates and fence at the Law Enforcement Center; the outdoor warning system; and funding a standing amount for capital replacement.

Ms. Jakubik presented information on priority supplemental requests, including an assistant Emergency Management Coordinator position; contributions to employee Health Savings Accounts; a performance management, learning management, and onboarding software for Human Resources; a public safety dispatcher position; funding to buy down the holiday accrual liability; an expansion of the Laserfiche records management system; a police officer position; the subscription for Leads Online for the Police Department; an increase in temporary assignment pay; cancer screening for firefighters; a social media specialist position; smart device data plans; and a Texas Best Practices Recognition Program for the Fire Department. There was discussion on the items presented by Ms. Jakubik, including one-time and ongoing costs.

Ms. Jakubik presented information on options for employee compensation, including two and three percent increases for general employees, and a four percent pay plan adjustment for all employees, including public safety employees on the step plan.

Council reviewed and discussed each Department with staff. In General Government, there was discussion on the payment to the North Central Texas Council of Governments for the Trinity Railway Express (TRE), the Northeast Transportation Service, staffing, and professional organizations. Council was of the consensus to eliminate the payment for the TRE.

In Support Services, there was discussion on the individual divisions and funds, staffing, travel and training, and licensing agreements with Microsoft.

In the Development Department's Neighborhood Services Division, there was discussion on training; contract labor, including the agreement with 6Stones; property abatement; citations and fine amounts; amending ordinances, including for donation bins and recouping costs for their removal; and staffing and the cost for adding another officer. There was also discussion regarding incentive grants in the Economic Development Fund.

In Administrative Services, there was discussion on the two percent reduction in debt service, the trunk radio system, and future budget considerations.

In the Police Department, there was discussion on the BIU including its move under the Criminal Investigations Division, the continuing partnership with the City of Hurst, and the possibility of another storefront location; overtime, including the reasoning behind not budgeting towards the actual amount and salary savings offsetting the deficit; funding through the CARES Act; training and the impact of closures of facilities due to COVID-19; the agreement with Immigration and Customs Enforcement for housing prisoners, including whether the City is being reimbursed adequately; and a recent staff reorganization.

In the Fire Department, there was discussion on vacancies within the Department; overtime and the impact of implementing a constant staffing model; the impact of fire and paramedic schools being closed due to COVID-19; the age of the fire stations and the need for updated and expanded facilities; using the Stonegate property as either storage or as a training area; and the reasons for personnel leaving the City.

In Public Works, there was discussion on the new Engineering Division, including that it was from

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the reallocation of funding and personnel; a drainage study; SIEDC funds; street repairs in the amount of approximately \$110,000,000 not included in the SIEDC list; the street assessment performed by Fugro; and an upcoming SIEDC board meeting to discuss critical repairs and the possibility of a mixture of issuing debt and paying cash for repairs.

In Community Services, there was discussion on the Recreation Division, including a proposal to relocate Recreation activities to a storefront, the transition plan for seniors; potential Aquatic programming at the Roy Savage Pool; full-time and seasonal staffing; current Recreation programs, including virtual programming; keeping fitness equipment from the Boys Ranch Activity Center (BRAC) for the storefront location; refunding BRAC memberships; maintaining membership and recruiting new members; cost recovery for the Center in the first year and the storefront; waiting for the new City Manager hire the Parks and Recreation Director; and using unexpended items and vacancies to pay for one-time items. There was further discussion on traffic at the Library since reopening; filling the five part-time Library vacancies; and staffing levels in the Parks Division with the closing of Generations Parks for Phase Next construction, including maintaining the area around Phase One during construction and focusing on the City's smaller parks.

In Special Events, there was discussion on the move of 4thFest revenue to the General Fund; the budget for Tourism Administration; plans for ArtsFest and the Twilight Concerts, including moving the concerts to the Old Bedford School (OBS) or pop-up concerts at satellite parks; the arts grant program; possible sponsorships and grants; working with individual hotels and the Hotel Association of Tarrant County; advertising money from the Tourism Fund; and staff being reassigned to help other Departments. There was discussion on BluesFest, including shortening the event; the impact of COVID-19 on getting sponsorships; obtaining more accurate attendance figures; getting sponsorships for the barbecue portion of the event; revenue for the barbecue portion; and expenditures for setting up the event. There was discussion on the OBS, including the cost of utilities with the building being closed, ONSTAGE operating out of the building, the impact of COVID-19 on other theater openings in area cities, and the impact of acoustic issues in the building with holding meetings.

In Debt Service, there was discussion on possible savings in refunding bonds.

2. Presentation by NewGen Strategies & Solutions on a utility rate and stormwater fee study and discussion on potential utility rate changes.

Chris Ekrut and Michael Sommerdorf with NewGen Strategies and Solutions presented information on the utility rate and storm fee study performed by the company. They discussed the goals and objectives of the study, which was to determine the adequacy and most appropriate rate structures, taking into consideration conservation, customer service characteristics, cost of service, and fairness and equity. They discussed the need for utility revenues to meet or exceed expenses, passing through the costs of goods sold to the customers, and reinvesting into the utility and its infrastructure. They stated utilities are unique in that they are fixed cost intensive, customer usage is weather dependent, required infrastructure is not determined by the City, but regulatory authorities, and infrastructure investment carries long service lives with significant upfront costs. They presented an overview of the City's current water and wastewater rates, which all have a uniform volumetric charge, and a comparison of rates with other cities. They discussed policy decisions that Council needs to make, including passing wholesales costs from the TRA onto the customers, and displayed the unit forecast of TRA rates through 2024. They stated the costs from TRA make up more of the water and wastewater budget than the City's own costs. They discussed reinvestment in the City's infrastructure, including \$24,795,000 in water projects and \$8,000,000 in wastewater projects through 2022.

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Mr. Ekrut and Mr. Sommerdorf discussed financial objectives for the water and wastewater systems, including revenue sufficiency, a minimum of 90 days of cash-on-hand, and a debt service coverage of 1.25 times expenses, excluding operating transfers. They 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.

Mr. Ekrut and Mr. Sommerdorf presented information on the stormwater system. They stated it must be operated in the same manner as the water and wastewater utilities, with revenues meeting or exceeding expenditures, though it does not have the same wholesale element as those utilities. There are estimated stormwater capital needs of \$7,499,855 through 2023. They discussed the current stormwater rates and a comparison of rates with other cities. The financial objectives for stormwater are the same as water and wastewater. They 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.

There was discussion regarding capital project needs, debt issuance, SWIFT funding, previous decisions to not pass on the TRA increases to residents, the difference between utility funds and other funds, the impact to residents of the decision packages, and previous rate studies.

3. Discuss wrap-up of any other budget related items.

Council was unable to finish their discussion on the City's budget and will resume their discussion at the Special Session scheduled for August 3, 2020.

ADJOURNMENT

Mayor Boyter adjourned the Work Session at approximately 5:15 pm

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary

Council Minutes August 3, 2020

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Special Session at 5:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 3rd day of August, 2020 with the following members present:

Michael Boyter	Mayor
Tom Burnett	Councilmembers
Dan Cogan	
Ruth Culver	
Rob Gagliardi	
Amy Sabol	

Councilmember Sartor arrived at 6:29 p.m.

constituting a quorum.

Staff present included:

Cliff Blackwell	Interim City Manager
Michael Wells	City Secretary
Chuck Carlisle	Facilities and Risk Manager
Sean Fay	Fire Chief
Jeff Gibson	Police Chief
Don Henderson	Parks Superintendent
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director
Kenny Overstreet	Public Works Director
Bill Syblon	Development Director

CALL TO ORDER

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

OPEN FORUM

Nobody signed up to speak during Open Forum.

SPECIAL SESSION

1. Discussion on budget work session held August 1, 2020 and other budget related items.

Interim City Manager Cliff Blackwell discussed priorities within the proposed budget and stated items were left out in order to give the Council options. The tax rate used to build the proposed budget is the voter-approved rate. Strategic Services Manager Meg Jakubik presented an overview of the discussion at the Budget Work Session held on August 1, 2020.

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Finance Director Maria Joyner presented the five-year forecast model of the General Fund. Assumptions built into the forecast include slight increases in sales tax; a flattening of increases in property values; increases in the Municipal Cost Index; no salary increases for general employees in the upcoming fiscal year, and three percent increases in the following years; no changes to the public safety step plan; and a flat contribution rate for the pension plan through the Texas Municipal Retirement System (TMRS). There was discussion on the City's liability regarding TMRS, including that the City is funded at approximately 58 percent; the voter-approved tax rate of \$0.571968 per \$100 valuation, which is also the proposed tax rate, and different options at the proposed tax rate, the no-new-revenue tax rate and the current tax rate. Ms. Joyner stated at the proposed tax rate, the City would have a surplus of \$2,223,931 with a fund balance of 32.6 percent.

There was discussion on funded positions that staff had no anticipation of filling, including the City Hall receptionist and the Senior Center supervisor, as well as including half of the regular part-time Recreation Division staff and a quarter of the Parks and Recreation Director position, for a savings of \$189,691. There was further discussion on positions that are not coming back due to facility closures; a reduction in the Aquatics Division budget in line with only the Roy Savage Pool being in operation the following year; maintaining the budget for the summer day camp if an interim solution is developed; Recreation staffing and the Senior Center being combined with Recreation; the level of participation in current recreation programs; a proposal from Recreation on programming at another facility; special events and festivals; maintaining Library staffing and filling vacant positions; staffing and vacancies at the Police Department; other vacancies across the City; personnel funding being scaled back based on historical trends; funding for facility repairs; and options regarding health insurance, including total savings with each option, \$58,400 in funding built into the budget for Health Savings Account (HSA) contributions, and total savings of approximately \$420,000 with moving to Aetna.

Ms. Joyner stated the surplus at the no-new-revenue rate would be \$1,861,530. There was discussion on the reduction in the budget from the previous year due to the loss of tenured personnel, one-time items in the current budget, and revenues being kept constant. There was discussion on savings, including the payment for the Trinity Railway Express at \$50,200 and the vacancies discussed previously at \$189,691, increasing the surplus to \$2,463,822 at the voter-approved rate and \$2,101,421 at the current rate. There was discussion on the total number of funded, unfilled positions in the City; vacancies carried over from previous years; tracking savings from unfilled positions; budgeting for public safety overtime, including overages in the Police Department being offset by salary savings; the purchasing coordinator position; the purchasing process, including that it is currently decentralized, employee spending authority, procurement cards, and potential discounted bulk rates from vendors; the different health insurance options, including increases to HSA contributions and that there is no cost difference to the City for any of the options; various options for employee compensation increases; reallocating the Accounting and Risk Management divisions from the Water Fund to the General Fund; various enhancements to the TMRS plan; the priority supplemental requests totaling \$706,105; and reasons for employees leaving the City, including pay, benefits, and retirement.

Council discussed starting with the current rate, Aetna option #4 on the health insurance, doing something with employee compensation, and moving Risk Management and Accounting to the General Fund.

There was discussion on the fiscal impact of a two and three percent across-the-board pay plan adjustment; the impact of Phase Next on future budgets; Police Department staffing, including incentives for hiring experienced officers, their lateral hiring program, the impact of COVID-19 on

Council Minutes August 3, 2020

recruiting, and resources for recruiting and incentives; the supplemental request for a public safety dispatch position; the public safety step plan and the number of employee who reached the maximum step; and previous compensation and compression adjustments.

Ms. Jakubik stated an across-the-board pay grade adjustment of two percent and three percent would cost \$400,377 and \$600,580 from the General Fund respectively. There was discussion on the supplemental request for an assistant emergency management coordinator; a TMRS package with 50 percent updated service credit and 70 percent annuity at \$1,320,460; setting the tax rate at the current tax rate; a new fence and gate at \$320,000, as well as a camera system at \$77,000, for the Law Enforcement Center (LEC); plymovent systems at Fire Stations 1 and 2 for \$110,000; using \$100,000 from the Facility Maintenance Fund balance to partially pay for the fence and gate at the LEC; the supplemental request for firefighter cancer screening at an ongoing cost of \$10,000; extractor dryers for the Fire Department; a brake lathe for Public Works; roof replacements at City Hall Building A and the Animal Shelter; painting the trim at the LEC; and using the Library Maintenance Fund to replace carpet in the Library children's area.

Council was of the consensus for the following: to set the maximum tax rate to be considered at the current rate of \$0.569000 per \$100 valuation; to fund a two percent pay plan adjustment for all employees; Aetna option #4 on the health insurance; to reallocate the budgets for Accounting and Risk Management from the Water Fund to the General Fund; to upgrade the TMRS package to include 50 percent updated service credit and 70 percent annuity; to fund the cancer screening supplemental request; to fund the fence and gate at the LEC from the surplus and the Facility Maintenance Fund; and to fund plymovent systems at Fire Stations 1 and 2. Council was also of the consensus to replace the carpet in the children's area of the Library out of the Library Maintenance Fund. The remaining surplus would be \$126,257.

2. Call a public hearing on the proposed FY 2020-2021 budget to be held on Monday, August 17, 2020 at 6:30 p.m. in the City Hall Council Chambers.

Motioned by Councilmember Cogan, seconded by Councilmember Culver, to call a public hearing on the proposed FY 2020-2021 budget to be held on August 17, 2020 at 6:30 p.m. in the City Hall Council Chambers.

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

3. Consider a proposed tax rate and set two public hearings on the proposed tax rate, if required.

Motioned by Ruth Culver, seconded by Rusty Sartor to consider a tax rate of \$0.569000 per \$100 assessed valuation to be voted on the August 24, 2020 agenda, and schedule a public hearing to discuss the tax rate on Monday, August 17, 2020 at 6:30 p.m. at Bedford City Hall or may be held virtually utilizing procedures as authorized by the State of Texas.

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

ADJOURNMENT

Mayor Boyter adjourned the Special Session at 8:44 p.m.

Council Minutes August 3, 2020

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary

Council Minutes August 10, 2020

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in work session at 6:30 p.m. at City Hall Building C, 1805 L. Don Dodson, Bedford, on the 10th day of August, 2020, with the following members present:

Michael Boyter
Amy Sabol
Tom Burnett
Ruth Culver
Rusty Sartor
Rob Gagliardi

Mayor
Councilmembers

constituting a quorum.

Council present via videoconference included:

Dan Cogan

Staff present included:

Cliff Blackwell
Amanda Jacobs
Natalie Foster
Andrew Kloefkorn
Bill Syblon

Interim City Manager
Assistant City Secretary
Public Information Officer
Neighborhood Services
Development Director Manager

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the Work Session to order at 6:30 p.m.

WORK SESSION

Discussion regarding the Neighborhood Services Division and code enforcement, including policies and procedures, conducting business, training, enforcement of laws, and a review of codes and ordinances that govern their actions.

Interim City Manager Cliff Blackwell stated the purpose of the work session was to discuss a comprehensive view of code as it relates to the City's ordinances, policies and procedures, staffing levels, efficiency practices, ways to enhance service levels, and possible code changes.

Neighborhood Services Manager Andrew Kloefkorn stated the mission of the Division is to protect the public health and safety, while preserving neighborhood integrity. The Division's vision is to be proactive, look at the problems that affect the livability, health, and safety of the community and find solutions while protecting residents due process and property rights. He stated staff developed guiding principles, including professionalism, integrity, courtesy, respect, and compassion. Staff wants to engage, educate, and empower residents.

Council Minutes August 10, 2020

There was discussion on the Division's organizational chart; the four enforcement districts, residential and commercial enforcement; using a GIS database to track all cases and complaints; using data to determine hot spots to educate residents of codes; penalties for chronic violators; continued education for officers; that only certified code officers can write citations; leaving notices; follow-up calls; clarifying the definition of an all-weather surface; and writing the Code in a simpler format.

Mr. Kloefkorn stated the City has the authority under the Health and Safety Code of Texas to issue a Notice of Abatement to abate violations. Once a Notice of Abatement is issued, residents have 10 days to fix the issue themselves, the City can fix it, or the resident can appeal to the Building and Standards Commission. If there is no appeal, the City will pay to abate the violation and an invoice is sent to the homeowner. If the invoice is not paid, a lien is filed against the property.

There was discussion on the daily duties of the officers; violations being reported by other City Departments; technology resources issued to staff; procedures for issuing notice of violations; nuisances; health and safety issues related to pools; the amount of discretion code officers have; the lack of consistency with compliance timelines; hardship cases; chronic violators; social media communication; and donation bin removal and permitting.

Mr. Kloefkorn stated that the donation bins located at the former Twin Peaks parking lot were abated at \$150 each. Staff has contacted companies associated with unpermitted bins abatement bills will go to property owners. He stated it is cost prohibitive for staff to remove and store bins. There was discussion on implementing a City impound for bins. Staff will do a cost analysis and report back to Council.

There was discussion on over-night parking; installing "No Parking" signs on private property with permission of property owner; improving communication with Council through a monthly report; communicating with residents through social media and on the water bill; and speeding up the timeline for policy updates.

Mayor Boyter stated the goal is to create an action plan for staff to look for opportunities to tweak what currently exists either procedurally, in policy, or in code.

There was discussion regarding high grass and weeds; including that seven days are given to correct the violation; 50 percent +1 is considered "majority of the lawn;" and if the issue persists, a second notice is issued, with an additional seven days to correct.

Council was of the consensus to define "majority of lawn;" eliminate the second seven-day extension; that if there is a second violation within 45 days, a citation will be issued; and that Neighborhood Services Officers will not mow lawns.

There was discussion regarding trash containers out; including that seven days are given to correct the violation; recycle bins and cans being placed in front of garage doors; notices of violation are issued; and the code states that cans are to be out of view.

Council was of the consensus to issue a citation to chronic offenders after three violations within 45 days.

There was discussion regarding sidewalk obstruction; including seven days are given to clear the obstruction; and if the issue persists, a second notice is issued with an additional seven days to correct.

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Council was of the consensus to eliminate the second seven-day extension; and if there is no attempt to remedy after seven days a citation will be issued.

There was discussion regarding low limbs; including limbs are to be 14' over the street and 12' over sidewalks; seven days are given to correct the violation, with an additional seven days if a tree service needs to be hired; and, adding that it is a public safety concern due to fire apparatus on the Notice of Violation.

Council was of the consensus to give 14 days to correct a violation, to issue a citation if the violation is not corrected, and to add that it is a public safety concern due to fire apparatus on the Notice of Violation.

There was discussion regarding swimming pools; including staff is not legally allowed to enter backyards unless they know there is a violation and evidence has to be collected in order to obtain an administrative search warrant. If a notice of violation is issued, the resident has seven days to correct the violation; if officers cannot see the bottom of the pool, a seven day extension is not given; the City cleaning the pool immediately after initial seven day period; draining vs. cleaning;

Council was of the consensus to eliminate the seven-day extension, the City will abate, invoice the resident, and file a lien if necessary.

There was discussion regarding fences; including if a permit is required for repairs it can take longer than seven days to come into compliance; and if a permit is not required, violators have seven days to make repairs.

Council was of the consensus to allow fourteen days to get a permit and to mirror code language to match permit language with respect to the timeline to complete the repairs.

There was discussion regarding junk motor vehicles; including the Transportation Code mandates 30 days to remove and extensions can and have been given.

Council was of the consensus to allow 30 days with no extension and staff was tasked to define junk motor vehicle and return to Council.

There was discussion regarding minimum housing; including 30 days are given for repairs; health and safety concerns are handled sooner and can be completed by the City; non-health and safety violations are given additional time to complete repairs; and Commercial properties.

Council was of the consensus to have a follow up conversation on minimum housing.

There was discussion regarding nuisances; including top nuisance violations are collection of debris; what staff can and cannot enforce; taking action on health and safety issues; seven days are given with a possible seven-day extension; if the property remains noncompliant a notice of abatement is issued; and the abatement procedures.

Council was of the consensus to maintain the current procedures.

There was discussion regarding storage bins; including staff is working with property owners and bin owners to remove bins; the City is offering a one-time removal for free; owners have seven days after issued a notice to remove bins; issuing citations; and an impound program.

Council was of the consensus to allow seven days to remove bins and if bins remain, a citation will

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be issued.

There was discussion regarding yard art and the amended ordinance.

Council was of the consensus to allow 14 days to come into compliance.

Mayor Boyter stated staff is to return to Council with a definition of all-weather surface; handing a copy of the code to residents as violations are being addressed; issuing smart phones with wi-fi capabilities to staff; adding citations to statistical data; providing a monthly overview of the Division's activities to Council; working on communication with the public and complainants; adding communication to vision and mission statements; "No Parking" signage on private property with owner approval at City cost; determining if signatures are required on a citation; defining exceptions and hardships; progressively higher fines for chronic violators; and donation bin impound cost recovery. Council requests staff to return to a meeting at the end of September.

ADJOURNMENT

Mayor Boyter adjourned the Work Session at 10:41 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary

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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 11th day of August, 2020 with the following members present:

Michael Boyter	Mayor
Tom Burnett	Councilmembers
Dan Cogan (via videoconference)	
Ruth Culver	
Rob Gagliardi	
Amy Sabol	

constituting a quorum.

Councilmember Sartor arrived at 6:07 p.m.

Staff present included:

Cliff Blackwell	Interim City Manager
Stan Lowry (via videoconference)	City Attorney
Michael Wells	City Secretary
Stephanie Ayers	Human Resources Director
Meg Jakubik	Strategic Services Manager
Joey Lankford	Deputy Fire Chief/Fire Marshal
Kenny Overstreet	Public Works Director
Maria Redburn	Library Director
Bill Syblon	Development Director

WORK SESSION

Mayor Boyter called the Work Session to order at 5:32 p.m.

- **Discussion on viability plans for a meeting/entertainment venue(s) to provide a destination and to simultaneously stimulate economic development. *Item requested by Councilmember Sabol**

Councilmember Sabol discussed the report submitted by Duncan Webb from Webb Management, that confirms the feasibility for the City to have a combination performing arts center/multi-purpose space. She stated Council needs to consider plans for a facility. She further stated bond money was intended for the arts and Council needs to accommodate the mandate given to them by the voters. She introduced Barbara Speares, Janice Vickery, Tracy Garcia, and Patrick Badjeck, who she stated are leaders in the event planning field and hotel management, to discuss whether the City's current facilities are able to meet the City's needs.

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There was discussion on the proposed location at a former church on Bedford Road, including that it gives the City the most opportunities with a kitchen and a gym; researching competition in the area; developing the City's value proposition and what sets Bedford apart; investing in a food and beverage program and technology, including internet, Wi-Fi, and audio/visual; the competitiveness of hotel prices in Bedford and selling the area hotels; the advantage of Bedford being close to the airport; and the importance of having a good website for the facilities. There was further discussion on the best way to utilize the Bedford Road location, including the gym for small exhibits, business-to-consumer shows, large banquets, award ceremonies, and events. They discussed Bedford's market being corporations and association chapters, and fitting into the niche of small-to-medium type of events. There was further discussion that the site is not big enough for a convention center but instead for a conference center; making the facility high tech with classrooms and general concession areas; issues related to selling alcohol near a church; the lack of hotels around the facility; the possibility of convincing a hotel to build adjacent to the facility; having a professional management firm run the facility; the cost of building and designing the facility; an arts component being included; the ONSTAGE theater not being a good fit for the location and them needing their own facility; the possibility of the building being convertible for conference space and the performing arts; the need in the area for meeting space for under 500 people; the necessity of being able to hold multiple events at the same time; renting out the kitchen to a professional chef; the possibility as a wedding receptionist venue; and talking to hotels about the types of businesses staying at them.

There was discussion regarding the Old Bedford School (OBS), including its limitations such as the inability to have two meetings at the same time; using the theater for small musical groups or comedians and the downstairs as classes and receptions; using the grounds, including for fairs and weddings; combining the OBS and the Bedford Road facility; and constructing a new building to accommodate multiple uses adjacent to the OBS, including it being too costly. There was discussion on utilizing Library space, including for corporate meetings and training; the need to soundproof some of the rooms, expand the loading docks, and invest in the kitchen; using the main Library for reception events; the current utilization of the Library; and the need for more flexibility on the Library hours.

There was further discussion on opportunities, especially at the Bedford Road location; the market being local companies and events and that there is a large enough market; utilizing the Event Booking Management System; calling three architectural firms to make a proposal to build a new facility or look at the Bedford Road location; and surveying corporations on their events.

- **Third Quarter Financial Report**

Strategic Services Manager Meg Jakubik gave a financial report on the third quarter of the City's fiscal year. She presented information on the General Fund, including a comparison of actual, budgeted and projected revenue and expenditures, and a comparison of revenues and expenditures from Fiscal Year 2019 and 2020. She presented information on the Water and Sewer Fund, including three-year histories of revenue and expenditures. She presented information on other funds, including Tourism, Stormwater, and the Street Improvement Economic Development Corporation (SIEDC). There was discussion on the hotel/motel occupancy tax, and the City's reserve requirement and fund balance.

Mayor Boyter adjourned the Work Session at 7:05 p.m.

EXECUTIVE SESSION

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- a) Pursuant to Section 551.074, personnel matters – City Manager search.**
- b) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Block 2, Lot 1, Bedford Baptist Temple Sub.**

Council convened into Executive Session pursuant to Texas Government Code Section 551.074, personnel matters – City Manager search and Section 551.072, to deliberate the purchase, exchange, lease or value of real property - Block 2, Lot 1, Bedford Baptist Temple Sub., at 7:05 p.m.

Council reconvened from Executive Session at approximately 7:15 p.m. Any necessary action to be taken as a result of the Executive Session will be during the Regular Session.

REGULAR SESSION

The Regular Session began at 7:30 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Boyter called the meeting to order.

INVOCATION

Councilmember Sartor gave the invocation.

PLEDGE OF ALLEGIANCE

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

COUNCIL RECOGNITION

- a) Recognition of the City of Bedford's 24th Consecutive Distinguished Budget Presentation Award.**

Mayor Boyter presented Strategic Services Manager Meg Jakubik with the Distinguished Budget Presentation Award from the Government Finance Officers Association of the United States and Canada.

OPEN FORUM

Nobody signed up to speak during Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Interim City Manager Cliff Blackwell presented an overview of the items on the consent agenda.

Motioned by Councilmember Cogan, seconded by Councilmember Burnett, to approve the following items by consent: 1, 2, 3, 4 and 5.

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

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1. **Consider approval of the following City Council minutes:**
 - a) **July 23, 2020 executive session**
 - b) **July 28, 2020 regular session**

This item was approved by consent.

2. **Consider a resolution ordering a special election of the City of Bedford, Texas to be held on November 3, 2020 to allow the voters to consider voting for or against the following proposition: the legal sale of all alcoholic beverages including mixed beverages.**

This item was approved by consent.

3. **Consider a resolution authorizing the Interim City Manager to enter a contract with the Hurst-Euless-Bedford Independent School District to provide three School Resource Officers for the 2020/2021 school year, in the amount of \$255,970.74, paid for by the District.**

This item was approved by consent.

4. **Receive the 2020 Ad Valorem Tax Roll from the Tarrant Appraisal District as certified by the Chief Appraiser Jeff Law.**

This item was approved by consent.

5. **Receive the certified anticipated collection rate from the Tarrant County Tax Assessor Collector for the City of Bedford, Texas.**

This item was approved by consent.

PERSONS TO BE HEARD

6. **The following individual has requested to speak to the Council tonight under Persons to be Heard:**
 - a) **Mark Cleveland, St. Vincent's Anglican Church, 1300 Forest Ridge Drive, Bedford, Texas 76022 – Request to speak to Council regarding Gracewood Academy's Request for Certificate of Occupancy to Co-Occupy Facilities with St. Vincent's Anglican Church.**

Mark Cleveland, 3969 Candlewick Court, Bedford – Mr. Cleveland, representing St. Vincent's Anglican Church, stated they wanted to appeal directly to Council because they do not feel they have sufficient time to go through the normal process for Gracewood Academy getting denied a certificate of occupancy (CO) and then go through the appeals process. They disagree with staff's approach of applying zoning principals of commercial multi-tenant buildings to their situation, whereby each occupant has their own lease requiring their own CO. He stated St. Vincent's has a valid CO for use of the sanctuary and classrooms, and they own, control and predominantly occupy the premises. They, along with Gracewood, have not changed the use, nor made alterations or plans for alterations, signage nor renaming of the building. Gracewood was invited to use classrooms and are more of a licensee as opposed to a tenant, and do not have exclusive control over any of the property. He felt if Gracewood was denied a CO, a bad precedence could be set as other similar mission-related entities that regularly use space of other entities could be

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called into question. He stated installing a fire suppression system at approximately \$400,000 is cost prohibitive. He believes that all parties want to ultimately see a fire suppression system at some point in the future, which the likelihood and timing of would be greatly improved with Gracewood. He cited sections of the Zoning Ordinance which he felt gave the Council to get a variance from the requirements.

Fire Marshal Joey Lankford stated staff was made aware that Gracewood had moved in during an annual inspection approximately four years ago, and told Gracewood they needed a CO. He stated the rules change with St. Vincent's owning the property to leasing the space to Gracewood. Staff worked with Gracewood and gave them a year, and they were granted another year by the previous City Manager. Brandi Koch with Gracewood stated they pay a monthly fee during the school year, utilize the space on a part-time basis, and share the space with St. Vincent's. Mr. Cleveland stated the City considers St. Vincent's as a legal non-conforming use.

In response to questions from Council, Ms. Koch stated they have a year-by-year space usage agreement with St. Vincent's. They use the facility six hours a day, four days a week, and they do not lease nor pay during the summer months. Mr. Lankford stated if each classroom had a secondary means of egress to the outside, not the courtyard, then there would not be a need for a fire suppression system. He stated the requirements are established by the International Fire Code. There was discussion on the number of classrooms currently being utilized and reducing the number of classrooms; the history of Gracewood; efforts made by St. Vincent's to make the needed improvements to date; the possibility of St. Vincent's taking a loan to pay for improvements; a lawsuit regarding the ownership of the property in which St. Vincent's is currently involved; and the safety of children attending Gracewood.

NEW BUSINESS

- 7. Public hearing and consider an ordinance to rezone Lot 1-R1 and 2, Block 1, Harwood Hills Village Addition, located at 3152 Harwood Road, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Children's Day Care Centers (H/SUP), specific to 3.2.C(3)d of the City of Bedford Zoning Ordinance, allowing for LaiLisha Hodge to operate a child care center. The property is generally located south of Harwood Road and east of Martin Drive. (PZ-SUP-2020-50025)**

Planning Consultant Jay Narayana presented information regarding this item. She stated the property is located west of Highway 121 and east of Martin Drive in an older shopping center, and the applicant would occupy the endcap. There would be an outside play area in the back consisting of a strip of grass. There is a requirement in the Zoning Ordinance that there be a minimum of a 50-foot separation between the outside play area and adjacent residentially zoned properties, and the applicant meets that requirement.

Mayor Boyter opened the public hearing at 8:24 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 8:25 p.m.

In response to questions from Council, Ms. Narayana stated the outside play area would be fenced based on state requirements. There was discussion on the outside play area being adjacent to a parking lot, and Ms. Narayana stated the applicant and property management

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company could put wheel stops at the existing curb and perhaps pull back the fence from the edge of the curb.

The applicant, LiaLisha Hodge, 3015 Scotch Elm Street, Euless, stated there would be a four-foot wooden fence around the play area, with rubber bumpers along the six parking spaces leading up to the area. She further stated the area behind the center is not a high traffic area. Ms. Narayana stated there are no requirements from the City regarding the fencing around the play area and Ms. Hodge stated the state requires the fence to be at least four feet in height. Development Director Bill Syblon stated Council can place additional requirements on the application as the item is a specific use permit. There was discussion on the differences between this case and another daycare that was previously denied. Ms. Hodge stated children would not have to cross the parking lot to get to the play area as there is a raised sidewalk. Further, she would purchase two safety gates to go between the door and the parking area, and the distance between the door and the play area is less than ten feet. She would have a maximum of 30 children, and not all the children would be outside at the same time. She stated state law requires there be an outdoor play area. There was discussion regarding the safety of the play area and children.

Motioned by Councilmember Sartor, seconded by Councilmember Culver, to deny an ordinance to rezone Lot 1-R1 and 2, Block 1, Harwood Hills Village Addition, located at 3152 Harwood Road, Bedford, Texas from Heavy Commercial (H) to Heavy Commercial/Specific Use Permit/Children's Day Care Centers (H/SUP), specific to 3.2.C(3)d of the City of Bedford Zoning Ordinance, allowing for LaiLisha Hodge to operate a child care center. The property is generally located south of Harwood Road and east of Martin Drive. (PZ-SUP-2020-50025)

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

- 8. Public hearing and consider an ordinance to rezone Tract 3A03 and Tract 3A03B, Abstract 1080, Matson, James M Survey, and Lot 1, Block 1, Sexton Addition, located at 2513, 2517 and 2521 Pipeline Road, Bedford, Texas from "R-9,000" Single-Family Residential Detached (R9) to Planned Unit Development (PUD) with "MD-3" Medium Density Residential Single-Family Detached District standards, allowing Jim Dewey, Jr., on behalf of JDJR Engineers and Consultants and Sofia ShariEFF, to construct a 22-lot subdivision. The property is generally located north of Pipeline Road and west of Hospital Parkway. (PZ-ZC-2020-50006)**

Ms. Narayana presented information regarding this item, which is for property currently zoned R-9000 to which the applicant is requesting be rezoned to Planned Unit Development (PUD), with a based district of MD-3. There would be variations to the MD-3, including the width of the lots. There would be 22 single family homes, with one tract left on Hospital Parkway. She stated the Planning and Zoning Commission wanted the fencing between this property and the property to the north to be eight feet in height. In response to questions from Council, Ms. Narayana confirmed the streets are wide enough for fire apparatus and parking would meet the City standards. Regarding the width of the street, she stated the requirement is for a 50-foot right-of-way, and that the street is 32-feet from curb-to-curb. Each home would be required to have two garage spaces and two outside spaces. She confirmed the Fire Department reviewed and approved of the application. She stated the property is a total of approximately three-and-a-half acres.

The applicant, Jim Dewey with JDJR Engineers and Consultants, stated there would be a homeowner's association (HOA), who would maintain an open space within the development

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along with the masonry screening walls. There was discussion on including parking restrictions in the covenants. Mr. Dewey stated the streets are the same width of every other residential street in Bedford; that there is 30 feet in front of each lot for at least one parking space; the HOA would require the garages be used for vehicles; and the average square footage of the homes would be approximately 2,000 with a proposed starting price of \$350,000. He stated this development was modeled after the Brittany Chase development. There was discussion on the masonry wall along Hospital Parkway be of similar colors to that of the Brittany Chase development.

Mayor Boyter opened the public hearing at 8:52 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 8:52 p.m.

There was discussion regarding adding an eight-foot fence on the north side of lots 14, 15 and 16.

Motioned by Councilmember Culver, seconded by Councilmember Sartor, to approve an ordinance to rezone Tract 3A03 and Tract 3A03B, Abstract 1080, Matson, James M Survey, and Lot 1, Block 1, Sexton Addition, located at 2513, 2517 and 2521 Pipeline Road, Bedford, Texas from "R-9,000" Single-Family Residential Detached (R9) to Planned Unit Development (PUD) with "MD-3" Medium Density Residential Single-Family Detached District standards, allowing Jim Dewey, Jr., on behalf of JDJR Engineers and Consultants and Sofia Sharieff, to construct a 22-lot subdivision. The property is generally located north of Pipeline Road and west of Hospital Parkway, with the following stipulations: the masonry wall needs to be of comparable yet similar colors to the adjoining subdivision and a requirement for an eight-foot fence along lots 14, 15 and 16

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

9. Public hearing and consider an ordinance amending the City of Bedford Zoning Ordinance by amending Section 3.1 Schedule of Permitted Uses and Section 3.2.C(6)j, related to Specific Use Permit requirements for package liquor stores; providing a cumulative clause; providing a severability clause; providing a penalty clause; and providing an effective date.

Ms. Narayana presented information regarding this item, which is to change the Zoning Ordinance requirements for specific use permits (SUP) for alcoholic beverage sales, pending the outcome of the November 3, 2020 election. The ordinance amends the Permitted Use Table to state that though package liquor stores are permitted in the Light Commercial (L) and Heavy Commercial (H) districts, they also must be in the Master Highway Corridor Overlay District (MHC). In Section 3.2.C.(6)j., the following conditions would be added: the use would be permitted in the L, H, and Planned Unit Development (PUD) districts as long as it is in the MHC; it meets the 300 foot separation required by the Texas Alcoholic Beverage Commission; and, if in a PUD, the original PUD ordinance would have to be amended if it does not permit liquor stores.

Mayor Boyter opened the public hearing at 9:01 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 9:01 p.m.

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In response to questions from Council, Ms. Narayana confirmed the ordinance does not limit the number of liquor stores that could go into the City; that all liquor stores would need to be approved by Council; and that an applicant could request a variance to the 300 foot distance requirement from schools, hospitals, and churches.

Motioned by Councilmember Burnett, seconded by Councilmember Gagliardi, to approve an ordinance amending the City of Bedford Zoning Ordinance by amending Section 3.1 Schedule of Permitted Uses and Section 3.2.C(6)j, related to Specific Use Permit requirements for package liquor stores; providing a cumulative clause; providing a severability clause; providing a penalty clause; and providing an effective date.

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

10. Consider a resolution authorizing the Interim City Manager to enter into an agreement with AETNA for the City's employee medical benefits effective October 1, 2020.

Andrew Weegar with HUB, the City's benefits consultant, presented an overview of the request for proposal (RFP) process for medical and life/disability insurance, including the respondents to the RFP and finalists. He stated medical claims have stabilized over the previous three years and a report on claims versus premiums shows a loss ratio of 83 percent at the end of the previous plan year. He discussed the current High Deductible High Premium (HDHP) and Exclusive Provider Organization (EPO) plans, and stated HUB recommended ending the EPO plan due to low enrollment. He discussed the two Aetna HDHP plans, THA being their high performing network and an EPO, and stated they closely mirror what is currently in place with Cigna. Cigna initially offered a 15 percent renewal increase to premiums, which was reduced to rate pass after negotiations. Aetna offered a 13 percent decrease, or 14 percent overall including retiree insurance, along with a \$25,000 wellness credit and wellness coordinator.

Mr. Weegar presented an overview of current contributions, including Health Savings Accounts (HSA), and stated the City's current contributions are low compared to the market. He explained Council selected a proposed option by which the HSA contributions for employee only would be \$500 and for employee and family members would be \$1,000. Further, the premium for employee only with the THA plan would be reduced to \$0.00.

Motioned by Councilmember Burnett, seconded by Councilmember Sartor, to approve a resolution authorizing the Interim City Manager to enter into an agreement with AETNA for the City's employee medical benefits effective October 1, 2020.

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

11. Consider a resolution authorizing the Interim City Manager to enter into an agreement with CIGNA for the City's employee life and long-term disability benefits effective October 1, 2020.

Mr. Weegar stated HUB is recommending the City contract with CIGNA for life and long-term disability benefits as they came in with a 3.9 percent decrease. HUB is also recommending an increase in the maximum for long-term disability from \$5,000 to \$10,000. Further, Cigna is offering a true open enrollment for voluntary life insurance.

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Motioned by Councilmember Sabol, seconded by Councilmember Sartor, to approve a resolution authorizing the Interim City Manager to enter into an agreement with CIGNA for the City's employee life and long-term disability benefits effective October 1, 2020.

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

12. Consider a resolution authorizing the Interim City Manager to enter into an agreement with Texas Health Physicians Group (THPG) for employee clinic services effective October 1, 2020.

Mr. Weegar stated there has been strong utilization of the employee clinic and HUB recommends to again contract with Texas Health Physicians Group for the clinic.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve a resolution authorizing the Interim City Manager to enter into an agreement with Texas Health Physicians Group (THPG) for employee clinic services effective October 1, 2020.

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

13. Consider a resolution authorizing the Interim City Manager to enter into an agreement with Motorola Solutions, Inc. for the replacement of the City radio equipment in the amount of \$1,864,557 (Option A) or \$1,721,964 (Option B).

No discussion or action took place on this item.

14. Mayor/Council Member Reports

Mayor Boyter thanked Council for their persistence and diligence during the city manager search process.

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

No reports were given.

16. City Manager/Staff Reports

a) Update on Bedford Road water main break

Public Works Director Kenny Overstreet reported on the break of the 20-inch water main on Bedford Road on July 29, 2020. Staff reached out to contractors for assistance and to local vendors and neighboring cities for pipes and fittings, to which the cities of Fort Worth and Dallas responded by loaning the necessary parts. The City also contracted with Reynolds Asphalt to make the road repairs.

Mr. Overstreet discussed previous main breaks in 2013 and 2015, and stated the current break happened between those two repairs. He gave a history of the water main, which was laid in 1999 as the feeder line to the Bedford Road water tower. The main was spec'd out as a 20-inch concrete cylinder pipe but as the bids were over budget, it was decided to go with PVC instead. Other cost cutting measures included the pipe being laid on solid sandstone instead of wrapped in sand, and no bends were installed when the pipe went down under a nearby creek. He stated the main was on the water main replacement list in 2016 but was held off due to Bedford Commons. Staff has now decided to start design work during the upcoming year to renew the

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line from Central Drive to Highway 183, which can be paid using State Water Implementation Fund for Texas (SWIFT) funds. There was discussion on the costs of the repairs. Mr. Overstreet stated there was no interruption of water service to residents as the main is a transmission line and not a distribution line.

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

This item was moved prior to New Business.

Motioned by Councilmember Culver, seconded by Councilmember Gagliardi, to approve Jimmy Stathatos as the new Bedford City Manager effective September 14, 2020, as well as authorize the execution of the employment agreement by the Mayor by and in between the City of Bedford and Jimmy Stathatos as written.

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

Mayor Boyter gave remarks welcoming Mr. Stathatos to Bedford and discussed the process for selecting the new City Manager, including the criteria for and expectations of that position. He discussed Mr. Stathatos' background and experience, as well as the recent history of Bedford and its comparison to neighboring cities. He further discussed previous City Manager searches and issues related to street repairs, empty shopping centers, aging infrastructure, dated facilities, and increasing needs for service. He discussed Council and staff creating an organization of excellence to provide the highest possible standard of service to the residents. He stated it is time to aggressively address the streets, refocus and reinvent the approach to economic development, make the most of the Phase Next project, get Bedford Commons right, revitalize the revenue base, and better communicate with the residents. He thanked staff for their efforts, Mr. Blackwell for serving as the Interim City Manager during such a tumultuous period, and to the residents for continuing to make Bedford a great place to live and work and challenging the City to be better stewards of their tax dollars.

ADJOURNMENT

Mayor Boyter adjourned the meeting at 9:42 p.m.

Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary

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STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Special Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 17th day of August, 2020 with the following members present:

Michael Boyter	Mayor
Tom Burnett	Councilmembers
Dan Cogan (via videoconference)	
Ruth Culver	
Amy Sabol	

Councilmembers Gagliardi and Sartor were absent from the meeting.

constituting a quorum.

Staff present included:

Cliff Blackwell	Interim City Manager
Michael Wells	City Secretary
Wendy Hartnett	Special Events Manager
Don Henderson	Parks Superintendent
Meg Jakubik	Strategic Services Manager
Maria Joyner	Finance Director

Staff present via videoconference included:

Stephanie Ayers	Human Resources Director
Sean Fay	Fire Chief
Jeff Gibson	Police Chief
Kenny Overstreet	Public Works Director
Maria Redburn	Library Director
Bill Syblon	Development Director

CALL TO ORDER

Mayor Boyter called the Special Session to order at 6:30 p.m.

SPECIAL SESSION

- 1. Public hearing on the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2020 through September 30, 2021; levying taxes for 2020 tax year.**

Strategic Services Manager Meg Jakubik presented information on the annual budget. She discussed the City's budget policy cycle, the City's tax rate history, trends in General Fund revenue and expenditures, and a five-year forecast, which shows the City's fund balance never dropping below the 20 percent reserve requirement. She further discussed economic conditions,

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including increases in the Consumer Price and Municipal Cost Indexes, per capita comparisons with neighboring cities for spending and employees per 1,000 residents, and sales tax. She presented information on the revenues by fund, expenditures by department and classification of all funds, and revenues and expenditures from the General Fund. She presented information on the Debt Service Fund, including a debt service schedule and the annual funding requirements. She presented information on the Water and Sewer Fund, including the current rates and projections from the Trinity River Authority (TRA). She presented various water and wastewater decision packages as discussed during the August 1, 2020 budget work session. She further presented information on the Stormwater Fund, including current rates and various decision packages.

Ms. Jakubik presented information on the tax rate calculations, with the current tax rate being \$0.569000 per \$100 valuation, the no-new-revenue rate being \$0.562799, the voter-approved rate being \$0.571968, and the maximum tax rate to be considered and the one used in the proposed budget being \$0.569000. A comparison with the previous year's tax rate shows a 3.8 percent decrease in the debt component, and a 1.9 percent increase in the maintenance and operations component. She presented an overview of the overlapping tax rate with other entities, the impact of the tax rate on the tax bill for the average resident, which at the proposed rate is approximately \$41.00, and a breakdown of the monthly cost allocation for City services.

Ms. Jakubik presented an overview of changes made by the Council to the proposed budget at their special session held on August 3, 2020 as follows: costs savings from premium reductions and position freezes at \$482,460; division reallocations at \$401,968; two percent pay grade adjustments at \$400,377; cancer screening for firefighters at an ongoing cost of \$10,000; Texas Municipal Retirement System benefit expansion at \$1,320,460; a new perimeter fence and gates at the Law Enforcement Center at \$220,000; and Plymovent systems at Fire Stations 1 and 2 at \$110,000. She stated the vote on the budget would occur at the regular Council meeting on August 24, 2020.

Mayor Boyter opened the public hearing at 6:49 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 6:49 p.m.

2. Public hearing to consider the proposed 2020 tax rate.

Ms. Jakubik presented information on the proposed 2020 tax rate during the previous item. There was discussion on residents submitting comments to Council prior to the vote on the budget and tax rate and on a website provided by the Tarrant Appraisal District.

Mayor Boyter opened the public hearing at 6:54 p.m.

Nobody chose to speak during the public hearing.

Mayor Boyter closed the public hearing at 6:54 p.m.

ADJOURNMENT

Mayor Boyter adjourned the Special Session at 6:55 p.m.

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Michael Boyter, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: William Syblon, Development Director

DATE: 08/24/20

Council Mission Area: Protect the vitality of neighborhoods.

ITEM:

Consider a resolution of the City Council of Bedford, Texas authorizing the submission of a HOME Investment Partnership Program grant application to the HOME Homeowners Rehabilitation Program administered by the Community Development and Housing Division of Tarrant County, Texas; and agreeing to meet all match contribution requirements for the expenditures under the Tarrant County HOME Investment Partnership Program for program year 2020.

City Attorney Review: Yes

SUMMARY:

This item is to authorize the submission of a grant application to the HOME Homeowners Rehabilitation Program administered by the Tarrant County Community Development and Housing Division.

BACKGROUND:

In May of 2018, Council adopted a Strategic Plan that made revitalization a major area of focus. Responsive to this goal, a strategic initiative was created to develop a neighborhood reinvestment strategy. The intent of this strategy is to include both internal and external resources.

Tarrant County offers a housing rehabilitation program for Tarrant County residents living outside the boundaries of the cities of Fort Worth, Arlington and Grand Prairie. The housing program is funded through the Community Development Block Grant (CDBG) and the HOME Investment Partnership Program. Both are Federal Block Grants from the Department of Housing and Urban Development (HUD), and administered by the Tarrant County Community Development and Housing Division. The types of repairs included in this program span from roof and foundation repair to plumbing, electrical, and weatherization. For a resident to be eligible to participate, they must meet the following qualifications:

- Have a home valued under \$205,000;
- Have a household annual income below the HUD established income limits;
- Own their home and have lived in their home for at least one year;
- Be current on taxes and mortgage payments; and,
- Must meet at least one of the following criteria:
 - Receiving SSDI, 62+ years of age or older
 - Family with dependent children living at home under 18 years old

The City of Bedford Neighborhood Services Division will coordinate with Tarrant County on this, and other programs. Citizens residing in cities that participate in this program often move up the homeowner rehabilitation waiting list faster than those residing in non-participating cities due to available funding.

The City of Bedford is requesting a grant of \$100,000. Should the grant be awarded, the City of Bedford would normally be required to contribute a 30% matching grant (\$30,000). Due to situations related to COVID, there is currently no match requirement; however, that could change. If

requirements change and a match is required, funding would be paid from the Economic Development Fund.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution of the City Council of Bedford, Texas authorizing the submission of a HOME Investment Partnership Program grant application to the HOME Homeowners Rehabilitation Program administered by the Community Development and Housing Division of Tarrant County, Texas; and agreeing to meet all match contribution requirements for the expenditures under the Tarrant County HOME Investment Partnerships Program for the program year 2020.

FISCAL IMPACT:

The HOME Homeowners Rehabilitation Program requires a matching contribution of 30%, which will be \$30,000, to be paid from the Economic Development Fund.

ATTACHMENTS:

Resolution
HOME Investment Partnership Grant Application

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF BEDFORD, TEXAS AUTHORIZING THE SUBMISSION OF A HOME INVESTMENT PARTNERSHIP PROGRAM GRANT APPLICATION TO THE HOME HOMEOWNERS REHABILITATION PROGRAM ADMINISTERED BY THE COMMUNITY DEVELOPMENT AND HOUSING DIVISION OF TARRANT COUNTY, TEXAS; AND AGREEING TO MEET ALL MATCH CONTRIBUTION REQUIREMENTS FOR THE EXPENDITURES UNDER THE TARRANT COUNTY HOME INVESTMENT PARTNERSHIP PROGRAM FOR PROGRAM YEAR 2020.

WHEREAS, the HOME Program was created by the National Affordable Housing Act of 1990 (NAHA) and is intended to provide decent affordable housing to lower-income households, expand the capacity of nonprofit housing providers, strengthen the ability of state and local government to provide housing, and leverage private-sector participation; and,

WHEREAS, Tarrant County is a Participating Jurisdiction under the HOME Investment Partnerships Program in accordance with § 92.105 of the Code of Federal Regulations (CFR); and,

WHEREAS, the City of Bedford is a member of the Tarrant County Urban County Community Development/HOME Consortium and is eligible to participate in the HOME program; and,

WHEREAS, the City of Bedford has requested \$100,000 in HOME funding to be expended on HOME eligible activities within the City's jurisdiction and has agreed to provide a 30% matching contribution for all HOME funds expended within the City of Bedford if required in accordance with § 92.218, § 92.219, and § 92.220 of the CFR.

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 submission of the grant application to the HOME Homeowners Rehabilitation Program administered by the Community Development and Housing Division of Tarrant County, Texas.

SECTION 3. That the City Council of Bedford, Texas acknowledges the HOME Investment Partnership Grant requires a 30% match of funds should the grant be awarded.

SECTION 4. That the City Council of Bedford, Texas authorizes the appropriation of \$30,000 from the Economic Development Fund if the HOME Investment Partnership Grant is approved and matching funds required.

PRESENTED AND PASSED this 24th day of August 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

HOME INVESTMENT PARTNERSHIPS GRANT

Program Year 2020

IMPORTANT NOTES

Return Application to:

Tarrant County Community Development Division
Attention: Patricia Ward (HOME Match application)
1509B S. University Drive, Suite 276
Fort Worth, Texas 76107

Overview and Eligible Activities

The Department of Housing and Urban Development (HUD) appropriates funds to entitlement communities through the HOME Investment Partnerships Block Grant (HOME) program. Tarrant County receives HOME funds and is availing these funds to cities who wish to assist their citizens with homeowner rehabilitation. ***These funds are targeted to benefit low- to moderate-income persons preserving safe and decent housing by providing homeowner-occupied single-family rehabilitation.*** This rehabilitation program is managed by the Tarrant County Community Development (TCCD) office and funds are directly invested into the home being rehabilitated. Although individual city residents will work directly with TCCD the city applying for HOME funds must commit to providing 30%* non-federal match for the amount of HOME funds that will be spent in that city.

Match Requirement

The Department of Housing and Urban Development (HUD) **requires matching funds on all HOME expenditures. Each applicant is required to provide at least 30%* non-federal match for activities undertaken in that city.** Match can be generated in many ways and must be approved by County staff prior to a commitment of funds. The city is required to submit a letter and Council resolution affirming the match amount as part of this application.

For more detailed information, please contact Patricia Ward at Tarrant County Community Development Division (817) 850-7940. Additional information about the HOME Program can be found online at www.hud.gov.

* Per HOME regulation, CFR 24 92.218; match contributions must total not less than 25% of the funds.



HOME Investment Partnership Grant - PY2020 Project Information Form

1. **Applicant City Name:**

2. **Type of Project(s) desired:**

Homeowner rehabilitation

3. **Project Location (Citywide or Zip Code):**

Citywide

Zip Code(s):

4. **Amount of HOME funds requested (\$200,000 max.):** \$100,000

5. **Required Match Amount (at least 30% of #4 above):** 30,000

6. **Applicant Contact Person(s):**

Name: Bill Syblon

Phone: 817-952-2175

Email: bill.syblon@bedfordtx.gov

7. **Date of Submittal:**

8. **Attachments:**

We require a signed resolution or the date of the council meeting in which a resolution may be signed and forwarded to our office when available. The resolution must confirm the source and amount of non-federal match amount available by the city in order to participate in this program.

Confirmation of Program	
Date of Council meeting	08-24-20
Supporting records of meeting (e.g. Council resolution)	<input type="checkbox"/> Check here if you have attached a signed resolution confirming the match amount that will be dedicated to this program.

*A sample of a resolution follows. You may use or modify this sample to your city needs.
An electronic version is available upon request.*

RESOLUTION
AGREEING TO MEET ALL MATCH CONTRIBUTION REQUIREMENTS FOR THE
EXPENDITURES UNDER THE TARRANT COUNTY HOME INVESTMENT
PARTNERSHIPS PROGRAM FOR
PROGRAM YEAR 2020

WHEREAS, the HOME Program was created by the National Affordable Housing Act of 1990 (NAHA) and is intended to provide decent affordable housing to lower-income households; expand the capacity of nonprofit housing providers; strengthen the ability of state and local government to provide housing, and; leverage private-sector participation; and

WHEREAS, Tarrant County is a Participating Jurisdiction under the HOME Investment Partnerships Program in accordance with § 92.105; and

WHEREAS, the City of _____ is a member of the Tarrant County Urban County Community Development/HOME Consortium and is eligible to participate in the HOME program; and

WHEREAS, the City of _____ has requested \$_____ in HOME funding to be expended on HOME eligible activities within the city's jurisdiction and has agreed to provide a 30% matching contribution for all HOME funds expended within the City of _____, in accordance with §92.218; §92.219; and §92.220.

NOW, THEREFORE, BE IT RESOLVED THAT WE, THE CITY COUNCIL OF THE CITY OF _____, do hereby agree to commit \$_____ in match contribution to affordable housing for all activities undertaken in our city through the HOME program.

AND IT IS SO RESOLVED.



Council Agenda Background

<u>PRESENTER:</u> Meg Jakubik, C.G.F.O., Strategic Services Manager		<u>DATE:</u> 08/24/20
Council Mission Area: Be responsive to the needs of the community.		
<u>ITEM:</u> Consider an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period of October 1, 2020 through September 30, 2021; providing for intra-fund and/or intra-departmental transfers; providing for investment of idle funds; and declaring an effective date. City Attorney Review: N/A		
<u>SUMMARY:</u> The City Budget must be adopted prior to the start of the Fiscal Year on October 1, 2020. This ordinance appropriates the funding for the City operations in the upcoming fiscal year.		
<u>BACKGROUND:</u> In accordance with the requirements in the City Charter, the budget for the City of Bedford, as compiled by the Interim City Manager, has been submitted. Following this submittal, a budget work session was held on August 1, 2020 with staff and members of the City Council, with follow up discussion on August 3, 2020. In addition to the work session, a public hearing was held on the budget as presented on August 17, 2020. During budget discussions, Council was of the consensus to consider a maximum tax rate of \$0.569000 per \$100 valuation and include supplemental requests, equipment replacements and maintenance needs in the FY 2020-2021 budget. The total operating expenditures as amended by the City Council in the FY 2020-2021 budget is \$78,909,139, while the total operating revenues are presented as \$79,276,423, using the not to exceed rate of \$0.569000.		
<u>RECOMMENDATION:</u> Staff recommends the following motion: Approval of an ordinance adopting the annual budget for the City of Bedford, Texas for the fiscal period October 1, 2020 through September 30, 2021.		
<u>FISCAL IMPACT:</u> Revenue and expenditures will depend on the included items and tax rate set by the City Council.	<u>ATTACHMENTS:</u> Ordinance PowerPoint Exhibit A: Summary of Revenue and Expenditures by Fund – FY 2020-2021 Budget	

ORDINANCE NO. 2020-

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BEDFORD, TEXAS, FOR THE FISCAL PERIOD OF OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; PROVIDING FOR INTRA-FUND AND/OR INTRA-DEPARTMENTAL TRANSFERS; PROVIDING FOR INVESTMENT OF IDLE FUNDS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, a notice of public hearing on the Annual Budget for the City of Bedford, Texas, for the fiscal period of October 1, 2020 through September 30, 2021, was heretofore published in a newspaper of general circulation; and,

WHEREAS, said public hearing on said Budget was duly held and all interested persons were given the opportunity to be heard for or against any item therein.

NOW, THEREFORE, BE IT ORDAINED 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 Annual Budget for the City of Bedford, Texas, for the fiscal period of October 1, 2020 through September 30, 2021 in words and figures contained therein, is hereby adopted and approved. A copy of said budget shall be maintained in the records of the City. A summary of revenues and expenditures by funds is attached hereto as Exhibit A.

PRESENTED AND PASSED this 24th day of August 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:

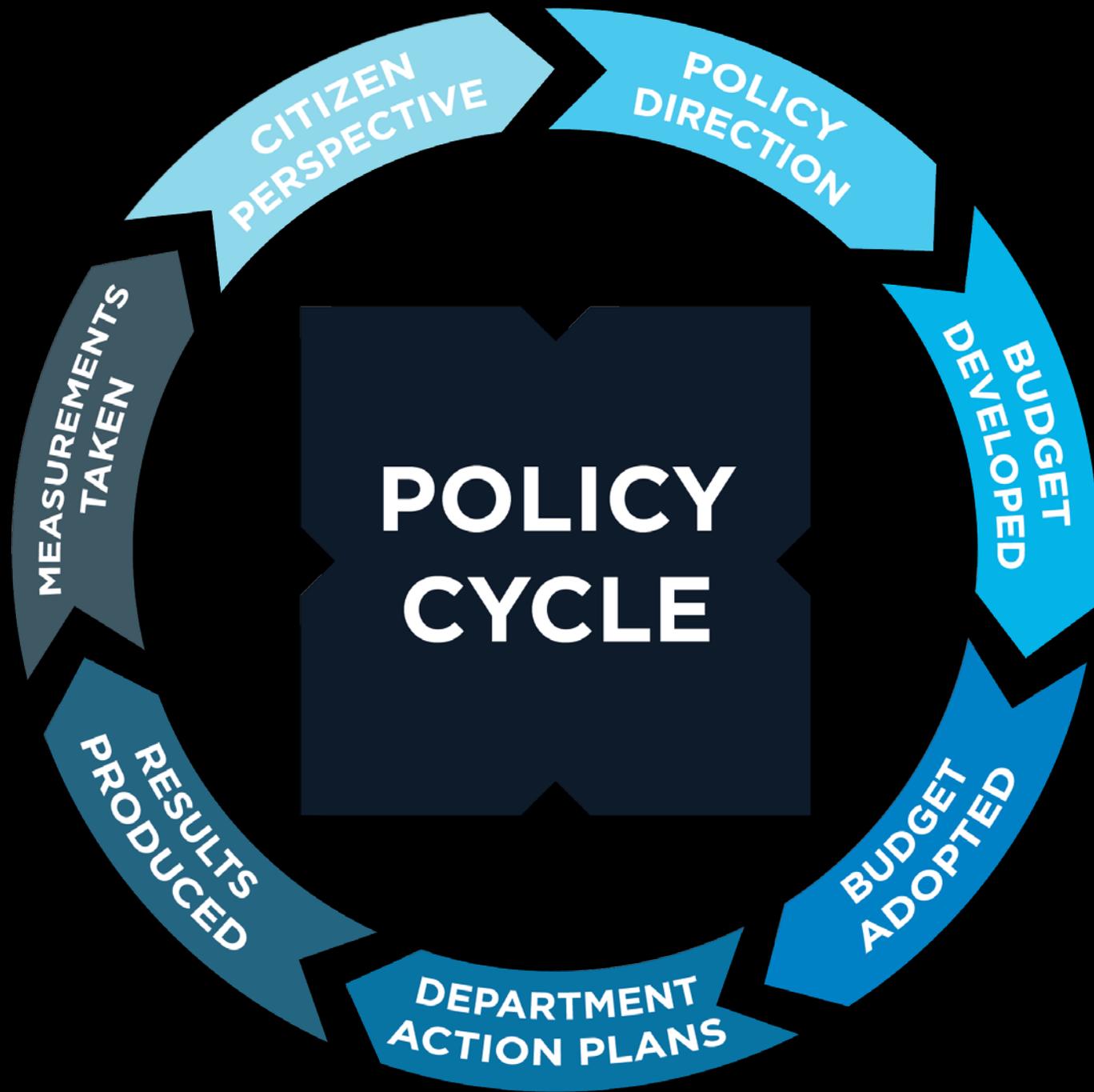
Michael Wells, City Secretary

APPROVED AS TO FORM:

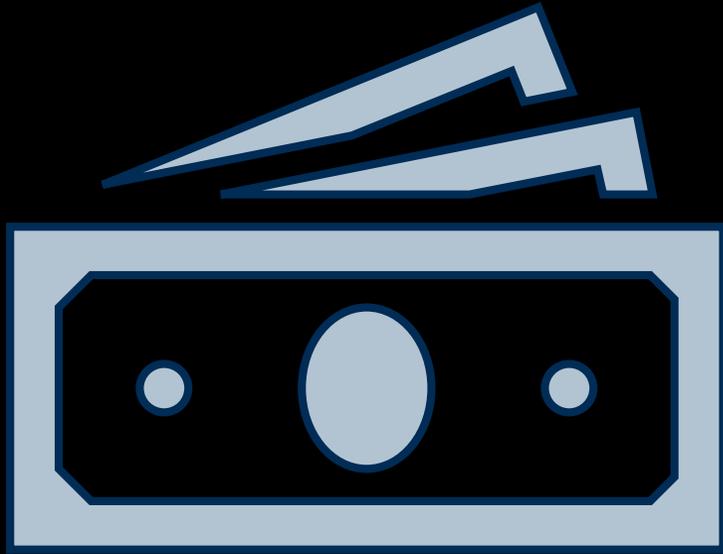
Stan Lowry, City Attorney

FY 2020-21 Budget Adoption

August 24, 2020



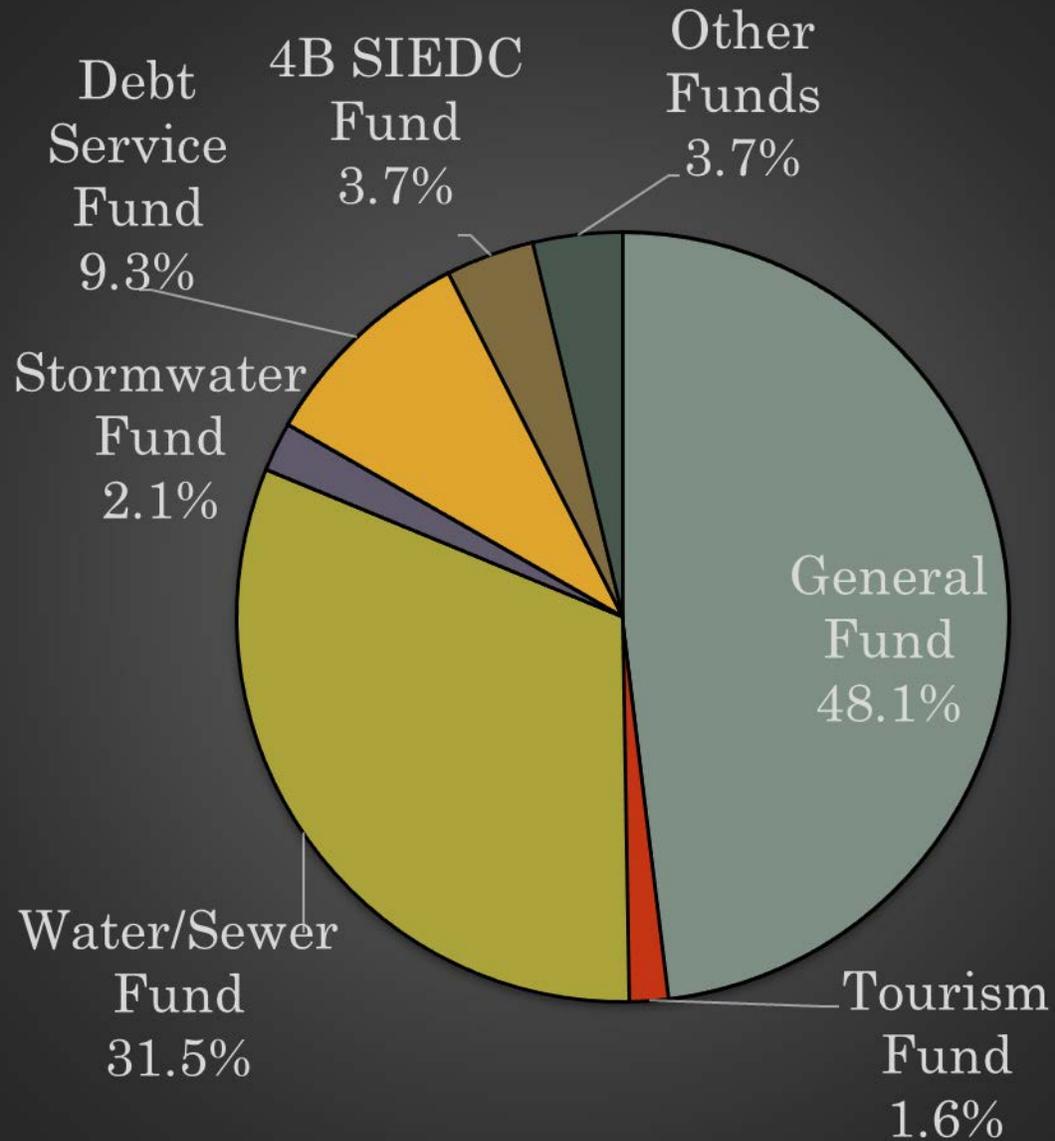
ANNUAL BUDGET PROCESS



FINANCIAL OVERVIEW

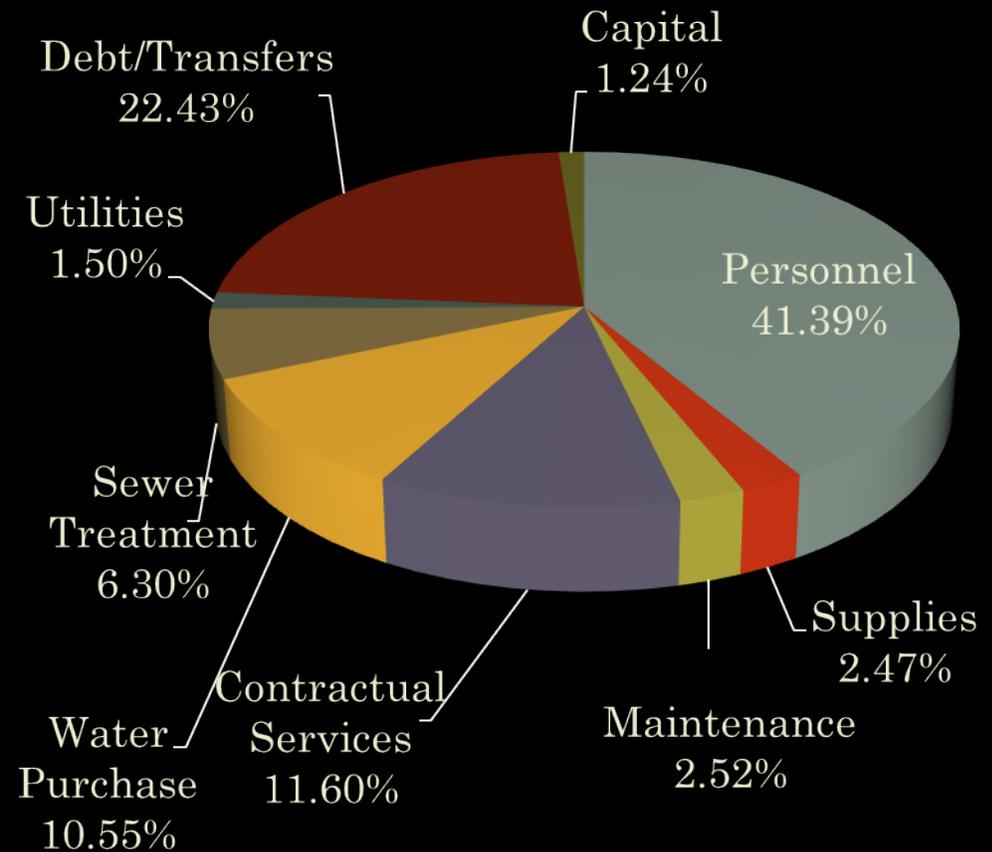
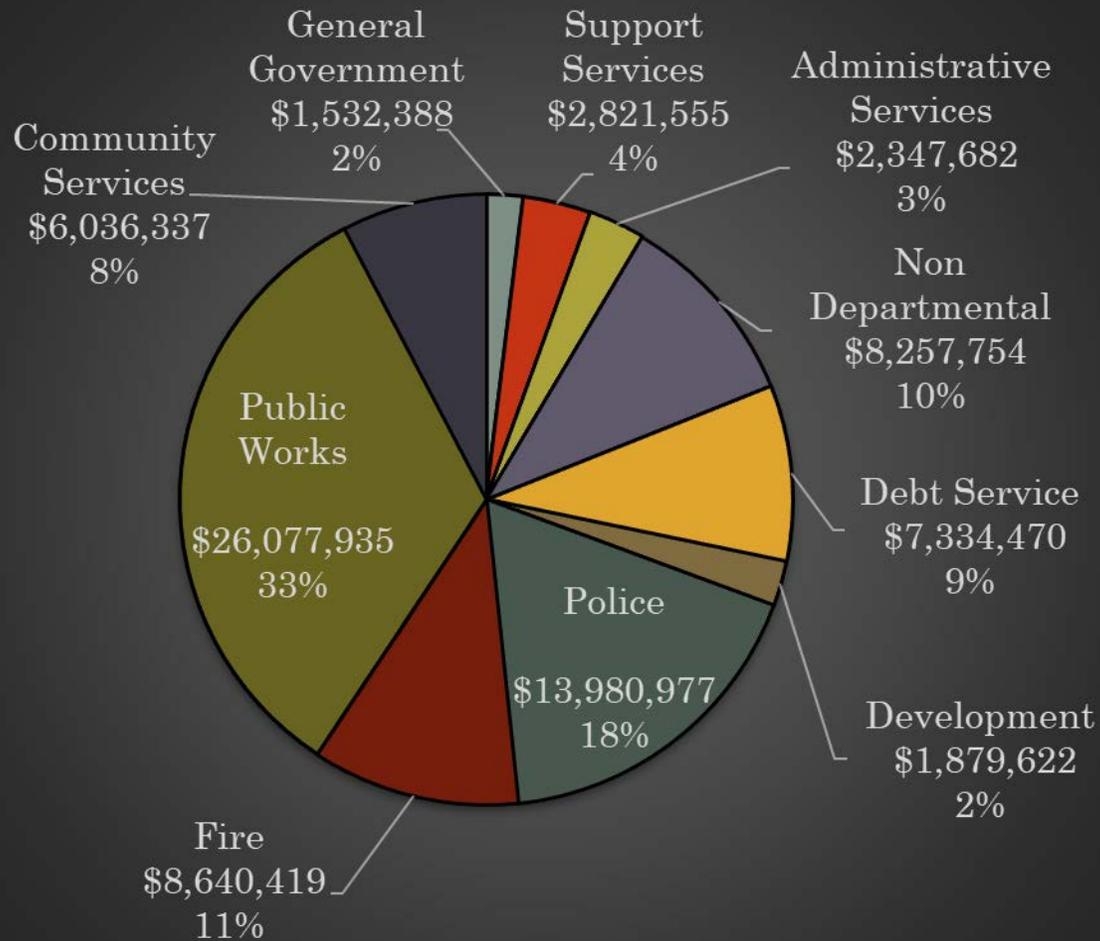
SALES TAX HISTORY

MONTH	COMPARE TO AVG	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
OCT	11.09%	995,085	907,339	784,758	778,942	1,250,879
NOV	3.15%	878,302	848,716	827,365	748,102	1,065,636
DEC	5.79%	1,223,859	1,154,946	1,091,668	1,071,462	1,398,372
JAN	7.27%	928,370	891,065	776,941	809,763	1,075,348
FEB	3.80%	826,946	793,534	769,496	658,878	1,195,716
MAR	-4.90%	1,061,740	1,195,192	1,092,526	1,027,607	1,416,636
APR	-3.08%	842,552	923,586	841,738	788,052	1,102,469
MAY	-0.63%	921,587	936,034	924,726	840,262	813,001
JUN	6.18%	1,196,941	1,102,249	1,082,679	986,746	1,039,571
JUL		-	919,927	858,542	803,485	788,908
AUG		-	920,965	952,569	832,844	815,261
SEPT		-	1,145,289	1,091,932	1,027,032	976,107
TOTAL		<u>8,875,383</u>	<u>11,738,843</u>	<u>11,094,941</u>	<u>10,373,174</u>	<u>12,937,903</u>



REVENUES BY FUND

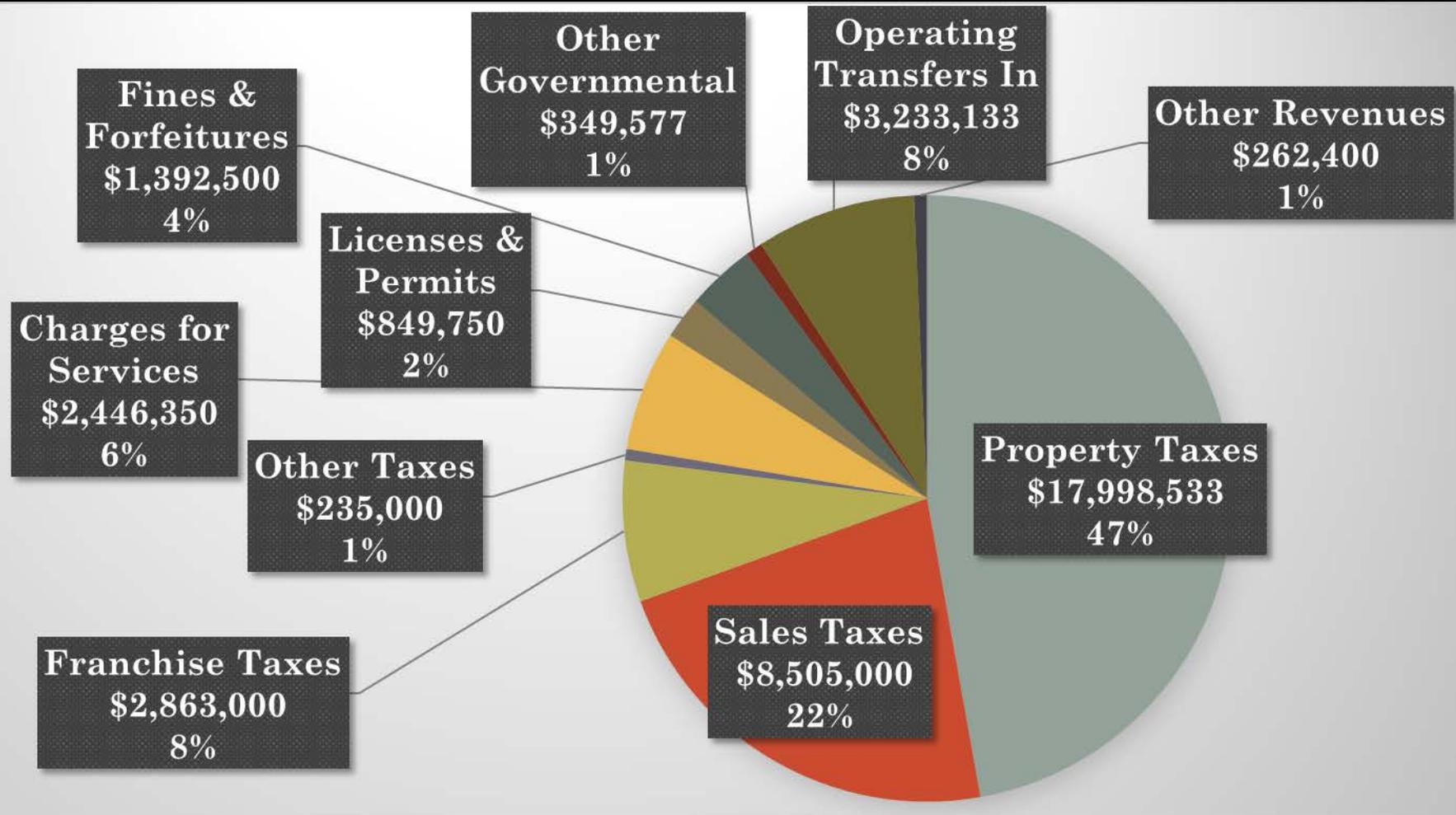
EXPENDITURES BY DEPARTMENT & CLASSIFICATION ALL FUNDS





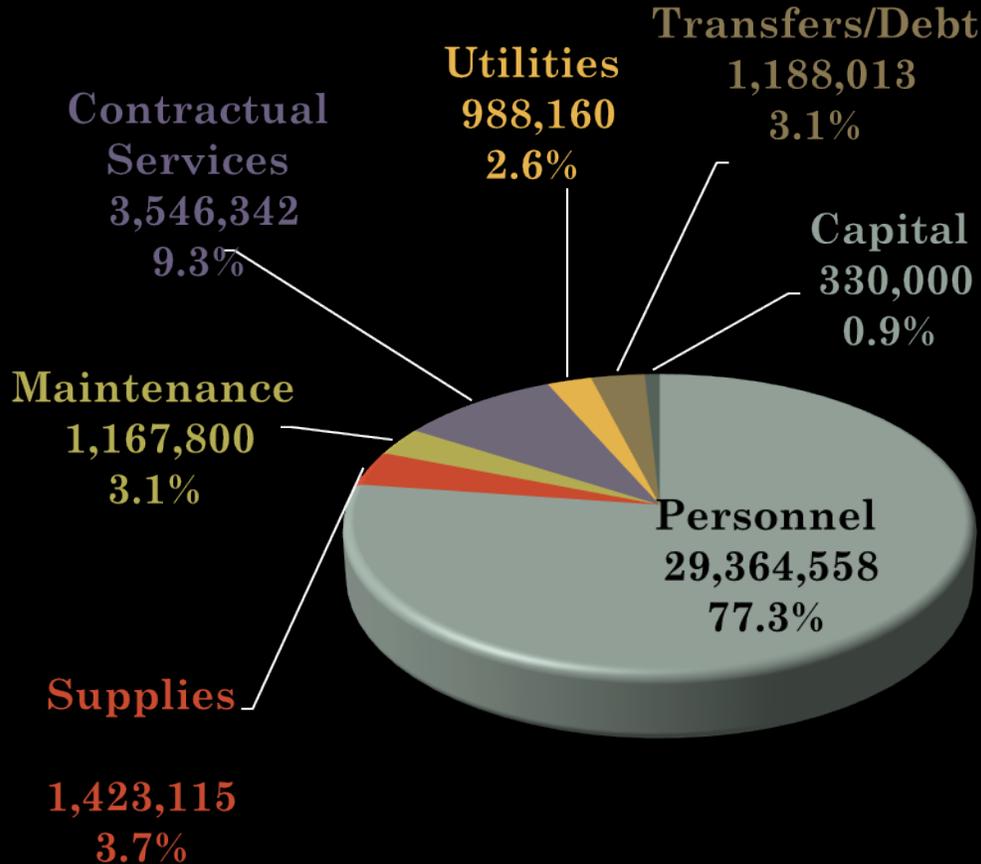
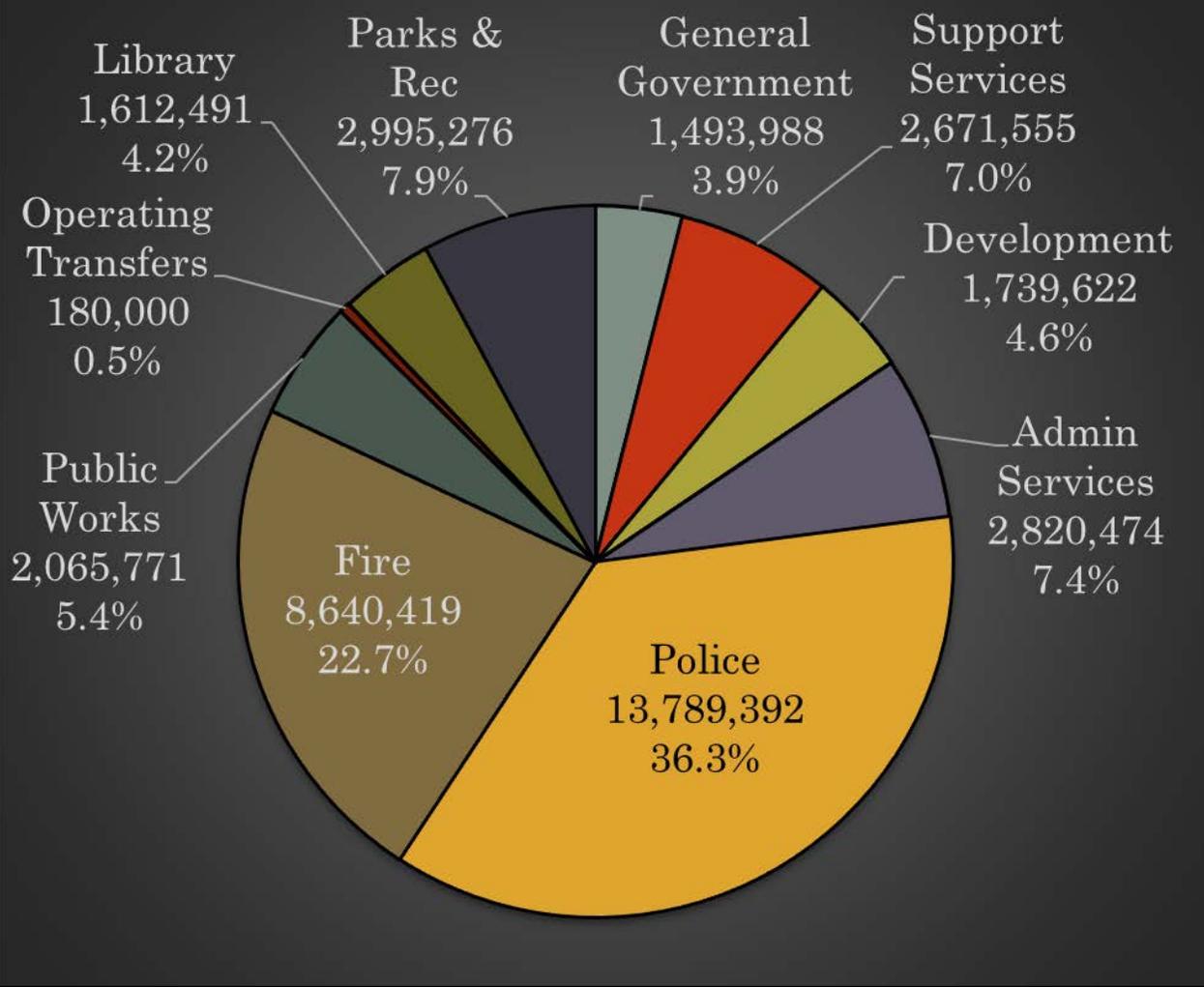
GENERAL FUND

WHERE THE MONEY COMES FROM...



\$38,135,243

\$38,008,988

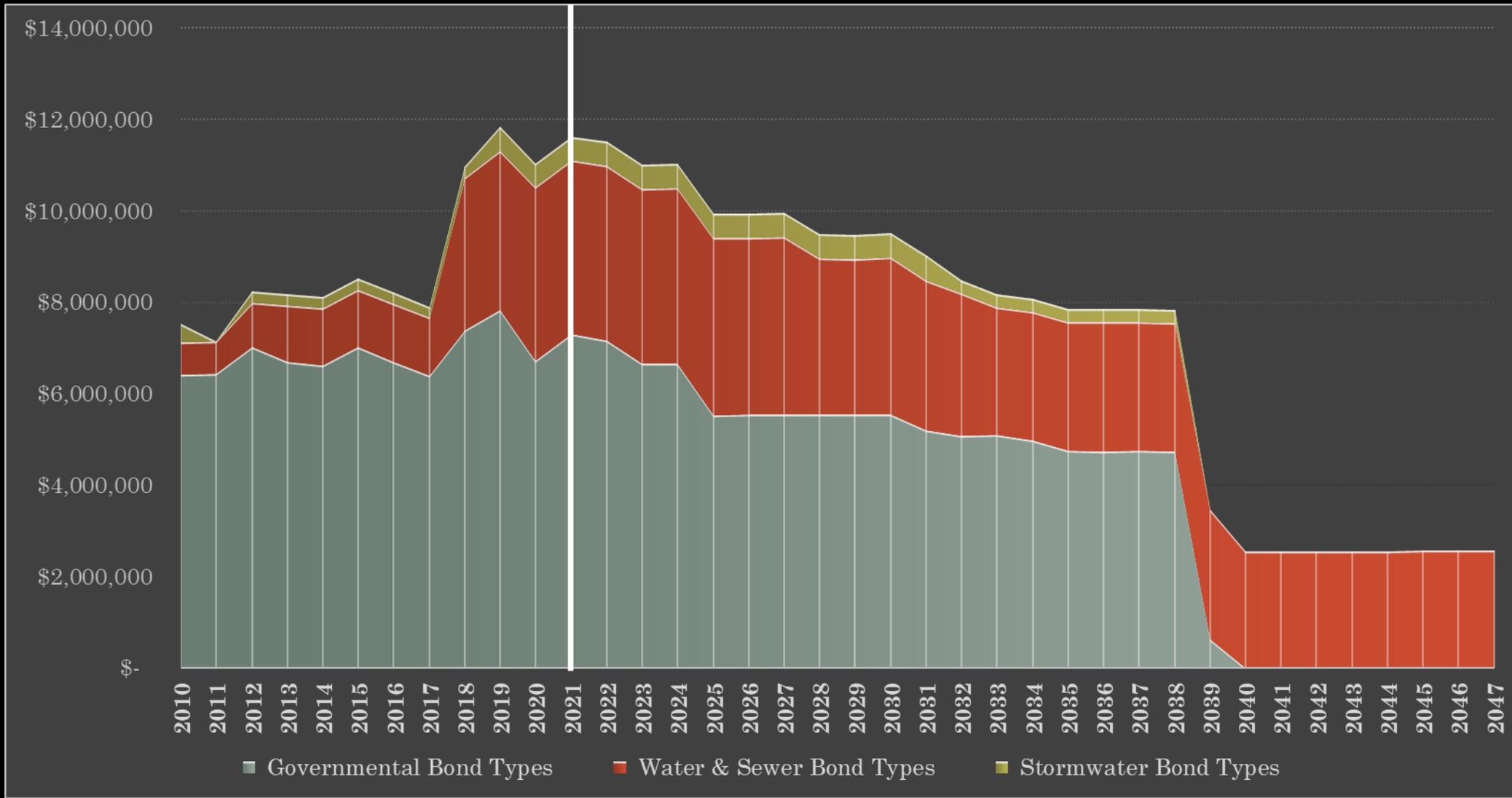


WHERE THE MONEY GOES...

Parks and



DEBT SERVICE FUND



ANNUAL FUNDING REQUIREMENTS



ENTERPRISE FUNDS

TRINITY RIVER AUTHORITY PROJECTIONS

Fiscal Year Ending Nov. 30	Projected Flow (MGD) – Water	Cost per 1,000 Gal – Water	Projected Flow (MGD) – Wastewater	Cost per 1,000 Gal - Wastewater
2021	27.900	\$3.910	143.536	\$3.043
2022	28.179	\$4.203	143.936	\$3.110
2023	28.461	\$4.438	144.336	\$3.183
2024	28.745	\$4.822	144.736	\$3.266
2025	29.033	\$5.046	145.136	\$3.343

CURRENT WATER/SEWER RATES

** Since January 2020*

WATER RATES:

Base Rate	\$19.30/month
Base Rate (age 65 & older)	\$17.54/month
Volume Rate	\$4.24/1,000 gal.

SEWER RATES:

Base Rate	\$12.73/month	
Base Rate (age 65 & older)	\$11.55/month	
Volume Rate	\$3.42/1,000 gal.	Up to 12,000 gal. max

WATER & WASTEWATER RATE DECISION PACKAGES

- Decision Package 1: TRA Pass-Through
- Decision Package 2: TRA Pass-Through & Capital Investment
- Decision Package 3: Even Revenue Adjustment (FY 2021-2024)
- Decision Package 4: TRA Pass-Through (FY 2021) & Even Revenue Adjustment (FY 2022-2024)

CURRENT STORMWATER RATES

RESIDENTIAL:

Base Rate \$4.50/month

Base Rate (age 65 & older) \$4.00/month

COMMERCIAL:

Calculated on lot size/impervious surface

STORMWATER DECISION PACKAGES

- Decision Package 1: Revenue Adjustment to Reach Revenue Metrics
- Decision Package 2: Even Revenue Adjustments in all Years
- Decision Package 3: Even Revenue Adjustments in FY 2022-2024



2020
TAX
RATE

FY 2019-2020 Tax Rate \$0.569000

FY 2020-2021 No-New-
Revenue Tax Rate \$0.562799

FY 2020-2021 Voter-
Approved Rate \$0.571968

TAX RATE SUMMARY

Tax Rate used in Proposed Budget:

\$0.569000

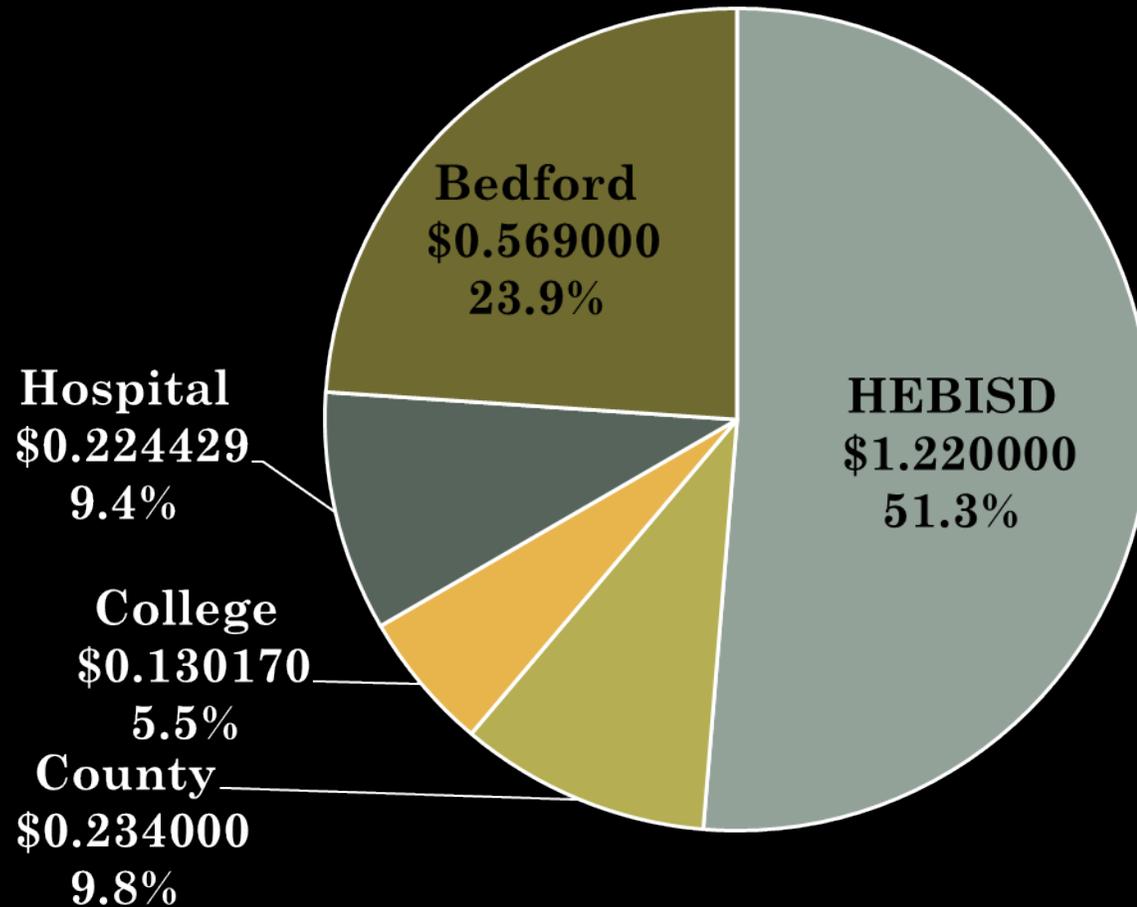
TAX RATE COMPARISON

FY 2019-2020 VS FY 2020-2021

	<u>FY 2019-20</u>	<u>FY 2020-21</u> <u>PROPOSED</u>		<u>DIFF</u>
M&O RATE	\$0.377409	\$0.384633	1.9%	\$0.007224
I&S RATE	<u>\$0.191591</u>	<u>\$0.184367</u>	-3.8%	<u>(\$0.007224)</u>
	\$0.569000	\$0.569000		\$0.000000

FY 2019-2020 OVERLAPPING TAX RATE

\$2.377599

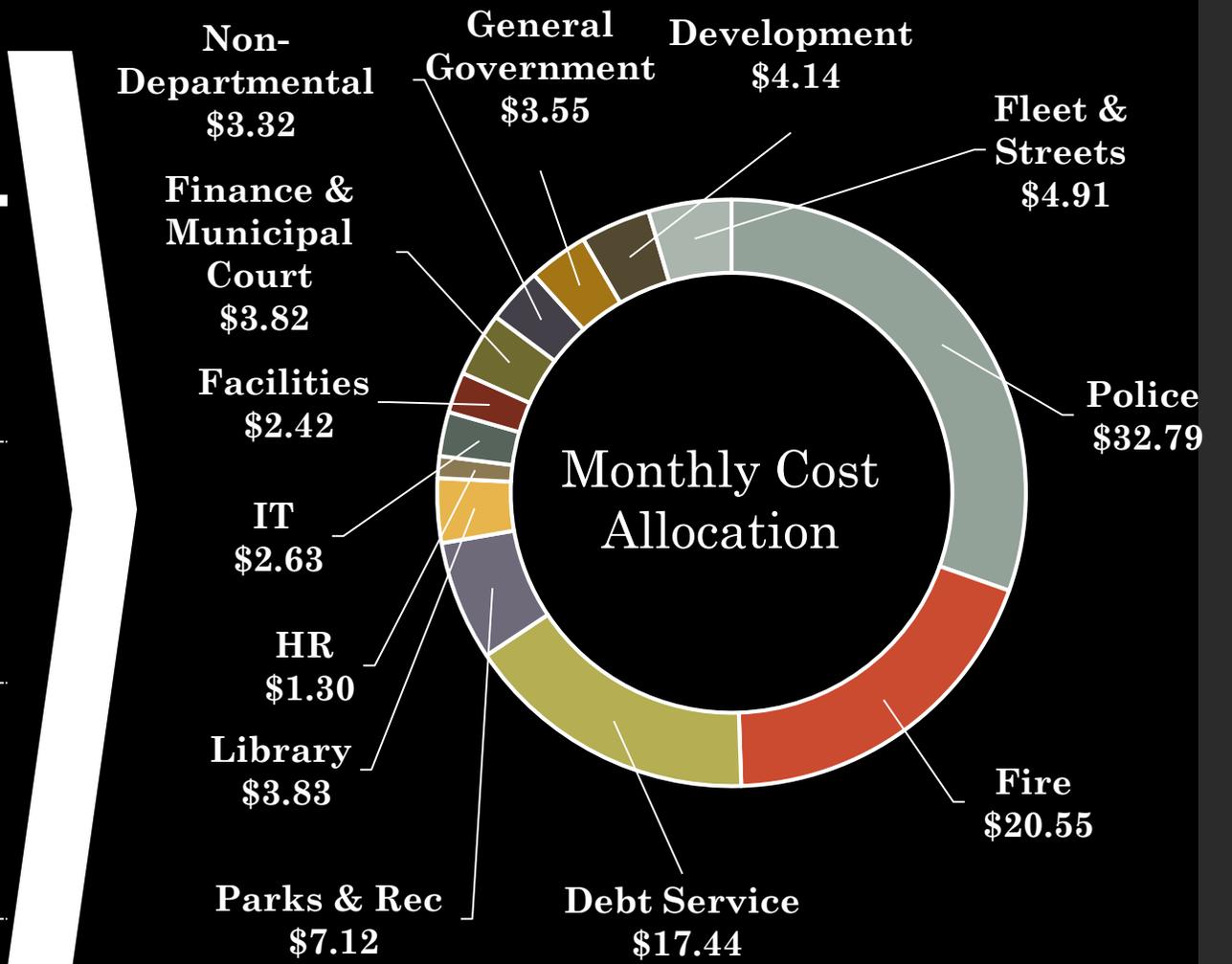


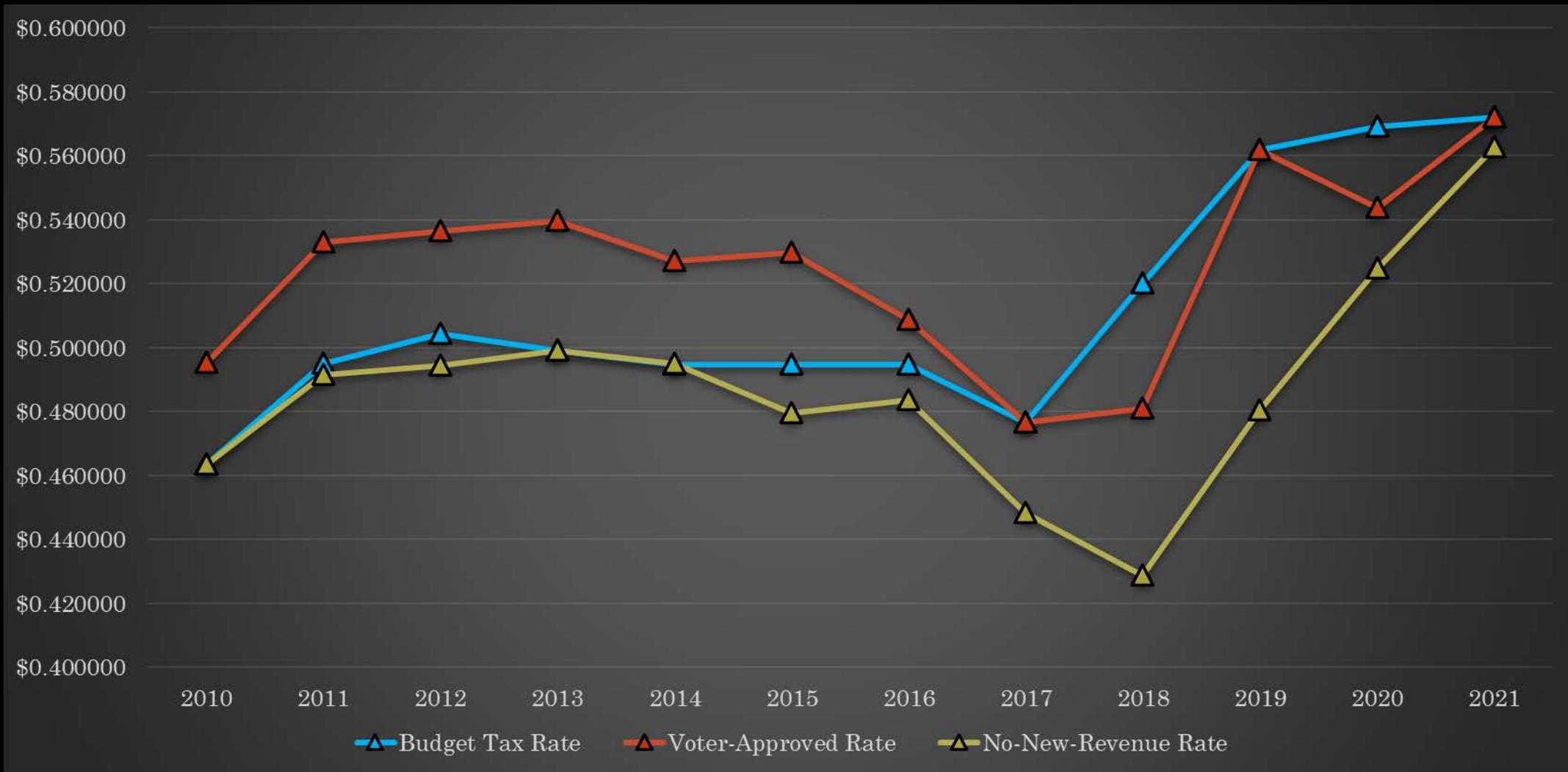
TAX RATE IMPACT

	FY 19-20 ADOPTED	FY 20-21 PROPOSED
Tax Rate	\$0.569000	\$0.569000
Average Homeowner Impact		
Average Home Value	\$220,040	\$227,410
Annual Tax Bill:	\$1,252.03	\$1,293.96
Monthly:	\$104.34	\$107.83
Senior Exemption Property Impact (Newly Qualified Property)		
Average Home Value	\$220,040	\$227,410
Less: Over 65 Exemption:	<i>(\$50,000)</i>	<i>(\$50,000)</i>
Net Taxable Value	<u>\$170,040</u>	<u>\$177,410</u>
Annual Tax Bill:	\$967.53	\$1,009.46
Monthly:	\$80.63	\$84.12

AVERAGE HOME IMPACT

Average Taxable Value	\$227,410
<i>Annual Cost</i>	\$1,293.96
<i>Monthly Cost</i>	\$107.83
<i>Daily Cost</i>	\$3.55

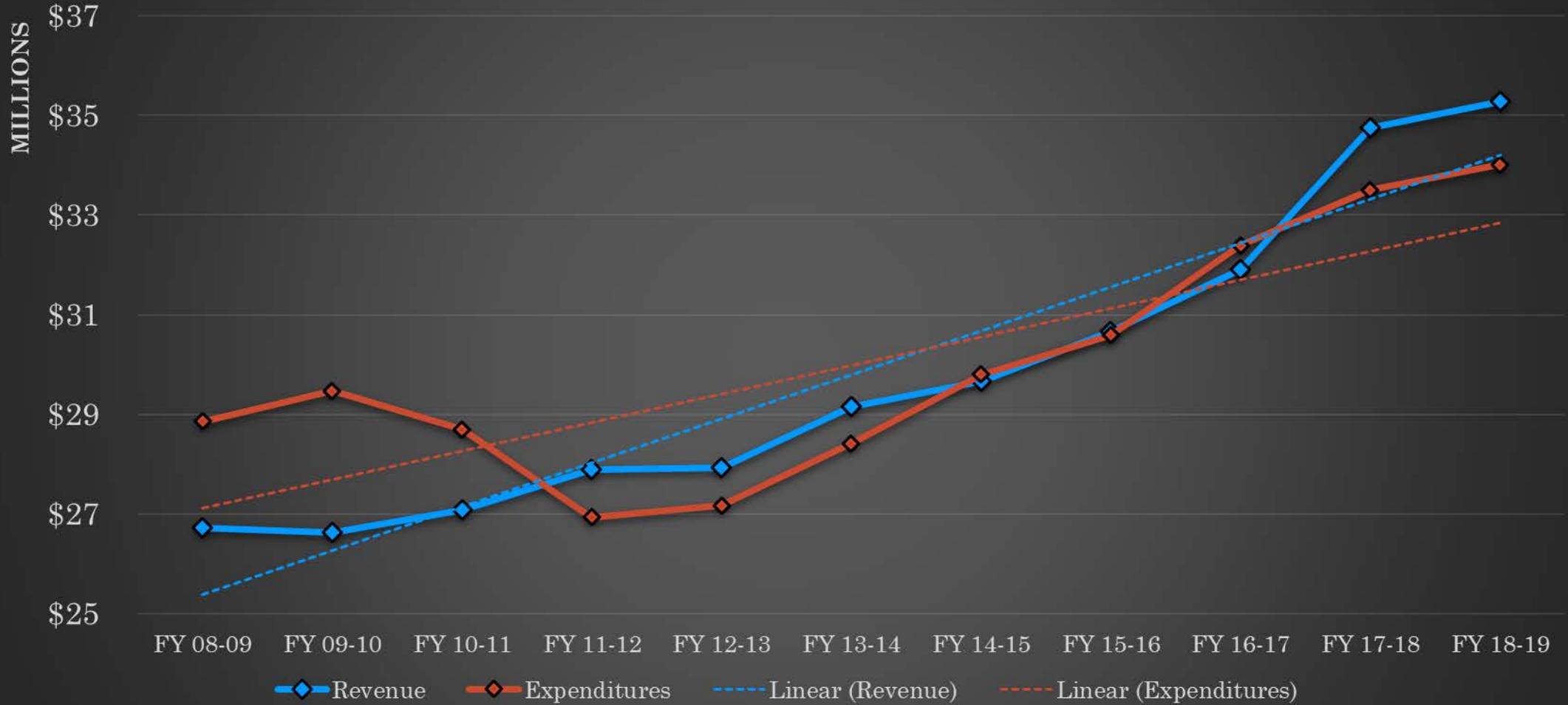




TAX RATE HISTORY

FORECASTING





GENERAL FUND REVENUE & EXPENSE TREND

ITEM		AMOUNT
Cost Savings from Premium Reductions, Position Freezes	\$	(482,460)
Division Reallocations	\$	401,988
2% Pay Grade Adjustments	\$	400,377
Cancer Screening	\$	10,000
TMRS Benefit Expansion	\$	1,320,460
Perimeter Fence at Law Enforcement Center	\$	220,000
Plymovent System for Fire Station 1 & 2	\$	110,000

COUNCIL CHANGES

PROPOSED TAX RATE

0.569000

FISCAL YEAR 2021 - 2025

ROLLBACK CAP %

3.50%

	2019 ACTUAL	2020 ESTIMATED	2021	2022	2023	2024	2025
TAX RATE	0.561862	0.569000	0.569000	0.591430	0.606489	0.640292	0.647847
TOTAL REVENUES	35,288,002	35,623,112	38,135,243	39,390,123	40,909,217	42,459,825	43,903,786
TOTAL EXPENDITURES	34,016,164	34,349,503	38,008,986	38,908,030	41,599,033	42,181,095	42,767,765
REVENUES OVER (UNDER) EXPENDITURES	1,271,838	1,273,609	126,257	482,093	(689,816)	278,730	\$1,136,021
RESERVE \$	\$8,259,834	\$9,533,443	\$9,659,700	\$10,141,793	\$9,451,977	\$9,730,707	\$10,866,728
RESERVE %	24.28%	27.75%	25.41%	26.07%	22.72%	23.07%	25.41%
RESERVES OVER (UNDER) 20% TARGET	1,456,601	2,663,542	2,057,903	2,360,187	1,132,171	1,294,488	2,313,175

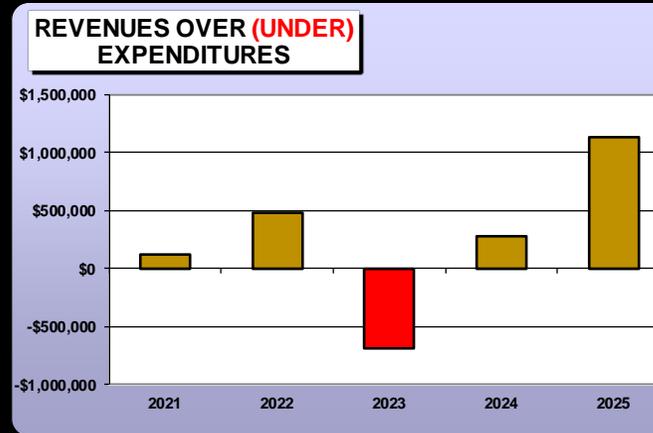
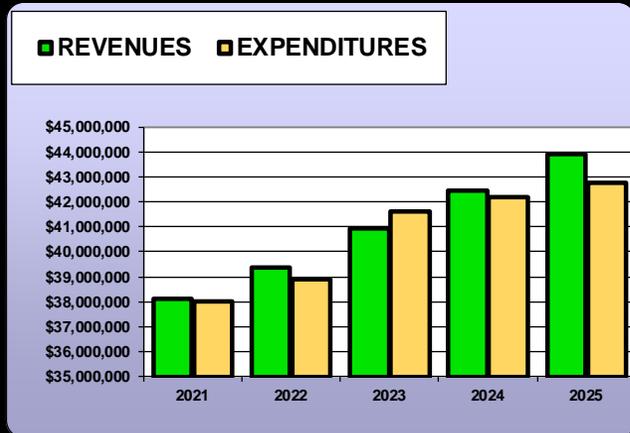


Exhibit A

CITY OF BEDFORD
SUMMARY OF REVENUE AND EXPENDITURES BY FUND
FISCAL YEAR 2020-2021

FUND NAME	BEGINNING BALANCE	REVENUE		EXPENDITURES			FY 20-21 DIFFERENCE	ENDING BALANCE	CHANGE IN FUND BALANCE	
		PROPOSED	SUPPLEMENTAL	PROPOSED	SUPPLEMENTAL					
GENERAL FUND	\$ 9,530,674	\$ 38,135,243	\$ -	\$ 38,135,243	\$ 36,028,621	\$ 1,980,367	\$ 38,008,988	\$ 126,255	\$ 9,656,929	1.32%
TOURISM FUND	303,123	1,291,750	-	1,291,750	1,142,547	106,023	1,248,570	43,180	346,303	14.25%
WATER AND SEWER FUND	2,937,147 *	24,979,310	-	24,979,310	25,105,875	(278,807)	24,827,068	152,242	3,089,389	205.18%
STORMWATER UTILITY FUND	862,714 *	1,651,000	-	1,651,000	1,773,126	20,512	1,793,638	(142,638)	720,076	-16.53%
UTILITY REPAIR & MAINTENANCE FUND	4,001,066 *	1,070,000	-	1,070,000	600,000	-	600,000	470,000	4,471,066	11.75%
COURT SECURITY FUND	91	25,000	-	25,000	25,000	-	25,000	-	91	0.00%
TRUANCY PREVENTION & DIVERSION FUND	-	20,000	-	20,000	20,000	-	20,000	-	-	0.00%
MUNICIPAL JURY FUND	-	200	-	200	200	-	200	-	-	0.00%
COURT TECHNOLOGY FUND	52,129	45,450	-	45,450	45,710	-	45,710	(260)	51,869	-0.50%
PARK DONATIONS FUND	67,996	12,750	-	12,750	50,000	-	50,000	(37,250)	30,746	-54.78%
BEAUTIFICATION COMMISSION FUND	56,525	10,500	-	10,500	25,000	-	25,000	(14,500)	42,025	-25.65%
PUBLIC SAFETY TRAINING FUND	10,918	7,200	-	7,200	3,000	-	3,000	4,200	15,118	38.47%
ECONOMIC DEVELOPMENT FUND	492,179	53,000	-	53,000	140,000	-	140,000	(87,000)	405,179	-17.68%
STREET IMPROVEMENT ECONOMIC DEVELOPMENT CORP.	1,886,886	2,945,000	-	2,945,000	3,071,080	-	3,071,080	(126,080)	1,760,806	-6.68%
DEBT SERVICE FUND	890,656	7,339,220	-	7,339,220	7,334,470	-	7,334,470	4,750	895,406	0.53%
PEG FUND	1,029,610	207,000	-	207,000	38,400	-	38,400	168,600	1,198,210	16.38%
COMMERCIAL VEHICLE ENFORCEMENT FUND	15,881	123,100	-	123,100	122,418	6,167	128,585	(5,485)	10,396	-34.54%
SWAT - NETCAST FUND	33,547	60,250	-	60,250	60,000	-	60,000	250	33,797	0.75%
PARK MAINTENANCE FUND	224,762	51,500	-	51,500	50,000	-	50,000	1,500	226,262	0.67%
COMPUTER REPLACEMENT FUND	194,156	61,000	-	61,000	20,000	-	20,000	41,000	235,156	21.12%
AQUATICS MAINTENANCE FUND	151,173	26,200	-	26,200	10,000	-	10,000	16,200	167,373	10.72%
LIBRARY MAINTENANCE FUND	63,670	25,500	-	25,500	-	45,000	45,000	(19,500)	44,170	-30.63%
FACILITY MAINTENANCE FUND	239,704	47,500	-	47,500	30,000	100,000	130,000	(82,500)	157,204	-34.42%
EQUIPMENT REPLACEMENT FUND	256,235	1,037,550	-	1,037,550	1,116,930	-	1,116,930	(79,380)	176,855	-30.98%
WATER/SEWER VEHICLE REPLACEMENT FUND	82,619 *	51,200	-	51,200	117,500	-	117,500	(66,300)	16,319	-80.25%
	\$ 23,383,459	\$ 79,276,423	\$ -	\$ 79,276,423	\$ 76,929,877	\$ 1,979,262	\$ 78,909,139	\$ 367,284	\$ 23,750,743	

* The beginning balance for these funds are based on Working Capital.



Council Agenda Background

<u>PRESENTER:</u> Meg Jakubik, C.G.F.O., Strategic Services Manager		<u>DATE:</u> 08/24/20
Council Mission Area: Be responsive to the needs of the community.		
<u>ITEM:</u> Consider a resolution to ratify the property tax increase as reflected in the FY 2020-2021 City of Bedford Program of Services (Budget). City Attorney Review: N/A		
<u>SUMMARY:</u> This item is a procedural requirement of the Legislature as part of adopting the tax rate for the City of Bedford each year.		
<u>BACKGROUND:</u> Pursuant to the requirements of HB 3195, it is necessary for the City Council to vote to ratify the property tax increase as reflected in the FY 2020-2021 Budget. This vote is a procedural requirement of HB 3195. Section 102.007, Local Government Code, Subsection (c), reads as follows: “Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or vote to set the tax rate required by Chapter 26, Tax Code, or other law.” If the \$0.569000 tax rate is adopted, this budget will raise more total property taxes compared to last year by \$754,045 or 3.08% and, of that amount, \$11,608 is tax revenue to be raised from new properties added to the tax roll this year.		
<u>RECOMMENDATION:</u> Staff recommends the following motion: Approval of a resolution to ratify the property tax increase as reflected in the FY 2020-2021 City of Bedford Program of Services (Budget).		
<u>FISCAL IMPACT:</u> N/A	<u>ATTACHMENTS:</u> Resolution	

RESOLUTION NO. 2020-

A RESOLUTION TO RATIFY THE PROPERTY TAX INCREASE AS REFLECTED IN THE FY 2020-2021 CITY OF BEDFORD PROGRAM OF SERVICES (BUDGET).

WHEREAS, the City of Bedford has adopted an annual budget that requires raising more revenue from property taxes than in the previous year; and,

WHEREAS, House Bill 3195 requires that the governing body ratify the property tax increase reflected in the budget in a separate vote.

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 hereby ratifies the property tax increase reflected in the City of Bedford FY 2020-2021 Program of Services (Budget).

SECTION 3. That any prior resolutions inconsistent with this resolution are hereby repealed.

PRESENTED AND PASSED this 24th day of August 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



Council Agenda Background

PRESENTER: Meg Jakubik, C.G.F.O., Strategic Services
Manager

DATE: 08/24/20

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

ITEM:

Consider an ordinance levying taxes for the Tax Year 2020 for the City of Bedford, Texas; establishing the Ad Valorem Tax Rate of _____ per one hundred dollars valuation; providing for the apportionment of taxes for interest and sinking and for general operating needs; providing penalties and interest for delinquent taxes; and providing an effective date.

City Attorney Review: N/A

SUMMARY:

This item is the adoption of the tax rate for the 2020 tax year to fund the FY 2020-2021 Budget.

BACKGROUND:

In accordance with Tax Code 26.05, a public hearing was held on August 17, 2020 to receive comments on the proposed tax rate.

The City Council set the maximum tax rate they would consider at \$0.569000 per \$100 assessed valuation at the August 3, 2020 Council meeting.

Adopting a tax rate of \$0.569000 per \$100 assessed valuation equates to a 1.1% increase in the tax rate. This rate will raise taxes for maintenance and operations on a \$100,000 home by approximately \$7.22.

RECOMMENDATION:

Staff recommends the following motion:

I move that the property tax rate be increased by the adoption of a tax rate of _____, which is effectively a ____ percent increase in the tax rate.

FISCAL IMPACT:

Property Tax revenue to support the FY 2020-2021 budget.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2020-

AN ORDINANCE LEVYING TAXES FOR THE TAX YEAR 2020 FOR THE CITY OF BEDFORD, TEXAS; ESTABLISHING THE AD VALOREM TAX RATE OF _____ PER ONE HUNDRED DOLLARS VALUATION; PROVIDING FOR THE APPORTIONMENT OF TAXES FOR INTEREST AND SINKING FUND FOR CERTAIN BOND INDEBTEDNESS AND FOR GENERAL OPERATING NEEDS; PROVIDING PENALTIES AND INTEREST FOR DELINQUENT TAXES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a budget has been adopted by the City Council of Bedford, Texas, covering the proposed expenditures of the municipal government of the City of Bedford for the fiscal year beginning October 1, 2020 and ending September 30, 2021; and,

WHEREAS, said budget reflects the needs for revenue to meet the expenses proposed therein; and,

WHEREAS, the City required to accumulate an Interest and Sinking Fund for certain outstanding bond indebtedness; and,

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered too, including, but not limited to, the Open Meetings Act; and,

WHEREAS, the City Council of Bedford, Texas, determines that the passage of this ordinance is in the best interests of the health, safety and welfare of the public; and,

WHEREAS, THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE; and,

WHEREAS, THE TAX RATE WILL EFFECTIVELY BE RAISED BY ____ PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$_____.

NOW, THEREFORE, BE IT ORDAINED 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 there shall be and there is hereby levied the following taxes on each one hundred (\$100.00) dollars valuation on all taxable property within the City of Bedford, Texas, to be assessed and collected by the Tax Assessor-Collector for the year, and collected for the purposes herein stipulated, to-wit:

- a) For Maintenance and Operations levied on \$100.00 valuation \$ _____
- b) For Interest and Sinking levied on \$100 valuation \$0.184367
- TOTAL LEVY \$0.

SECTION 3. That taxes levied by this ordinance shall be due and payable on the first day of October 2020, and shall become delinquent on the first day of February 2021, if unpaid. Upon taxes becoming delinquent, interest and penalty will be added as required in Section 33.01 of the Texas Property Tax Code, and shall commence on the first day of February 2021. The City of Bedford is hereby authorized to adopt any and all legal remedies provided by the Texas Property Tax Code for the purpose of collecting delinquent taxes.

PRESENTED AND PASSED on this 24th day of August 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

APPROVED AS TO FORM:

Stan Lowry, City Attorney

ITEM #6 IS TO BE DISCUSSED BY COUNCIL IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.087. THE MATERIALS FOR THESE ITEMS WILL BECOME PUBLIC INFORMATION UPON COUNCIL APPROVAL. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 817.952.2104 IF YOU HAVE ANY QUESTIONS.



Council Agenda Background

PRESENTER: Kenneth Overstreet, Public Works Director

DATE: 08/24/20

Council Mission Area: Protect the vitality of neighborhoods.

ITEM:

Consider a resolution authorizing the Interim City Manager to enter into a contract with A & M Construction and Utilities, Inc., in the amount of \$2,217,876.70, for the SWIFT-20-10 Harwood Road-Hurst City Limits to Bedfordshire Water System Improvements Project.

City Attorney Review: Yes

SUMMARY:

This item is requesting approval to award the SWIFT-20-10 Harwood Road-Hurst city limits to Bedfordshire Water System Improvements project to A & M Construction and Utilities, Inc., in the amount of \$2,217,876.70. This is the tenth project utilizing the State Water Implementation Fund for Texas (SWIFT) funding. Water lines, valves, and fire hydrants are within the scope of this project and will be replaced due to age and condition of the existing pipes. A & M Construction and Utilities, Inc. submitted the lowest qualified bid of the twelve bids received on July 30, 2020.

BACKGROUND:

The SWIFT-20-10 Harwood Road-Hurst City Limits to Bedfordshire Water System Improvements Project is the tenth project utilizing the State Water Implementation Fund for Texas (SWIFT) funding. Most of the waterlines were installed in the 1970s. This project has been prioritized to replace the water lines for Generations Park, formerly known as the Boys Ranch Park, to ensure adequate water supply to support the new infrastructure. On June 5, 2020, the Texas Water Development Board (TWDB) approved the project utilizing the SWIFT funding, and this is the largest SWIFT project to date. Construction is anticipated to begin in early 2021, after final TWDB approval.

The project includes the installation of approximately 12,400 linear feet of PVC water pipe, 604 linear feet of iron water pipe, 24" steel casing and related appurtenances (fire hydrants, valves, meter boxes, and service lines), in addition to any other incidental work that may be needed. After the completion of the waterline project, the City will follow up with pavement improvements on Harwood Road from the Hurst city limits to Bedfordshire.

This project was advertised for bid on July 12, 2020 and July 19, 2020 in the Star-Telegram and posted to the CivCast website. A virtual mandatory pre-bid meeting was held July 23, 2020. On July 30, 2020, twelve bids were received for the project, with A & M Construction and Utilities, Inc. submitting the lowest qualifying bid in the amount of \$2,217,876.70. The highest bid submitted was \$6,938,571.00, and the average of all bids was \$3,838,089.98.

Pacheco Koch, design engineers, provided a recommendation letter to award the construction contract to A & M Construction and Utilities, Inc. A & M Construction was awarded the SWIFT 20-18 Forest Ridge Addition and Bell Manor Units 3, and 5 Water System Improvements Project on September 25, 2019, which is currently under construction. Previously, A & M Construction successfully completed the SWIFT 17-07 Water and Sewer Rehabilitation for Brown Trail project, the Bedford Road Water Main Improvements project in 2015, and the Simpson Terrace Elevated Storage Tank Interior Coating project in 2014.

A meeting was held with the contractor on August 10, 2020 to emphasize the importance of traffic control, staging, project progression, and constant communication while working on Harwood Road.

The timeline for the project is 420 consecutive calendar days. The project will progress from the east at Bedfordshire toward the Hurst city limits to avoid construction at Generations Park.

If approved, the amount of \$2,217,876.70 will be paid from the SWIFT 2015 Certificates of Obligation Bonds.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the Interim City Manager to enter into a contract with A & M Construction and Utilities, Inc., in the amount of \$2,217,876.70, for the SWIFT-20-10 Harwood Road-Hurst City Limits to Bedfordshire Water System Improvements project.

FISCAL IMPACT:

2015 Certificates of Obligation:	\$7,361,698.75
Bid Amount:	<u>\$2,217,876.70</u>
Balance:	\$5,143,822.05

ATTACHMENTS:

Resolution
Contract Document
Bid Tabulation
Map
Recommendation Letter

RESOLUTION NO. 2020-

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A CONTRACT WITH A & M CONSTRUCTION AND UTILITIES, INC., IN THE AMOUNT OF \$2,217,876.70, FOR THE SWIFT-20-10 HARWOOD ROAD-HURST CITY LIMITS TO BEDFORDSHIRE WATER SYSTEM IMPROVEMENT PROJECT.

WHEREAS, the City Council of Bedford, Texas has determined that providing reliable water service, by replacing leaking water lines, is necessary to protect the vitality of neighborhoods; and,

WHEREAS, the City Council of Bedford, Texas has determined that providing reliable water service is necessary for the health and safety of citizens; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to be responsive to the needs of the community.

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 in their entirety.

SECTION 2. That the Interim City Manager is authorized to enter into a contract with A & M Construction and Utilities, Inc., for the SWIFT-20-10 Harwood Road-Hurst City Limits to Bedfordshire Water System Improvements Project.

SECTION 3. That funding, in the amount of \$2,217,876.70, will be paid from the SWIFT 2015 Certificates of Obligation Bond.

PRESENTED and PASSED this 24th day of August 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

AGREEMENT BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is by and between the City of Bedford, Texas and A & M Construction and Utilities, Inc.

(hereinafter called Owner)

(hereinafter called Contractor).

Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 – WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

The project includes the installation of approximately 8,800 linear feet of 12" AWWA DR-18, C900 PVC water pipe, 3,175 linear feet of 8" AWWA DR-18, C900 PVC water pipe, 435 linear feet of 6" AWWA DR-18, C900 PVC, 442 linear feet of 12" of AWWA C121 ductile iron water pipe by open cutting and 162 linear feet of 12" AWWA C151 ductile iron water pipe by boring including 24" steel casing and related appurtenances (fire hydrants, valves meter boxes, copper pipe and service lines), and all incidental work as indicated on the plans.

ARTICLE 2- THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

**TWDB SWIFT Program Number 51016
City of Bedford Bid Reference Number: SWIFT 20-10
Harwood Road – Hurst City Limits to Bedfordshire
Water System Improvements**

ARTICLE 3 – ENGINEER

3.01 The Project has been designed by the City of Bedford, Engineering Department who is herein after called Engineer and who is to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

4.01 TIME OF THE ESSENCE

A. All time limits for Milestones, if any, Substantial Completion, and completion

and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

- 4.02 DAYS TO ACHIEVE SUBSTANTIAL COMPLETION AND FINAL PAYMENT
- A. The Work will be substantially completed within the time stated in the Instructions to Bidders.
- 4.03 LIQUIDATED DAMAGES
- A. Contractor and Owner recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not completed within the times specified in paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 11 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner \$500.00 for each day that expires after the time specified in paragraph 4.02 for Substantial Completion until the Work is substantially complete.

ARTICLE 5- CONTRACT PRICE

- 5.01 CONTRACT PRICE
- Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amount determined pursuant to paragraph 5.01. A below:
- A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit.

ARTICLE 6 – PAYMENT PROCEDURES

- 6.01 SUBMITTAL AND PROCESSING OF PAYMENTS
- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.
- 6.02 PROGRESS PAYMENTS; RETAINAGE
- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 25th day of each month during performance of the Work as provided in paragraphs 6.02. A. 1 below. All such payments will be measured by the schedule of values established in paragraph 2.05. A. of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements:

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, in accordance with paragraph 15.01 of the General Conditions:
 - a. 95% of Work completed (with the balance being retainage).
 - b. 95% of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
2. The retainage shall be placed in an interest-bearing account by the Owner. The interest earned thereby will be paid to the Contractor with the Final Payment.

6.03 FINAL PAYMENT

- A. Upon final completion and acceptance of the Work in accordance with paragraph 15.07 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said paragraph 15.07.

ARTICLE 7 – INTEREST

- 7.01 All moneys not paid when due as provided in Article 15 of the General Conditions shall bear interest at the prevailing money market rate.

ARTICLE 8 - CONTRACTOR'S REPRESENTATIONS

- 8.01 In order to induce Owner to enter this Agreement, Contractor makes the following representations:
 - A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
 - B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
 - C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.
 - D. Contractor has obtained and carefully studied (or assumes responsibility for having done so) all examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by

Contractor, including applying the specific means, methods, techniques, sequences, and procedures of construction, if any, expressly required by the Contract Documents to be employed by Contractor, and safety precautions and programs incident thereto.

- E. Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- F. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- G. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, and all examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolutions thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 CONTENTS

- A. The Contract Documents consist of the documents listed in the table of contents of the Project Manual and the drawings listed on the Sheet Index in the Drawings. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
 - 1. Written Amendments;
 - 2. Work Change Directives;
 - 3. Change Order(s).
- B. The documents listed in paragraph 9.01. A. are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in Article 11 of the General Conditions.

ARTICLE 10 - MISCELLANEOUS

10.01 TERMS

- A. Terms used in this Agreement will have the meanings indicated in the General Conditions.

10.02 ASSIGNMENT OF CONTRACT

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

10.03 SUCCESSORS AND ASSIGNS

- A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 SEVERABILITY

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement in duplicate. One counterpart each has been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or identified by Owner and Contractor or on their behalf.

This Agreement will be effective on August 24, 2020 (which is the Effective Date of the Agreement).

OWNER:

CONTRACTOR:

City of Bedford, Texas

A & M Construction and Utilities, Inc.

By: _____
Clifford Blackwell
Interim City Manager

By: _____
Antonio Banda

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____
Address for giving notices:

Attest _____
Address for giving notices:

City of Bedford
2000 Forest Ridge Drive
Bedford, TX 76021

A & M Construction and Utilities, Inc.
4950 Grisham Dr.
Rowlett, TX 75088

License No. _____
(Where Applicable)

Agent for service of process: _____

(If Contractor is a corporation or a partnership, attach evidence of authority to sign.)

Designated Representative:

Name: _____

Title: _____

Address: _____

Phone: _____

Facsimile: _____

Designated Representative:

Name: _____

Title: _____

Address: _____

Phone: _____

Facsimile: _____

Approved as to Form and Legality this _____ day of _____

Owner's Attorney

BONDS AND INSURANCE

The successful bidder shall furnish:

- Performance Bond
- Payment Bond
- Maintenance Bond
- Insurance

in accordance with the requirements of the Standard General Conditions and the Supplementary Conditions.

PERFORMANCE BOND

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF TARRANT

§

THAT A & M Construction and Utilities Inc., a corporation organized and existing under the laws of the State of Texas, and fully authorized to transact business in the State of Texas, whose address is **4950 Grisham Drive** of the City **Rowlett**, County of **Dallas**, of the State of **Texas**, (hereinafter referred to as "Principal"), and _____(hereinafter referred to as "Surety"), a corporation organized under the laws of the State of _____ and authorized under the laws of the State of Texas to act as Surety on bonds for principals, are held and firmly bound unto the City of Bedford (hereinafter referred to as "Owner") in the penal sum of **\$2,217,876.70** (not less than 100% of the approximate total amount of the Contract as evidenced in the proposal plus 10-percent of the stated penal sum as an additional sum of money representing additional court expenses, attorneys' fees, and liquidated damages arising out of or connected with the below identified Contract) in lawful money of the United States, for the payment whereof, the said Principal and Surety bind themselves, and their heirs, administrators, executors, successors, and assigns, jointly and severally, firmly by these presents:

WHEREAS, the Principal has entered into a certain written Contract with the Owner, dated the **24th** day of **August 2020**, to which said Contract is hereby referred to and made a part hereof and as fully and to the same extent as if copied at length herein for the construction of **Harwood Road Water System Improvements-West City Limits to Bedfordshire.**

NOW, THEREFORE, the condition of this obligation is such, that if the said Principal fully and faithfully executes the work and performance of the Contract in accordance with the plans, specifications, and Contract Documents, including any extensions thereof which may be granted with our without notice to Surety, during the original term thereof, and during the life of any guaranty required under the Contract, and according to the true intent and meaning of said Contract and the plans and specifications hereto annexed, if the Principal shall repair and/or replace all defects due to faulty materials or workmanship that appear within a period of one year from the date of Substantial Completion of the work, and if the Principal shall fully indemnify and save harmless the Owner from all costs and damages which Owner may suffer by reason of failure to so perform herein and shall fully reimburse and repay Owner all outlay and expense which the Owner may incur in making good any default or deficiency, then this obligation shall be void; otherwise, to remain in full force and effect; and in case said Contractor shall fail to do so, it is agreed that the Owner may do said work and supply such materials and charge the same against said Contractor and Surety on this obligation. Provided further, that if any legal action be filed on this Bond, venue shall lie in Tarrant County, Texas.

PROVIDED, HOWEVER, that this Bond is executed pursuant to the provisions Texas Government Code, Chapter 2253, as amended, and Article 7.19-1 of the Insurance Code, as amended, and all liabilities on this bond shall be determined in accordance with the provisions of said articles to the same extent as if they were fully

copied at length herein.

Surety, for value received, stipulates and agrees that the bond shall automatically be increased by the amount of any change order or supplemental agreement which increases the Contract price with or without notice to the Surety, but in no event shall a Change Order or Supplemental Agreement which reduces the Contract price decrease the penal sum of this Bond. And further that no change, extension of time, alteration, or addition to the terms of the Contract, or to the work performed thereunder, or the plans, specifications, or drawings accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the Contract or to the work to be performed thereunder.

Surety agrees that the bond provides for the repairs and/or replacement of all defects due to faulty materials and workmanship that appear within a period of one (1) year from the date of completion and acceptance of the improvement by the Owner.

The undersigned and designated agent is hereby designated by Surety herein as the agent resident to whom any requisite notice may be delivered and on whom service of process may be had in matters arising out of such suretyship.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument on this the _____ day of _____, 20__.

WITNESS

PRINCIPAL

Printed/Typed Name: _____

Title: _____

Company:

Address: _____

WITNESS

SURETY

Printed/Typed Name: _____

Title: _____

Company:

Address: _____

Note: Date of Bond must NOT be prior to date of Contract.

The Resident Agent of the Surety for delivery of notice and service of process is:

Name: _____

Address: _____

Phone number: _____

PAYMENT BOND

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TARRANT

§

§

THAT **A & M Construction and Utilities Inc.**, a corporation organized and existing under the laws of the State of Texas, and fully authorized to transact business in the State of Texas, whose address is **4950 Grisham Drive**, of the City of **Rowlett**, County of **Dallas**, State of **Texas**, (hereinafter referred to as "Principal"), and _____ (hereinafter referred to as "Surety"), a corporation organized under the laws of the State of _____ and authorized under the laws of the State of Texas to act as Surety on bonds for principals, are held and firmly bound unto the City of Bedford, (hereinafter referred to as "Owner") and unto all person, firms and corporations who may furnish materials for or preform labor upon buildings, structures or improvements referred to in the attached Contract, in the penal sum of **\$2,217,876.70** (not less than 100% of the approximate total amount of the Contract as evidenced in the proposal) in lawful money of the United States, for the payment whereof, the said Principal and Surety bind themselves, and their heirs, administrators, executors, successors, and assigns, jointly and severally, firmly by these presents:

WHEREAS, the Principal has entered into a certain written Contract with the Owner, dated the **24th** day of **August 2020** to which said Contract is hereby referred to and made a part hereof and as fully and to the same extent as if copied at length herein for the construction of **Harwood Road Water System Improvements-West City Limits to Bedfordshire.**

NOW, THEREFORE, the condition of this obligation is such, that the bond guarantees the full and proper protection of all claimants supplying labor and material in the prosecution of the work provided for in said Contract and for the use of each claimant, and that conversely should the Principal faithfully perform said Contract and in all respects duly and faithfully observe and perform all and singular the covenants, conditions, and agreements in and by said Contract, agreed to by the Principal, and according to the true intent and meaning of said Contract and the claims and specifications hereto annexed, and any and all duly authorized modifications of said Contract that may hereafter be made, notice of which modification to Surety being hereby waived, then this obligation shall be void; otherwise, to remain in full force and effect, Provided further, that if any legal action be filed on this Bond, venue shall lie in Tarrant County, Texas.

PROVIDED, HOWEVER, that this Bond is executed pursuant to the provisions Texas Government Code, Chapter 2253, as amended, and Article 7.19-1 of the Insurance Code, as amended, and all liabilities on this bond shall be determined in accordance with the provisions of said articles to the same extent as if they were fully copied at length herein.

Surety, for value received, stipulates and agrees that the bond shall automatically be increased by the amount of any Change Order or supplemental agreement which increases the Contract price with or without notice to the Surety and that no change, extension of time, alteration, or addition to the terms of the Contract, or to the work performed thereunder, or the plans, specifications, or drawings

accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the Contract or to the work to be performed thereunder.

The undersigned and designated agent is hereby designated by Surety herein as the agent resident to whom any requisite notice may be delivered and on whom service of process may be had in matters arising out of such suretyship.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument on this the _____ day of _____, 20__.

WITNESS

PRINCIPAL

Printed/Typed Name:

Title: _____

Company:

Address: _____

WITNESS

SURETY

Printed/Typed Name:

Title: _____

Company:

Address: _____

Note: Date of Bond must NOT be prior to date of Contract.

The Resident Agent of the Surety for delivery of notice and service of process is:

Name: _____

Address: _____

Phone number: _____

MAINTENANCE BOND

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF TARRANT

§

THAT A & M Construction and Utilities Inc., a corporation organized and existing under the laws of the State of Texas, and fully authorized to transact business in the State of Texas, whose address is 4950 Grisham Drive of the City Rowlett, County of Dallas, of the State of Texas (hereinafter referred to as "Principal"), and _____ (hereinafter referred to as "Surety"), a corporation organized under the laws of the State of _____ and authorized under the laws of the State of Texas to act as Surety on bonds for principals, are held and firmly bound unto the City of Bedford (hereinafter referred to as "Owner"), in the penal sum of \$2,217,876.70 in lawful money of the United States, for the payment whereof, the said Principal and Surety bind themselves, and their heirs, administrators, executors, successors, and assigns, jointly and severally, firmly by these presents:

WHEREAS, the Principal has entered into a certain written Contract with the Owner, dated the 24th day of August 2020 to which said Contract is hereby referred to and made a part hereof and as fully and to the same extent as if copied at length herein for the construction of Harwood Road Water System Improvements-West City Limits to Bedfordshire.

NOW, THEREFORE, the condition of this obligation is such, that the bond guarantees the full and proper maintenance and repair of the work herein contracted to be done and performed for a period of two year(s) from the date of Substantial Completion and Principal will do all necessary backfilling that may arise on account of sunken conditions in ditches, or otherwise, and do and perform all necessary work and repair any defective condition growing out of or arising from the improper laying or construction of same, or on account of any breaking of same caused by said Contractor in construction of same, or on account of any defect arising in any of said work laid or constructed by said Contractor or on account of improper excavation or backfilling, it being understood that the purpose of this section is to cover all defective conditions arising by reason of defective materials, work or labor performed by said Contractor, then this obligation shall be void; otherwise, to remain in full force and effect; and in case said Contractor shall fail to do so, it is agreed that the Owner may do said work and supply such materials and charge the same against said Contractor and Surety on this obligation. Provided further, that if any legal action be filed on this Bond, venue shall lie in Tarrant County, Texas.

PROVIDED, HOWEVER, that said Surety, for value received, stipulates and agrees the bond shall automatically be increased by the amount of any Change Order or supplemental agreement which increases the Contract price with or without notice to the Surety and that no change, extension of time, alteration, or addition to the terms of the Contract, or to the work performed thereunder, or the plans, specifications, or drawings accompanying the same shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration, or addition to the terms of the Contract or to the work to be performed thereunder.

The undersigned and designated agent is hereby designated by Surety herein

as the agent resident to whom any requisite notice may be delivered and on whom service of process may be had in matters arising out of such suretyship.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument on this the _____ day of _____, 20__.

WITNESS

PRINCIPAL

Printed/Typed Name:

Title: _____

Company:

Address: _____

WITNESS

SURETY

Printed/Typed Name:

Title:

Company:

Address: _____

Note: Date of Bond must NOT be prior to date of Contract

The Resident Agent of the Surety for delivery of notice and service of process is:

Name: _____

Address: _____

Phone number: _____

"General Decision Number: TX20190026 10/04/2019

Superseded General Decision Number: TX20180036

State: Texas

Construction Type: Heavy

Counties: Johnson, Parker and Tarrant Counties in Texas.

Heavy Construction Projects (Including Water and Sewer Lines)

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.60 for calendar year 2019 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.60 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2019. If this contract is covered by the EO and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must pay workers in that classification at least the wage rate determined through the conformance process set forth in 29 CFR 5.5(a)(1)(ii) (or the EO minimum wage rate, if it is higher than the conformed wage rate). The EO minimum wage rate will be adjusted annually. Please note that this EO applies to the above-mentioned types of contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but it does not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60). Additional information on contractor requirements and worker protections under the EO is available

at www.dol.gov/whd/govcontracts.

Modification Number	Publication Date
0	01/04/2019
1	04/12/2019
2	10/04/2019

* PLUM0146-002 05/01/2019

	Rates	Fringes
PLUMBER/PIPEFITTER.....	\$ 31.68	9.50

SUTX1990-041 06/01/1990

	Rates	Fringes
CARPENTER.....	\$ 10.40	\$3.64
Concrete Finisher.....	\$ 9.81	
ELECTRICIAN.....	\$ 13.26	
Form Setter.....	\$ 7.86	
Laborers:		
Common.....	\$ 7.25	
Utility.....	\$ 8.09	
PAINTER.....	\$ 10.89	
Pipelayer.....	\$ 8.43	
Power equipment operators:		
Backhoe.....	\$ 11.89	3.30
Bulldozer.....	\$ 10.76	
Crane.....	\$ 13.16	3.30
Front End Loader.....	\$ 10.54	
Mechanic.....	\$ 10.93	
Scraper.....	\$ 10.00	

Reinforcing Steel Setter.....\$ 10.64

TRUCK DRIVER.....\$ 7.34

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

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Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage

determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion

date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the

Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION"



Form TCG 2271

VERIFICATION REQUIRED BY TEXAS GOVERNMENT CODE CHAPTER 2271

By signing below, Company hereby verifies the following:

1. Company does not boycott Israel; and
2. Company will not boycott Israel during the term of the contract.

SIGNED BY:

Printed Name/Title:

Antonio Banda, President/Owner

Company Name:

A & M Construction and Utilities, Inc.

Date signed:

July 30, 2020

Government Code § 2271.002. Provision Required in Contract
Effective: **September 1, 2019**

A governmental entity may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it:

- (1) does not boycott Israel; and
- (2) will not boycott Israel during the term of the contract.

The following definitions apply:

(1) "Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

(2) "Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit, except that the term does not include a sole proprietorship.

(3) "Governmental entity" means a state agency or political subdivision of this state.

State law requires verification from a Company for contracts involving goods or services of greater than \$100,000 before the City can enter into the contract.

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

Local Government Code § 176.001(1-a): "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Government Code § 176.003(a)(2)(A) and (B):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

Local Government Code § 176.006(a) and (a-1)

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

(1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);

(2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or

(3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

(A) begins discussions or negotiations to enter into a contract with the local governmental entity; or

(B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

(A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);

(B) that the vendor has given one or more gifts described by Subsection (a); or

(C) of a family relationship with a local government officer.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

OFFICE USE ONLY

Date Received

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

Harwood Road-Hurst City Limits to Bedfordshire Water System Improvements
Bid Reference Number TWDB Program Number 51016 SWIFT 20-10
Bid Date: Tuesday, July 30, 2020 at 2:00 P.M.
Bid Tabulation

BIDDERS

	A & M Construction and Utilities, Inc.	Ark Contracting Services	ANA Site Construciion	KIK Underground, LLC	Canary Construction, Inc.	Excel 4 Construction, LLC
TOTAL AMOUNT BID	\$2,217,876.70	\$2,499,000.00	\$2,761,549.00	\$2,872,693.75	\$3,090,670.00	\$3,691,732.00
	Reccomended Bid					

	Wilson Contractor Services, LLC	Gra-Tex Utilities, Inc.	Belt Construction of Texas, LLC	Mountain Cascade of Texas, LLC	SYB Construciton Co. Inc.	Excel Aircraft, LLC
TOTAL AMOUNT BID	\$3,706,193.31	\$3,809,569.25	\$3,862,252.00	\$4,131,335.00	\$6,475,637.75	\$6,938,571.00

AVERAGE AMOUNT BID

\$3,838,089.98

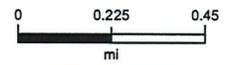
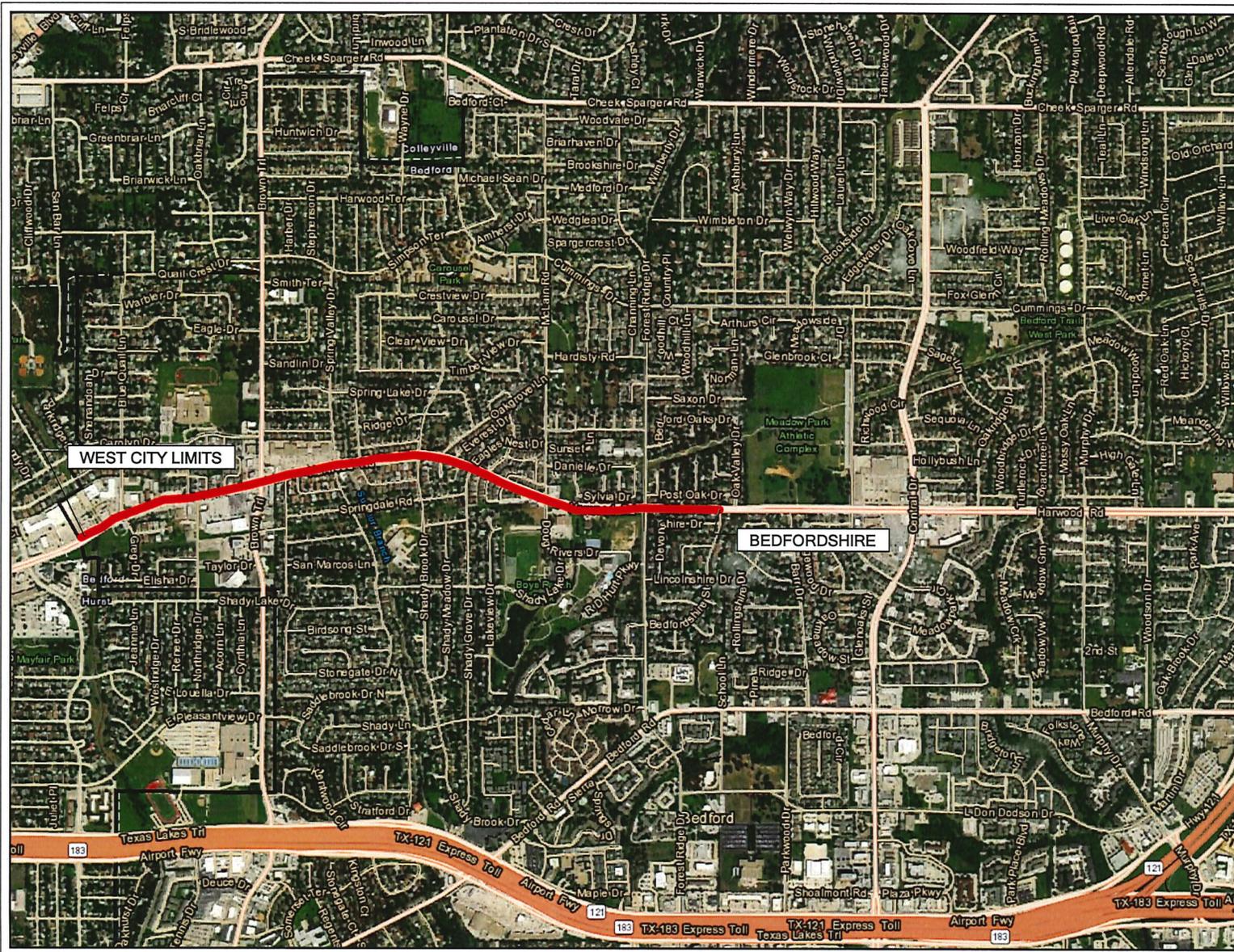
Water Improvements Harwood Road-

THIS MAP IS NOT INTENDED TO DISPLAY
PRECISE LOCATIONS AND DIMENSIONS.
THE CITY OF BEDFORD ASSUMES NO LIABILITY
FOR THE ACCURACY OF THE MAP.

Legend

City Limits

Street



Date: 7/21/2020

August 11, 2020
PK No.: 3666-20.307

Mr. Kenneth Overstreet
Director of Public Works
CITY OF BEDFORD
1813 Reliance Parkway
Bedford, Texas 76021-6109

Re: **HARWOOD ROAD SWIFT WATER IMPROVEMENTS (W. CITY LIMITS TO BEDFORDSHIRE)**
CITY OF BEDFORD BID REFERENCE SWIFT 20-10
TWDB PROJECT NO. 51016
RECOMMENDATION OF AWARD
Bedford, Tarrant County, Texas

Dear Mr. Overstreet:

BID RESULTS

Attached is the Bid Tabulation for the bids received July 30, 2020 for the referenced project for your use.

The lowest Bid received for the project was from A&M Construction and Utilities. Based on the estimated quantities in the Bid Proposal and the unit prices bid by A&M Construction and Utilities, the base bid was \$2,217,876.70.

CONTRACTOR QUALIFICATIONS

A&M Construction and Utilities provided a list of experience and references for this project. These included previous project within the City of Bedford. The City of Bedford also met with the contractor to go over their bid on August 10, 2020.

RECOMMENDATION

Based on the information we have received to date, we see no reason not to award a contract for the referenced project to A&M Construction and Utilities for the Base Bid amount of \$2,217,876.70.

Should you have any questions about the information contained herein, please do not hesitate to call.



Christopher J. Cha, P.E.

Attachments:
Bid Tabulation
Xc: File

				A & M Construction and Utilities		Ark Contracting Services		ANA Site Construction		KIK Underground, LLC	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Mobilization	1	LS	\$ 60,000.00	\$ 60,000.00	\$ 57,287.00	\$ 57,287.00	\$ 114,200.00	\$ 114,200.00	\$ 130,000.00	\$ 130,000.00
2	Furnish and install 12-inch PVC water pipe C900 (DR-18) by open cut, including concrete blocking, trench, embedment, and backfill	8,800	LF	\$ 55.65	\$ 489,720.00	\$ 41.00	\$ 360,800.00	\$ 70.00	\$ 616,000.00	\$ 103.55	\$ 911,240.00
3	Furnish and install 12" ductile iron water pipe C151 by open cut, including polyethylene wrap C105, restrained joints, concrete blocking, trench, embedment, and backfill	475	LF	\$ 108.50	\$ 51,537.50	\$ 70.00	\$ 33,250.00	\$ 151.00	\$ 71,725.00	\$ 153.15	\$ 72,746.25
4	Furnish and install 12" ductile iron water pipe C151 by boring, including 24" steel casing, restrained joints, grouting, and end seals	162	LF	\$ 405.60	\$ 65,707.20	\$ 175.00	\$ 28,350.00	\$ 605.00	\$ 98,010.00	\$ 532.00	\$ 86,184.00
5	Furnish and install 8-inch PVC water pipe C900 (DR-18) by open cut, including mega-lugs, concrete blocking, trench, embedment, and backfill	3,175	EA	\$ 42.00	\$ 133,350.00	\$ 30.00	\$ 95,250.00	\$ 41.00	\$ 130,175.00	\$ 84.00	\$ 266,700.00
6	Furnish and install 8-inch PVC water pipe C900 (DR-18) by open cut, including mega-lugs, concrete blocking, trench, embedment, and backfill	365	EA	\$ 89.00	\$ 32,485.00	\$ 50.00	\$ 18,250.00	\$ 127.00	\$ 46,355.00	\$ 119.00	\$ 43,435.00
7	Furnish and install 6-inch PVC water pipe C900 (DR-18) by open cut, including mega-lugs, concrete blocking, trench, embedment, and backfill	435	LF	\$ 38.10	\$ 16,573.50	\$ 40.00	\$ 17,400.00	\$ 34.00	\$ 14,790.00	\$ 79.00	\$ 34,365.00
				SUB TOTAL	\$ 849,373.20	SUB TOTAL	\$ 610,587.00	SUB TOTAL	\$ 1,091,255.00	SUB TOTAL	\$ 1,544,670.25

ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	A & M Construction and Utilities		Ark Contracting Services		ANA Site Construction		KIK Underground, LLC	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
8	Furnish and install 2" Type K Hard Copper Pipe by other than open cut, including all labor, equipment, materials, tools and incidentals	345	LF	\$ 31.25	\$ 10,781.25	\$ 35.00	\$ 12,075.00	\$ 49.00	\$ 16,905.00	\$ 36.00	\$ 12,420.00
9	Furnish and install 8" water pipe for lowering under conflicting pipe	10	LF	\$ 286.00	\$ 2,860.00	\$ 265.00	\$ 2,650.00	\$ 850.00	\$ 8,500.00	\$ 200.00	\$ 2,000.00
10	Provide trench safety excavation protection for water line at all depths by open cut in accordance with the Trench Safety Plan and OSHA regulations	13,200	LF	\$ 0.70	\$ 9,240.00	\$ 1.00	\$ 13,200.00	\$ 2.00	\$ 26,400.00	\$ 1.00	\$ 13,200.00
11	Furnish and install 12-inch resilient-seated gate valve and box, and associated appurtenances	26	EA	\$ 2,412.00	\$ 62,712.00	\$ 3,200.00	\$ 83,200.00	\$ 3,900.00	\$ 101,400.00	\$ 2,330.00	\$ 60,580.00
12	Furnish and install 8-inch resilient-seated gate valve and box, and associated appurtenances	41	EA	\$ 1,418.00	\$ 58,138.00	\$ 2,250.00	\$ 92,250.00	\$ 2,600.00	\$ 106,600.00	\$ 1,375.00	\$ 56,375.00
13	Furnish and install 6-inch resilient-seated gate valve and box	34	EA	\$ 1,058.00	\$ 35,972.00	\$ 1,715.00	\$ 58,310.00	\$ 2,200.00	\$ 74,800.00	\$ 1,000.00	\$ 34,000.00
14	Furnish and install 2-inch Oriseal curb valve assembly and box, complete	9	EA	\$ 947.00	\$ 8,523.00	\$ 1,450.00	\$ 13,050.00	\$ 1,800.00	\$ 16,200.00	\$ 963.00	\$ 8,667.00
15	Furnish and install 2-combination air valve assembly	3	EA	\$ 9,135.00	\$ 27,405.00	\$ 21,300.00	\$ 63,900.00	\$ 10,800.00	\$ 32,400.00	\$ 6,040.00	\$ 18,120.00
16	Abandon existing gate valve and box, complete	56	EA	\$ 200.00	\$ 11,200.00	\$ 745.00	\$ 41,720.00	\$ 500.00	\$ 28,000.00	\$ 150.00	\$ 8,400.00
17	Furnish and install Type 1 fire hydrant assembly, including hydrant extensions	8	EA	\$ 4,031.00	\$ 32,248.00	\$ 7,425.00	\$ 59,400.00	\$ 5,500.00	\$ 44,000.00	\$ 4,000.00	\$ 32,000.00
18	Furnish and install Type 2 fire hydrant assembly, including hydrant extensions	20	EA	\$ 3,826.00	\$ 76,520.00	\$ 4,130.00	\$ 82,600.00	\$ 5,200.00	\$ 104,000.00	\$ 3,265.00	\$ 65,300.00
19	Remove and salvage existing fire hydrant	10	EA	\$ 325.00	\$ 3,250.00	\$ 745.00	\$ 7,450.00	\$ 1,200.00	\$ 12,000.00	\$ 300.00	\$ 3,000.00
20	Furnish and install 2" water service short side, including relocating meter and meter box	3	EA	\$ 2,001.00	\$ 6,003.00	\$ 2,605.00	\$ 7,815.00	\$ 2,600.00	\$ 7,800.00	\$ 1,088.00	\$ 3,264.00
21	Furnish and install 2" water service-long side, including relocating meter and meter box	9	EA	\$ 2,763.00	\$ 24,867.00	\$ 3,520.00	\$ 31,680.00	\$ 3,600.00	\$ 32,400.00	\$ 2,382.00	\$ 21,438.00
22	Furnish and install 1" water service-short side, including relocating meter and meter box	20	EA	\$ 691.00	\$ 13,820.00	\$ 1,090.00	\$ 21,800.00	\$ 1,100.00	\$ 22,000.00	\$ 750.00	\$ 15,000.00
SUB TOTAL				\$ 383,539.25	SUB TOTAL	\$ 591,100.00	SUB TOTAL	\$ 633,405.00	SUB TOTAL	\$ 353,764.00	

				A & M Construction and Utilities		Ark Contracting Services		ANA Site Construction		KIK Underground, LLC	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
23	Furnish and install 1" water service-long side, including relocating meter and meter box	26	EA	\$ 987.00	\$ 25,662.00	\$ 1,955.00	\$ 50,830.00	\$ 2,100.00	\$ 54,600.00	\$ 1,050.00	\$ 27,300.00
24	Furnish and install 2" water meter box,	6	EA	\$ 381.00	\$ 2,286.00	\$ 1,000.00	\$ 6,000.00	\$ 1,300.00	\$ 7,800.00	\$ 420.00	\$ 2,520.00
25	Furnish and install 1" water meter box	9	EA	\$ 229.00	\$ 2,061.00	\$ 875.00	\$ 7,875.00	\$ 900.00	\$ 8,100.00	\$ 175.00	\$ 1,575.00
26	Transfer existing water meter to new location	59	EA	\$ 150.00	\$ 8,850.00	\$ 700.00	\$ 41,300.00	\$ 500.00	\$ 29,500.00	\$ 350.00	\$ 20,650.00
27	Tie into existing water line	32	EA	\$ 1,533.00	\$ 49,056.00	\$ 4,700.00	\$ 150,400.00	\$ 1,700.00	\$ 54,400.00	\$ 2,000.00	\$ 64,000.00
28	Cut and plug existing 6" and 8" water mains	29	EA	\$ 519.00	\$ 15,051.00	\$ 1,500.00	\$ 43,500.00	\$ 1,800.00	\$ 52,200.00	\$ 650.00	\$ 18,850.00
29	Furnish and install Ductile Iron Fittings (AWWA C153) including poly wrap	20	TN	\$ 6,485.00	\$ 129,700.00	\$ 6,300.00	\$ 126,000.00	\$ 11,500.00	\$ 230,000.00	\$ 8,073.00	\$ 161,460.00
30	Repair residential 6" HMAc pavement complete	7,825	SF	\$ 9.00	\$ 70,425.00	\$ 7.00	\$ 54,775.00	\$ 6.00	\$ 46,950.00	\$ 8.00	\$ 62,600.00
31	Repair arterial HMAc pavement,	41,105	SF	\$ 11.00	\$ 452,155.00	\$ 10.00	\$ 411,050.00	\$ 8.00	\$ 328,840.00	\$ 8.00	\$ 328,840.00
32	Repair concrete curb and gutter (various sizes),	590	SF	\$ 12.00	\$ 7,080.00	\$ 33.00	\$ 19,470.00	\$ 7.00	\$ 4,130.00	\$ 8.00	\$ 4,720.00
33	Repair concrete curb and gutter (various sizes),	320	LF	\$ 33.00	\$ 10,560.00	\$ 95.00	\$ 30,400.00	\$ 33.00	\$ 10,560.00	\$ 45.00	\$ 14,400.00
34	Repair concrete valley gutter	500	LF	\$ 15.00	\$ 7,500.00	\$ 79.00	\$ 39,500.00	\$ 7.00	\$ 3,500.00	\$ 12.00	\$ 6,000.00
35	Residential concrete driveway repair	50	SF	\$ 20.00	\$ 1,000.00	\$ 69.00	\$ 3,450.00	\$ 50.00	\$ 2,500.00	\$ 10.00	\$ 500.00
36	Commercial concrete driveway repair	45	SF	\$ 20.00	\$ 900.00	\$ 78.00	\$ 3,510.00	\$ 60.00	\$ 2,700.00	\$ 12.00	\$ 540.00
37	Repair concrete sidewalk	533	SF	\$ 10.00	\$ 5,330.00	\$ 56.00	\$ 29,848.00	\$ 8.00	\$ 4,264.00	\$ 6.50	\$ 3,464.50
38	Remove and replace pavement markings	1	LS	\$ 6,000.00	\$ 6,000.00	\$ 17,250.00	\$ 17,250.00	\$ 9,000.00	\$ 9,000.00	\$ 10,000.00	\$ 10,000.00
39	Sod replacement	335	SY	\$ 11.00	\$ 3,685.00	\$ 25.00	\$ 8,375.00	\$ 10.00	\$ 3,350.00	\$ 10.00	\$ 3,350.00
40	Furnish, install, and maintain SWPPP Erosion/Pollution Control for all construction	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 2,300.00	\$ 2,300.00	\$ 15,000.00	\$ 15,000.00	\$ 10,000.00	\$ 10,000.00
				SUB TOTAL	\$802,301.00	SUB TOTAL	\$1,045,833.00	SUB TOTAL	\$867,394.00	SUB TOTAL	\$740,769.50

				A & M Construction and Utilities		Ark Contracting Services		ANA Site Construction		KIK Underground, LLC	
41	Furnish GPS data on water main improvements	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 4,500.00	\$ 4,500.00	\$ 9,000.00	\$ 9,000.00	\$ 7,500.00	\$ 7,500.00
42	Furnish, install, and maintain temporary pavement repair, complete	30,495	SF	\$ 2.35	\$ 71,663.25	\$ 4.00	\$ 121,980.00	\$ 1.00	\$ 30,495.00	\$ 2.00	\$ 60,990.00
43	Traffic control Plan, (TCP)	1	LS	\$ 6,000.00	\$ 6,000.00	\$ 25,000.00	\$ 25,000.00	\$ 30,000.00	\$ 30,000.00	\$ 65,000.00	\$ 65,000.00
44	Construction Contingency Allowance for water line as directed by the Engineer One hundred thousand Dollars Zero Cents	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
				SUB TOTAL	\$ 182,663.25	SUB TOTAL	\$ 251,480.00	SUB TOTAL	\$ 169,495.00	SUB TOTAL	\$ 233,490.00
				TOTAL	\$ 2,217,876.70	TOTAL	\$ 2,499,000.00	TOTAL	\$ 2,761,549.00	TOTAL	\$ 2,872,693.75

ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	Canary Construction Inc.		Excel 4 Construction, LLC		Wilson Contractor Services, LLC		Gra-Tex Utilities, Inc.	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Mobilization	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 20,000.00	\$ 20,000.00	\$ 120,400.25	\$ 120,400.25	\$ 225,000.00	\$ 225,000.00
2	Furnish and install 12-inch PVC water pipe C900 (DR-18) by open cut, including concrete blocking, trench, embedment, and backfill	8,800	LF	\$ 85.00	\$ 748,000.00	\$ 126.00	\$ 1,108,800.00	\$ 63.19	\$ 556,072.00	\$ 88.50	\$ 778,800.00
3	Furnish and install 12" ductile iron water pipe C151 by open cut, including polyethylene wrap C105, restrained joints, concrete blocking, trench, embedment, and backfill	475	LF	\$ 110.00	\$ 52,250.00	\$ 171.00	\$ 81,225.00	\$ 107.47	\$ 51,048.25	\$ 295.00	\$ 140,125.00
4	Furnish and install 12" ductile iron water pipe C151 by boring, including 24" steel casing, restrained joints, grouting, and end seals	162	LF	\$ 450.00	\$ 72,900.00	\$ 565.00	\$ 91,530.00	\$ 581.51	\$ 94,204.62	\$ 950.00	\$ 153,900.00
5	Furnish and install 8-inch PVC water pipe C900 (DR-18) by open cut, including mega-lugs, concrete blocking, trench, embedment, and backfill	3,175	EA	\$ 80.00	\$ 254,000.00	\$ 96.00	\$ 304,800.00	\$ 52.12	\$ 165,481.00	\$ 58.00	\$ 184,150.00
6	Furnish and install 8-inch PVC water pipe C900 (DR-18) by open cut, including mega-lugs, concrete blocking, trench, embedment, and backfill	365	EA	\$ 95.00	\$ 34,675.00	\$ 123.00	\$ 44,895.00	\$ 92.24	\$ 33,667.60	\$ 270.00	\$ 98,550.00
7	Furnish and install 6-inch PVC water pipe C900 (DR-18) by open cut, including mega-lugs, concrete blocking, trench, embedment, and backfill	435	LF	\$ 64.00	\$ 27,840.00	\$ 73.00	\$ 31,755.00	\$ 53.20	\$ 23,142.00	\$ 72.00	\$ 31,320.00
SUB TOTAL				\$ 1,339,665.00	SUB TOTAL	\$ 1,683,005.00	SUB TOTAL	\$ 1,044,015.72	SUB TOTAL	\$ 1,611,845.00	

Wilson had an incorrect amount in their re-typed proposal for Item 30 - 7,828 SF should have been 7,825 SF

Gra-Tex had an incorrect amount on Item 2-\$778,800 should have been \$785,880

				Canary Construction Inc.		Excel 4 Construction, LLC		Wilson Contractor Services, LLC		Gra-Tex Utilities, Inc.	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
8	Furnish and install 2" Type K Hard Copper Pipe by other than open cut, including all labor, equipment, materials, tools and incidentals	345	LF	\$ 55.00	\$ 18,975.00	\$ 62.00	\$ 21,390.00	\$ 35.70	\$ 12,316.50	\$ 100.00	\$ 34,500.00
9	Furnish and install 8" water pipe for lowering under conflicting pipe	10	LF	\$ 3,000.00	\$ 30,000.00	\$ 372.00	\$ 3,720.00	\$ 860.00	\$ 8,600.00	\$ 750.00	\$ 7,500.00
10	Provide trench safety excavation protection for water line at all depths by open cut in accordance with the Trench Safety Plan and OSHA regulations	13,200	LF	\$ 1.00	\$ 13,200.00	\$ 1.00	\$ 13,200.00	\$ 0.38	\$ 5,016.00	\$ 1.10	\$ 14,520.00
11	Furnish and install 12-inch resilient-seated gate valve and box, and associated appurtenances	26	EA	\$ 2,200.00	\$ 57,200.00	\$ 3,200.00	\$ 83,200.00	\$ 2,820.00	\$ 73,320.00	\$ 2,850.00	\$ 74,100.00
12	Furnish and install 8-inch resilient-seated gate valve and box, and associated appurtenances	41	EA	\$ 1,500.00	\$ 61,500.00	\$ 2,100.00	\$ 86,100.00	\$ 1,695.00	\$ 69,495.00	\$ 1,980.00	\$ 81,180.00
13	Furnish and install 6-inch resilient-seated gate valve and box	34	EA	\$ 1,100.00	\$ 37,400.00	\$ 1,400.00	\$ 47,600.00	\$ 1,185.00	\$ 40,290.00	\$ 1,380.00	\$ 46,920.00
14	Furnish and install 2-inch Oriseal curb valve assembly and box, complete	9	EA	\$ 1,000.00	\$ 9,000.00	\$ 1,900.00	\$ 17,100.00	\$ 950.00	\$ 8,550.00	\$ 1,170.00	\$ 10,530.00
15	Furnish and install 2-combination air valve assembly	3	EA	\$ 10,500.00	\$ 31,500.00	\$ 6,500.00	\$ 19,500.00	\$ 8,600.00	\$ 25,800.00	\$ 20,400.00	\$ 61,200.00
16	Abandon existing gate valve and box, complete	56	EA	\$ 550.00	\$ 30,800.00	\$ 175.00	\$ 9,800.00	\$ 150.00	\$ 8,400.00	\$ 730.00	\$ 40,880.00
17	Furnish and install Type 1 fire hydrant assembly, including	8	EA	\$ 4,200.00	\$ 33,600.00	\$ 4,400.00	\$ 35,200.00	\$ 3,255.00	\$ 26,040.00	\$ 5,500.00	\$ 44,000.00
18	Furnish and install Type 2 fire hydrant assembly, including hydrant extensions	20	EA	\$ 4,100.00	\$ 82,000.00	\$ 4,600.00	\$ 92,000.00	\$ 2,601.00	\$ 52,020.00	\$ 5,150.00	\$ 103,000.00
19	Remove and salvage existing fire hydrant	10	EA	\$ 550.00	\$ 5,500.00	\$ 350.00	\$ 3,500.00	\$ 850.00	\$ 8,500.00	\$ 990.00	\$ 9,900.00
20	Furnish and install 2" water service short side, including relocating meter and meter boxde	3	EA	\$ 2,000.00	\$ 6,000.00	\$ 3,000.00	\$ 9,000.00	\$ 3,130.00	\$ 9,390.00	\$ 3,850.00	\$ 11,550.00
21	Furnish and install 2" water service-long side, including relocating meter and meter box	9	EA	\$ 2,500.00	\$ 22,500.00	\$ 3,200.00	\$ 28,800.00	\$ 1,293.33	\$ 11,639.97	\$ 5,950.00	\$ 53,550.00
22	Furnish and install 1" water service-short side, including relocating meter and meter box	20	EA	\$ 800.00	\$ 16,000.00	\$ 1,400.00	\$ 28,000.00	\$ 1,230.00	\$ 24,600.00	\$ 1,125.00	\$ 22,500.00
				SUB TOTAL	\$ 455,175.00	SUB TOTAL	\$ 498,110.00	SUB TOTAL	\$ 383,977.47	SUB TOTAL	\$ 615,830.00

ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	Canary Construction Inc.		Excel 4 Construction, LLC		Wilson Contractor Services, LLC		Gra-Tex Utilities, Inc.	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
23	Furnish and install 1" water service-long side, including relocating meter and meter box	26	EA	\$ 1,200.00	\$ 31,200.00	\$ 1,200.00	\$ 31,200.00	\$ 2,370.00	\$ 61,620.00	\$ 1,220.00	\$ 31,720.00
24	Furnish and install 2" water meter box,	6	EA	\$ 350.00	\$ 2,100.00	\$ 450.00	\$ 2,700.00	\$ 660.00	\$ 3,960.00	\$ 245.00	\$ 1,470.00
25	Furnish and install 1" water meter box	9	EA	\$ 250.00	\$ 2,250.00	\$ 350.00	\$ 3,150.00	\$ 410.00	\$ 3,690.00	\$ 130.00	\$ 1,170.00
26	Transfer existing water meter to new location	59	EA	\$ 400.00	\$ 23,600.00	\$ 200.00	\$ 11,800.00	\$ 395.00	\$ 23,305.00	\$ 375.00	\$ 22,125.00
27	Tie into existing water line	32	EA	\$ 1,200.00	\$ 38,400.00	\$ 3,800.00	\$ 121,600.00	\$ 12,350.00	\$ 395,200.00	\$ 3,880.00	\$ 124,160.00
28	Cut and plug existing 6" and 8" water mains	29	EA	\$ 600.00	\$ 17,400.00	\$ 600.00	\$ 17,400.00	\$ 531.03	\$ 15,399.87	\$ 670.00	\$ 19,430.00
29	Furnish and install Ductile Iron Fittings (AWWA C153) including poly wrap	20	TN	\$ 7,400.00	\$ 148,000.00	\$ 8,800.00	\$ 176,000.00	\$ 7,780.00	\$ 155,600.00	\$ 10.00	\$ 200.00
30	Repair residential 6" HMAc pavement complete	7,825	SF	\$ 15.00	\$ 117,375.00	\$ 11.00	\$ 86,075.00	\$ 15.62	\$ 122,226.50	\$ 13.60	\$ 106,420.00
31	Repair arterial HMAc pavement,	41,105	SF	\$ 15.00	\$ 616,575.00	\$ 12.00	\$ 493,260.00	\$ 29.00	\$ 1,192,045.00	\$ 21.70	\$ 891,978.50
32	Repair concrete curb and gutter (various sizes),	590	SF	\$ 15.00	\$ 8,850.00	\$ 11.00	\$ 6,490.00	\$ 34.65	\$ 20,443.50	\$ 22.00	\$ 12,980.00
33	Repair concrete curb and gutter (various sizes),	320	LF	\$ 75.00	\$ 24,000.00	\$ 21.00	\$ 6,720.00	\$ 32.58	\$ 10,425.60	\$ 55.00	\$ 17,600.00
34	Repair concrete valley gutter	500	LF	\$ 15.00	\$ 7,500.00	\$ 7.00	\$ 3,500.00	\$ 11.15	\$ 5,575.00	\$ 22.00	\$ 11,000.00
35	Residential concrete driveway repair	50	SF	\$ 15.00	\$ 750.00	\$ 8.00	\$ 400.00	\$ 75.15	\$ 3,757.50	\$ 17.75	\$ 887.50
36	Commercial concrete driveway repair	45	SF	\$ 15.00	\$ 675.00	\$ 10.00	\$ 450.00	\$ 152.93	\$ 6,881.85	\$ 22.00	\$ 990.00
37	Repair concrete sidewalk	533	SF	\$ 15.00	\$ 7,995.00	\$ 14.00	\$ 7,462.00	\$ 12.00	\$ 6,396.00	\$ 11.00	\$ 5,863.00
38	Remove and replace pavement markings	1	LS	\$ 6,000.00	\$ 6,000.00	\$ 34,000.00	\$ 34,000.00	\$ 20,212.50	\$ 20,212.50	\$ 38,500.00	\$ 38,500.00
39	Sod replacement	335	SY	\$ 8.00	\$ 2,680.00	\$ 10.00	\$ 3,350.00	\$ 8.00	\$ 2,680.00	\$ 8.25	\$ 2,763.75
40	Furnish, install, and maintain SWPPP Erosion/Pollution Control for all construction	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 18,000.00	\$ 18,000.00	\$ 30,440.00	\$ 30,440.00	\$ 13,800.00	\$ 13,800.00
SUB TOTAL				\$ 1,058,350.00	SUB TOTAL	\$ 1,023,557.00	SUB TOTAL	\$ 2,079,858.32	SUB TOTAL	\$ 1,303,057.75	

				Canary Construction Inc.		Excel 4 Construction, LLC		Wilson Contractor Services, LLC		Gra-Tex Utilities, Inc.	
41	Furnish GPS data on water main improvements	1	LS	\$ 3,500.00	\$ 3,500.00	\$ 9,100.00	\$ 9,100.00	\$ 33,825.00	\$ 33,825.00	\$ 17,500.00	\$ 17,500.00
42	Furnish, install, and maintain temporary pavement repair, complete	30,495	SF	\$ 4.00	\$ 121,980.00	\$ 8.00	\$ 243,960.00	\$ 0.64	\$ 19,516.80	\$ 2.70	\$ 82,336.50
43	Traffic control Plan, (TCP)	1	LS	\$ 12,000.00	\$ 12,000.00	\$ 114,000.00	\$ 114,000.00	\$ 45,000.00	\$ 45,000.00	\$ 79,000.00	\$ 79,000.00
44	Construction Contingency Allowance for water line as directed by the Engineer One hundred thousand Dollars Zero Cents	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
				SUB TOTAL	\$ 237,480.00	SUB TOTAL	\$ 467,060.00	SUB TOTAL	\$ 198,341.80	SUB TOTAL	\$ 278,836.50
				TOTAL	\$ 3,090,670.00	TOTAL	\$ 3,671,732.00	TOTAL	\$ 3,706,193.31	TOTAL	\$ 3,809,569.25

				Belt Construction of Texas, LLC		Mountain Cascade of Texas, LLC		SYB Construction Co., Inc.		Excel Aircraft LLC	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Mobilization	1	LS	\$ 160,000.00	\$ 160,000.00	\$ 194,335.00	\$ 194,335.00	\$ 450,000.00	\$ 450,000.00	\$ 322,000.00	\$ 322,000.00
2	Furnish and install 12-inch PVC water pipe C900 (DR-18) by open cut, including concrete blocking, trench, embedment, and backfill	8,800	LF	\$ 55.00	\$ 484,000.00	\$ 90.00	\$ 792,000.00	\$ 150.00	\$ 1,320,000.00	\$ 220.00	\$ 1,936,000.00
3	Furnish and install 12" ductile iron water pipe C151 by open cut, including polyethylene wrap C105, restrained joints, concrete blocking, trench, embedment, and backfill	475	LF	\$ 464.00	\$ 220,400.00	\$ 350.00	\$ 166,250.00	\$ 272.00	\$ 129,200.00	\$ 260.00	\$ 123,500.00
4	Furnish and install 12" ductile iron water pipe C151 by boring, including 24" steel casing, restrained joints, grouting, and end seals	162	LF	\$ 599.00	\$ 97,038.00	\$ 840.00	\$ 136,080.00	\$ 1,325.00	\$ 214,650.00	\$ 1,000.00	\$ 162,000.00
5	Furnish and install 8-inch PVC water pipe C900 (DR-18) by open cut, including mega-lugs, concrete blocking, trench, embedment, and backfill	3,175	EA	\$ 97.00	\$ 307,975.00	\$ 150.00	\$ 476,250.00	\$ 215.00	\$ 682,625.00	\$ 210.00	\$ 666,750.00
6	Furnish and install 8-inch PVC water pipe C900 (DR-18) by open cut, including mega-lugs, concrete blocking, trench, embedment, and backfill	365	EA	\$ 453.00	\$ 165,345.00	\$ 230.00	\$ 83,950.00	\$ 498.00	\$ 181,770.00	\$ 240.00	\$ 87,600.00
7	Furnish and install 6-inch PVC water pipe C900 (DR-18) by open cut, including mega-lugs, concrete blocking, trench, embedment, and backfill	435	LF	\$ 433.00	\$ 188,355.00	\$ 60.00	\$ 26,100.00	\$ 101.00	\$ 43,935.00	\$ 210.00	\$ 91,350.00
				SUB TOTAL	\$ 1,623,113.00	SUB TOTAL	\$ 1,874,965.00	SUB TOTAL	\$ 3,022,180.00	SUB TOTAL	\$ 3,389,200.00

Belt Construction had math errors on Items 27 and 28.

				Belt Construction of Texas, LLC		Mountain Cascade of Texas, LLC		SYB Construction Co., Inc.		Excel Aircraft LLC	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
8	Furnish and install 2" Type K Hard Copper Pipe by other than open cut, including all labor, equipment, materials, tools and incidentals	345	LF	\$ 62.00	\$ 21,390.00	\$ 50.00	\$ 17,250.00	\$ 50.00	\$ 17,250.00	\$ 25.00	\$ 8,625.00
9	Furnish and install 8" water pipe for lowering under conflicting pipe	10	LF	\$ 958.00	\$ 9,580.00	\$ 1,500.00	\$ 15,000.00	\$ 452.00	\$ 4,520.00	\$ 210.00	\$ 2,100.00
10	Provide trench safety excavation protection for water line at all depths by open cut in accordance with the Trench Safety Plan and OSHA regulations	13,200	LF	\$ 3.00	\$ 39,600.00	\$ 1.00	\$ 13,200.00	\$ 3.50	\$ 46,200.00	\$ 10.00	\$ 132,000.00
11	Furnish and install 12-inch resilient-seated gate valve and box, and associated appurtenances	26	EA	\$ 2,844.00	\$ 73,944.00	\$ 3,500.00	\$ 91,000.00	\$ 2,870.00	\$ 74,620.00	\$ 3,200.00	\$ 83,200.00
12	Furnish and install 8-inch resilient-seated gate valve and box, and associated appurtenances	41	EA	\$ 1,888.00	\$ 77,408.00	\$ 2,400.00	\$ 98,400.00	\$ 1,740.00	\$ 71,340.00	\$ 2,100.00	\$ 86,100.00
13	Furnish and install 6-inch resilient-seated gate valve and box	34	EA	\$ 1,577.00	\$ 53,618.00	\$ 2,000.00	\$ 68,000.00	\$ 1,390.00	\$ 47,260.00	\$ 1,700.00	\$ 57,800.00
14	Furnish and install 2-inch Oriseal curb valve assembly and box, complete	9	EA	\$ 1,552.00	\$ 13,968.00	\$ 1,800.00	\$ 16,200.00	\$ 1,850.00	\$ 16,650.00	\$ 800.00	\$ 7,200.00
15	Furnish and install 2-combination air valve assembly	3	EA	\$ 10,462.00	\$ 31,386.00	\$ 13,000.00	\$ 39,000.00	\$ 8,300.00	\$ 24,900.00	\$ 9,400.00	\$ 28,200.00
16	Abandon existing gate valve and box, complete	56	EA	\$ 271.00	\$ 15,176.00	\$ 700.00	\$ 39,200.00	\$ 231.00	\$ 12,936.00	\$ 1,600.00	\$ 89,600.00
17	Furnish and install Type 1 fire hydrant assembly, including hydrant extensions	8	EA	\$ 6,889.00	\$ 55,112.00	\$ 4,000.00	\$ 32,000.00	\$ 4,225.00	\$ 33,800.00	\$ 4,200.00	\$ 33,600.00
18	Furnish and install Type 2 fire hydrant assembly, including hydrant extensions	20	EA	\$ 6,215.00	\$ 124,300.00	\$ 3,800.00	\$ 76,000.00	\$ 3,820.00	\$ 76,400.00	\$ 4,000.00	\$ 80,000.00
19	Remove and salvage existing fire hydrant	10	EA	\$ 1,625.00	\$ 16,250.00	\$ 800.00	\$ 8,000.00	\$ 475.00	\$ 4,750.00	\$ 1,600.00	\$ 16,000.00
20	Furnish and install 2" water service short side, including relocating meter and meter boxde	3	EA	\$ 2,366.00	\$ 7,098.00	\$ 2,000.00	\$ 6,000.00	\$ 1,860.00	\$ 5,580.00	\$ 2,300.00	\$ 6,900.00
21	Furnish and install 2" water service-long side, including relocating meter and meter box	9	EA	\$ 6,094.00	\$ 54,846.00	\$ 3,500.00	\$ 31,500.00	\$ 3,080.00	\$ 27,720.00	\$ 3,100.00	\$ 27,900.00
22	Furnish and install 1" water service-short side, including relocating meter and meter box	20	EA	\$ 1,246.00	\$ 24,920.00	\$ 1,000.00	\$ 20,000.00	\$ 1,620.00	\$ 32,400.00	\$ 1,000.00	\$ 20,000.00
SUB TOTAL				\$ 618,596.00	\$ 618,596.00	SUB TOTAL	\$ 570,750.00	SUB TOTAL	\$ 496,326.00	SUB TOTAL	\$ 679,225.00

				Belt Construction of Texas, LLC		Mountain Cascade of Texas, LLC		SYB Construction Co., Inc.		Excel Aircraft LLC	
ITEM NO.	DESCRIPTION OF ITEMS	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
23	Furnish and install 1" water service-long side, including relocating meter and meter box	26	EA	\$ 3,732.00	\$ 97,032.00	\$ 2,100.00	\$ 54,600.00	\$ 1,700.00	\$ 44,200.00	\$ 1,300.00	\$ 33,800.00
24	Furnish and install 2" water meter box,	6	EA	\$ 1,531.00	\$ 9,186.00	\$ 600.00	\$ 3,600.00	\$ 580.00	\$ 3,480.00	\$ 260.00	\$ 1,560.00
25	Furnish and install 1" water meter box	9	EA	\$ 1,267.00	\$ 11,403.00	\$ 400.00	\$ 3,600.00	\$ 450.00	\$ 4,050.00	\$ 200.00	\$ 1,800.00
26	Transfer existing water meter to new location	59	EA	\$ 866.00	\$ 51,094.00	\$ 200.00	\$ 11,800.00	\$ 500.00	\$ 29,500.00	\$ 700.00	\$ 41,300.00
27	Tie into existing water line	32	EA	\$ 32.00	\$ 1,024.00	\$ 3,000.00	\$ 96,000.00	\$ 4,300.00	\$ 137,600.00	\$ 3,600.00	\$ 115,200.00
28	Cut and plug existing 6" and 8" water mains	29	EA	\$ 29.00	\$ 841.00	\$ 1,500.00	\$ 43,500.00	\$ 855.00	\$ 24,795.00	\$ 900.00	\$ 26,100.00
29	Furnish and install Ductile Iron Fittings (AWWA C153) including poly wrap	20	TN	\$ 9,533.00	\$ 190,660.00	\$ 5,500.00	\$ 110,000.00	\$ 27.00	\$ 540.00	\$ 7,000.00	\$ 140,000.00
30	Repair residential 6" HMAc pavement complete	7,825	SF	\$ 10.00	\$ 78,250.00	\$ 15.00	\$ 117,375.00	\$ 9.00	\$ 70,425.00	\$ 18.00	\$ 140,850.00
31	Repair arterial HMAc pavement,	41,105	SF	\$ 20.00	\$ 822,100.00	\$ 22.00	\$ 904,310.00	\$ 37.25	\$ 1,531,161.25	\$ 39.00	\$ 1,603,095.00
32	Repair concrete curb and gutter (various sizes),	590	SF	\$ 25.00	\$ 14,750.00	\$ 30.00	\$ 17,700.00	\$ 15.00	\$ 8,850.00	\$ 15.00	\$ 8,850.00
33	Repair concrete curb and gutter (various sizes),	320	LF	\$ 153.00	\$ 48,960.00	\$ 150.00	\$ 48,000.00	\$ 40.50	\$ 12,960.00	\$ 26.00	\$ 8,320.00
34	Repair concrete valley gutter	500	LF	\$ 37.00	\$ 18,500.00	\$ 40.00	\$ 20,000.00	\$ 17.50	\$ 8,750.00	\$ 26.00	\$ 13,000.00
35	Residential concrete driveway repair	50	SF	\$ 23.00	\$ 1,150.00	\$ 30.00	\$ 1,500.00	\$ 59.00	\$ 2,950.00	\$ 13.00	\$ 650.00
36	Commercial concrete driveway repair	45	SF	\$ 34.00	\$ 1,530.00	\$ 40.00	\$ 1,800.00	\$ 68.00	\$ 3,060.00	\$ 13.00	\$ 585.00
37	Repair concrete sidewalk	533	SF	\$ 27.00	\$ 14,391.00	\$ 10.00	\$ 5,330.00	\$ 8.50	\$ 4,530.50	\$ 7.00	\$ 3,731.00
38	Remove and replace pavement markings	1	LS	\$ 21,669.00	\$ 21,669.00	\$ 7,500.00	\$ 7,500.00	\$ 40,950.00	\$ 40,950.00	\$ 156,000.00	\$ 156,000.00
39	Sod replacement	335	SY	\$ 10.00	\$ 3,350.00	\$ 9.00	\$ 3,015.00	\$ 13.00	\$ 4,355.00	\$ 7.00	\$ 2,345.00
40	Furnish, install, and maintain SWPPP Erosion/Pollution Control for all construction	1	LS	\$ 21,661.00	\$ 10.00	\$ 20,000.00	\$ 20,000.00	\$ 28,500.00	\$ 28,500.00	\$ 85,000.00	\$ 85,000.00
				SUB TOTAL	\$ 1,385,900.00	SUB TOTAL	\$ 1,469,630.00	SUB TOTAL	\$ 1,960,656.75	SUB TOTAL	\$ 2,382,186.00

				Belt Construction of Texas, LLC		Mountain Cascade of Texas, LLC		SYB Construction Co., Inc.		Excel Aircraft LLC	
41	Furnish GPS data on water main improvements	1	LS	\$ 8,665.00	\$ 8,665.00	\$ 20,000.00	\$ 20,000.00	\$ 36,000.00	\$ 36,000.00	\$ 44,000.00	\$ 44,000.00
42	Furnish, install, and maintain temporary pavement repair, complete	30,495	SF	\$ 2.00	\$ 60,990.00	\$ 2.00	\$ 60,990.00	\$ 25.00	\$ 762,375.00	\$ 8.00	\$ 243,960.00
43	Traffic control Plan, (TCP)	1	LS	\$ 64,988.00	\$ 64,988.00	\$ 35,000.00	\$ 35,000.00	\$ 98,100.00	\$ 98,100.00	\$ 100,000.00	\$ 100,000.00
44	Construction Contingency Allowance for water line as directed by the Engineer One hundred thousand Dollars Zero Cents	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
				SUB TOTAL	\$ 234,643.00	SUB TOTAL	\$ 215,990.00	SUB TOTAL	\$ 996,475.00	SUB TOTAL	\$ 487,960.00
				TOTAL	\$ 3,862,252.00	TOTAL	\$ 4,131,335.00	TOTAL	\$ 6,475,637.75	TOTAL	\$ 6,938,571.00



Council Agenda Background

PRESENTER: Kenneth Overstreet, Public Works Director

DATE: 08/24/20

Council Mission Area: Protect the vitality of neighborhoods.

ITEM:

Consider a resolution authorizing funding, ratifying the expenditure and authorizing the Interim City Manager to expend funds to Reynolds Asphalt and Gra-Tex Utilities, in the amount of \$55,225, for emergency water line and street repairs on Bedford Road due to a major water main break on July 29, 2020.

City Attorney Review: N/A

SUMMARY:

On July 29, 2020, the City experienced a major break in the 20" water main located in the 1700 block of Bedford Road between the Old Bedford School and the Bedford Library. This is the third occurrence on this section of the water line, with previous occurrences on July 29, 2013 and June 26, 2015.

Staff is requesting the ratification of expenses for the emergency expenditure of \$55,225 for the repairs to the water main and street on Bedford Road.

BACKGROUND:

On July 29, 2020, Public Works utility personnel responded to a report of a possible main break in front of the Central Fire Station. With the amount of water flowing down the road, it was determined that there was a break on the 20" water main that had been installed in 1999. This is the third time there has been a break on this section of the line.

Due to the severity of the break and the depth of the line, a contractor was utilized to complete the water main repair. Staff contacted A & M Construction and Gra-Tex Utilities for quotes to complete the repair, but A & M Construction declined the job. Gra-Tex Utilities quote was for a total cost of \$15,520. The quote was for labor, equipment for excavation, and trench safety to complete the repair. Parts, materials, and dump fees were supplied by the City. The repair required a section of pipe, dressers, and couplings. After staff contacted multiple suppliers, without being able to obtain these parts, staff reached out to the cities of Fort Worth and Dallas. The City of Fort Worth graciously supplied the needed pipe with the understanding that it will be replaced by the City of Bedford. Staff is currently obtaining quotes for the replacement pipe and once received, will pay the invoice from currently budgeted maintenance funds. The City of Dallas was also generous in supplying the two dressers and needed couplings, with the same understanding as Fort Worth.

Excavation began on Wednesday, July 29, 2020 and the repair was completed on Friday, July 31, 2020. The repair required the replacement of a section of pipe and the installation of two couplings. After completing the repair, the contractor began the process of backfilling the excavation site, while City staff restored service to the water line.

After the water main was repaired, staff requested a quote from Reynolds Asphalt & Construction Company, the contractor currently completing the 2020 asphalt mill and overlay project. Reynolds Asphalt quoted \$39,705 to complete the road repair. The contractor began work on the road on Friday, August 7, 2020 and completed the project on Tuesday, August 11, 2020.

The water main repair will be paid from the Utility Repair Reserve and the street repair will be paid from the Street Improvement Economic Development Corporation. Once all quotes are received for the replacement parts and invoices received for the material costs, the items will be paid from current Water Distribution maintenance funds.

After this last main break, it was decided that the design work for the water main replacement be moved to the next fiscal year. Construction is estimated to begin in Fiscal Year 21/22.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing funding, ratifying the expenditure and authorizing the Interim City Manager to expend funds to Reynolds Asphalt and Gra-Tex Utilities, in the amount of \$55,225, for emergency water line and street repairs on Bedford Road due to a major water main break on July 29, 2020

FISCAL IMPACT:

Utility Maintenance Fund:	\$15,520
SIEDC Fund:	\$39,705
Water Distribution:	TBD

ATTACHMENTS:

Resolution
Invoices
Photographs

RESOLUTION NO. 2020-

A RESOLUTION AUTHORIZING FUNDING, RATIFYING THE EXPENDITURE AND AUTHORIZING THE INTERIM CITY MANAGER TO EXPEND FUNDS TO REYNOLDS ASPHALT AND GRA-TEX UTILITIES, IN THE AMOUNT OF \$55,225, FOR EMERGENCY WATER LINE AND STREET REPAIRS ON BEDFORD ROAD DUE TO A MAJOR WATER MAIN BREAK ON JULY 29, 2020.

WHEREAS, the City Council of Bedford, Texas has determined that the water main repair and road repair on Bedford Road was necessary for the health and safety of the citizens; and,

WHEREAS, the City of Council of Bedford, Texas recognizes the importance of providing these improvements to protect the vitality of neighborhoods.

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

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

SECTION 2. That the City Council does hereby authorize the Interim City Manager to ratify and authorize the expenditures, in the amount of \$55,225, for water line repairs and road repairs on Bedford Road from a water main break.

SECTION 3. That funding, in the amount of \$15,520, will be paid from the Utility Repair Fund for the repair of the 20" water main.

SECTION 4. That funding, in the amount of \$39,705, will be paid from the Street Improvement Economic Development Corporation for the Bedford Road street repair.

PRESENTED AND PASSED this 24th day of August 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

GRA-TEX UTILITIES, INC.
P.O. BOX 700
ARLINGTON, TX 76004
Phone: (817) 276-5800
Fax: (817) 276-5804



Invoice #44843

Date: August 6, 2020

To: Dan Mitchell

Phone: (817) 247 - 6641

RE: **20" WL Repair near 1725 Bedford Road Bedford, Tx 76021**

Line Item Cost

Item	Quantity	Unit	Description	Unit Price	Extended Price
1	1	LS	Furnish labor, Komatsu 228 Excavator and Trench Safety to repair existing 20" Water Main near 1725 Bedford Road, excavate the trench and backfill to grade.	\$15,520.00	\$15,520.00
Total					\$15,520.00

REYNOLDS ASPHALT & CONSTRUCTION COMPANY

P.O. Box 370 * Euless, TX 76039

...*Since 1981*

Ph (817) 267-3131 * Fax (817) 267-7022

JOB

2020-481

PRICES VALID FOR 30 DAYS FROM DATE OF PROPOSAL

Proj: **Bedford - Bedford Rd Repairs**

Cust: **City of Bedford**

Quoted: 03-Aug-20
04:11 PM

No.	Description	Estimated Bid Quantity	Unit Bid	Bid Extension
Bedford Road Repairs at Forest Ridge				
1.0	6" Removal & 8" Cement Stabilization at 36 Lbs/SY	570.00 SY	\$34.75 / SY	\$19,807.50
2.0	Sawcut	180.00 LF	\$2.40 / LF	\$432.00
3.0	6" HMAC - 4" Type B, 2" Type D	570.00 SY	\$34.15 / SY	\$19,465.50
Notes:				Total
				\$39,705.00
A -	HMAC Specs - Type B (PG 64-22), Type D (PG 64-22)			
B -	Bid Quantities and HMAC section as requested.			
C -	Estimate includes single (1) mobilization per crew. See Qualifications for additional moves.			
D -	Estimate includes no consideration or responsibility for damage to adjacent conc curbing and appurtenances..			

Standard Qualifications:

- 1 Estimate includes no Sales Tax. A Sales Tax Exemption certificate will be required.
- 2 Excludes bond, engineering/layout, barricades/traffic control, clearing/grubbing, excavation/embankment, subgrade prep, concrete work, sawcuts, removals/hauloff, permits/inspection fees, utility adjustments/relocations, pavement markings/stripping - including ADA logos and signs, erosion control, hydromulch/sodding/seeding, SWPPP, signs, weed/grass/soil treatment, patching, proof rolling, backfill pavement, topsoil, testing, subgrade prime, dewatering, cleaning/sweeping, detours/detour maintenance, milling, header cuts, stringline, employee access and AGC dues *unless specifically included in estimate items or notes.*
- 3 TxDOT QC/QA has NOT been included in these prices.
- 4 All barricades, signing, and traffic control to be provided by others. ESTIMATE INCLUDES FLAGMEN - LIMIT 2.
- 5 Estimate includes move-ins per respective crew AS NOTED. Additional moves billed at \$7,500.00/each.
- 6 No staking has been included. Off-set staking/Marking of Limits by others is required.
- 7 Quantities are estimates only. Final payment to be made on measured quantities upon completion.
- 8 Subgrade assumed to be provided "at grade" prior to mobilization.
- 9 Density requirements cannot be assured for lift sections less than 2.5" for HMAC Type B, and 2" for HMAC Types C & D.
- 10 Items per current TxDOT Specifications exclusively. No other specifications apply. NO MARSHALL MIX/Superpave.
- 11 Estimate based upon field review of existing conditions and/or Customer request. Estimate does not reflect an engineering evaluation of soil/subgrade conditions and does not constitute an engineered solution.
- 12 Warranty limited to material and workmanship.
- 13 Owner and/or GC responsible for availability of local source of water.
- 14 All prices are based on a mutually agreed upon construction schedule, and ample access to project site, without interference by others, during construction.
- 15 Estimate excludes curb cuts and backfill and damage to subgrade by others. Restoration of the prepared subgrade after other work (such as concrete curbing) is not included in this estimate.
- 16 Contract language must be acceptable to Reynolds Asphalt in regards to addressing Qualifications and Notes specified herein.
- 17 Unless specifically noted, this estimate is not submitted for consideration of a Lump Sum contract.
- 18 Prior to mobilization, project Bonding information or confirmation of funding/financial responsibility shall be secured and provided to Reynolds Asphalt.
- 19 Any cost for job specific employee screening, training, orientation, badging or related activity; or any registration required to be completed by the Customer, Subcontractor, Contractor or General Contractor that is not specifically identified in the Pay Items or Notes will be invoiced at cost plus 18% with the initial invoice.

ESTIMATOR: RICHARD BAKER, 817-822-4552 Cell, Email: rbaker@reynoldsasphalt.com

00.0 MHrs

VER200516

END









Council Agenda Background

PRESENTER: Jeff Gibson, Police Chief

DATE: 08/24/20

Staff Report

ITEM:

Presentation on certain policies adopted by the Bedford Police Department.

City Attorney Review: N/A

DISCUSSION:

City Council requested staff present policies that have been adopted by the Police Department, relative to use of force and similar topics.

Policies adopted by the Bedford Police Department are facilitated through the department's Online Policy Management System, Lexipol. Prior to distribution to departmental personnel, each policy is reviewed by the Administrative Sergeant and command staff to ensure compatibility exists with the organizational structure, terminology, ranking system, and to ensure the policy reflects the City and department's mission and vision statements.

The Lexipol Online Policy Management System offers sole source features, allowing the department to stay ahead of litigation hazards, receive legislative updates, distribute and track the receipt of policies and orders, and provide reiteration of policies through daily training bulletins. Additionally, the policies are authored by legal and law enforcement advisors within the Lexipol infrastructure, and in accordance with Federal and State Law.

Policies to be presented are as follows:

300 – Use of Force

301 – Use of Force Review

302 – Handcuffing and Restraints

303 – Control Devices

304 – Conducted Energy Device

305 – Officer-Involved Shootings and Deaths

306 – Firearms

307 – Vehicle Pursuits

ATTACHMENTS:

Bedford Police Department Policies

Use of Force TPCA Standards: 3.06, 6.01, 6.02, 6.03, 6.07, 6.10

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Bedford Police Department

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Use of Force TPCA Standards: 3.06, 6.01, 6.02, 6.03, 6.07, 6.10

The Bedford Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

Bedford Police Department

Policy Manual

Use of Force TPCA Standards: 3.06, 6.01, 6.02, 6.03, 6.07, 6.10

300.3.1 FORCE OPTIONS

Force Options describes the available options and tools an officer can use given the totality of the circumstances. This list of force options shall not be intended to be all-inclusive for all situations and officers shall use the least amount of force, in no particular order, necessary to bring an unlawful situation under lawful control.

- (a) Physical Presence: The identification of authority through uniformed presence or verbal identification.
- (b) Verbal Command / De-escalation: Verbal Commands are given by an officer to a person to gain voluntary compliance. This is accomplished through the officer's dialogue with a subject, resulting in the officer bringing an unlawful situation under lawful control.
- (c) Oleoresin Capsicum Spray (OC): OC is an emulsion containing a pepper based inflammatory substance that causes localized heat, redness, swelling, and extreme irritation to all contaminated skin and tissue.
- (d) Hand Control Techniques: Hand Control Techniques include, but are not limited to, joint locks, pressure points, and strikes/distraction techniques as taught in accordance with recognized methods to gain compliance and control with combative and non-compliant people.
- (e) Conducted Energy Device (CED): CED is a less-lethal device designed to temporarily incapacitate a subject through use of an electrical current which temporarily interferes with the body's neuromuscular system.
- (f) Impact Weapons (Baton): Weapons intended by their design and/or use to control the actions of a subject by targeting strikes primarily to the subject's nerve motor points with the intent to only cause temporary motor dysfunction, not permanent injury or death.
- (g) Impact Munitions: Impact Munitions or Kinetic Energy Projectiles are specially designed less-lethal munitions that are intended to impact and incapacitate a potentially dangerous subject from a safe distance, thereby reducing resistance and gaining compliance, while reducing the probability of serious injury or death.
- (h) Police Canine: A Police Canine is a canine which is specially trained and utilized to work alongside a police officer for specific purposes in one or more specialized areas to include suspect apprehension.
- (i) Deadly Force: Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

300.3.2 USE OF FORCE TO EFFECT AN ARREST

Officers may use reasonable force to effect an arrest, search, prevent escape or overcome resistance. If it is not reasonably apparent to the person to be arrested, or it is not reasonably impracticable to do so, officers should make clear their intent to arrest or search, and identify themselves as peace officers, before using force (Tex. Penal Code § 9.51).

Bedford Police Department

Policy Manual

Use of Force TPCA Standards: 3.06, 6.01, 6.02, 6.03, 6.07, 6.10

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.4 CAROTID CONTROL HOLD / VASCULAR RESTRAINT

Officers are prohibited from utilizing techniques designed to interrupt the airway or restrict the flow of blood to the brain of an individual (i.e. Choke Holds Vascular Restraint, Strangle Holds etc.). In the event no other methods of force would be effective and as a matter of life and death of the officer, one of the aforementioned restraints is used, it shall be considered a deadly force encounter.

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Use of Force TPCA Standards: 3.06, 6.01, 6.02, 6.03, 6.07, 6.10

300.3.5 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

Reference section 300.3.1 (Force Options).

300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Bedford Police Department for this specific purpose.

300.3.7 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under

Bedford Police Department

Policy Manual

Use of Force TPCA Standards: 3.06, 6.01, 6.02, 6.03, 6.07, 6.10

such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

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Use of Force TPCA Standards: 3.06, 6.01, 6.02, 6.03, 6.07, 6.10

- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

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Use of Force TPCA Standards: 3.06, 6.01, 6.02, 6.03, 6.07, 6.10

- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SUPERVISOR RESPONSIBILITY

The Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

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300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Use of Force Review TPCA Standards: 6.03, 6.06

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Bedford Police Department to review the use of force by its members.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or the evaluation of the use of force.

301.2 POLICY

The Bedford Police Department will objectively evaluate the use of force by its members to ensure that their authority is used appropriately and consistent with training and policy.

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever a member's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that member will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place a member in an administrative assignment.

301.4 REVIEW

All reported uses of force shall be reviewed by the involved officer's chain of command. The involved officer's supervisor will ensure that all relevant reports, documents, materials and audio/video recordings are available for review. The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the involved officer at the time shall neither justify nor call into question an officer's decision regarding a use of force. The review of each use of force will determine the following:

- (a) Compliance with Department policy and procedures.
- (b) Whether the relevant policies were clearly understandable and effective to cover the situation.
- (c) Whether Department training covered the situation prior to the incident or of training is needed to cover future similar incidents.

All finding of policy violations or training inadequacies shall be reported to the Chief of Police or the authorized designee for resolution and/or corrective action. All use of force incident reports shall be retained for review. Retention duration will conform to state requirements regarding records retention.

The Chief of Police shall review the recommendation, make a final determination as to whether the officer's actions were within policy and procedure, and determine whether any additional training

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Use of Force Review TPCA Standards: 6.03, 6.06

for the involved [officer_deputy], additional actions, investigations or reviews are appropriate. Those findings will be forwarded to the involved officer's Commander for review and appropriate action. If the Chief of Police concludes that corrective action should be considered, a corrective action process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Handcuffing and Restraints TPCA Standards: 3.06(b), 10.01(e), 10.02(d)

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

302.2 POLICY

The Bedford Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Bedford Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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Handcuffing and Restraints TPCA Standards: 3.06(b), 10.01(e), 10.02(d)

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Tex. Local Gov't. Code § 361.082).

302.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

302.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

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Handcuffing and Restraints TPCA Standards: 3.06(b), 10.01(e), 10.02(d)

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid commingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

302.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.
- (b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

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Handcuffing and Restraints TPCA Standards: 3.06(b), 10.01(e), 10.02(d)

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.8 TRAINING

Subject to available resources, the Training Coordinator should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

Control Devices TPCA Standards: 3.04, 6.07, 8.07(e)

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

303.2 POLICY

In order to control individuals who are violent or who demonstrate the intent to be violent, the Bedford Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy. The Chief of Police may also authorize other positions or individual department members to use specific control devices.

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only those members who have successfully completed department-approved training on this policy and the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a person who is violent or who demonstrates the intent to be violent and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

303.4 RESPONSIBILITIES

303.4.1 SUPERVISOR RESPONSIBILITIES

The Supervisor may authorize the use of a control device by selected department members who may not currently be issued or carrying the control device or those in specialized assignments who have successfully completed the required training.

303.4.2 INVENTORY RESPONSIBILITIES

The Chief of Police or the authorized designee shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the designated instructor for a particular control device. The inspection shall be documented.

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Control Devices TPCA Standards: 3.04, 6.07, 8.07(e)

303.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the designated instructor for disposition. Documentation shall also be forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to him/herself or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignments or at the direction of their supervisors.

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects, based on the circumstances. Only the Supervisor, Incident Commander or Special Weapons and Tactics Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire and emergency medical services personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation, if needed.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, OC spray and pepper projectiles may be considered for use to bring under control an individual or group of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of department members or the public.

303.7.1 OC SPRAY

Uniformed members carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

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Control Devices TPCA Standards: 3.04, 6.07, 8.07(e)

303.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where an individual has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward an individual, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training or a product demonstration, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those who complain of further severe effects shall be examined by appropriate medical personnel.

303.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, the owners or available occupants should be provided with notice of the possible presence of residue which could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding how and when the notice was delivered and the individuals notified should be included in related reports.

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely.

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Control Devices TPCA Standards: 3.04, 6.07, 8.07(e)

The safety of hostages, innocent persons and officers takes priority over the safety of individuals engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at officers, other department members and/or other people.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the suspect must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

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Control Devices TPCA Standards: 3.04, 6.07, 8.07(e)

Officers shall inspect shotguns and projectiles at the beginning of each shift to ensure that the shotguns are in proper working order and the projectiles are of the approved type and appear to be free from defects.

When they are not deployed, shotguns will be in an administrative carry and properly and securely stored in police department vehicles. When loading a kinetic energy projectile shotgun, officers shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

303.10 TRAINING FOR CONTROL DEVICES

The Training Coordinator shall ensure that those members who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the member's training file.
- (c) Members who fail to demonstrate proficiency with the control device or knowledge of the Use of Force Policy will be provided remedial training. If a member cannot demonstrate proficiency with a control device or knowledge of the Use of Force Policy after remedial training, the member will be restricted from carrying the control device and may be subject to corrective action.

303.11 REPORTING USE OF CONTROL DEVICES

Any application of a control device shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device TPCA Standards: 3.04, 3.06(e), 6.07, 8.07(e)

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device.

304.2 POLICY

The conducted energy device is used to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING CONDUCTED ENERGY DEVICES

Only members who have successfully completed department-approved training may be issued and may carry the conducted energy device.

Conducted energy devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the conducted energy device and cartridges that have been issued by the Department. Officers who have been issued the conducted energy device shall wear the device in an approved holster.

Members carrying the conducted energy device should perform a spark test prior to every shift.

Officers who carry the conducted energy device while in uniform shall carry it in a support-side holster on the side opposite the duty weapon.

- (a) All conducted energy devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the conducted energy device.
- (c) Officers shall be responsible for ensuring that the issued conducted energy device is properly maintained and in good working order.
- (d) Officers should not hold a firearm and the conducted energy device at the same time.

304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the conducted energy device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the conducted energy device may be deployed.

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Conducted Energy Device TPCA Standards: 3.04, 3.06(e), 6.07, 8.07(e)

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device) or the laser in a further attempt to gain compliance prior to the application of the conducted energy device. The aiming laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the conducted energy device in the related report.

304.5 USE OF THE CONDUCTED ENERGY DEVICE

The conducted energy device has limitations and restrictions requiring consideration before its use. The conducted energy device should only be used when its operator can safely approach the subject within the operational range of the device. Although the conducted energy device is effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

304.5.1 APPLICATION OF THE CONDUCTED ENERGY DEVICE

The conducted energy device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the conducted energy device to apprehend an individual.

The conducted energy device shall not be used to psychologically torment, to elicit statements or to punish any individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the conducted energy device on certain individuals should be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.

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- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the conducted energy device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

304.5.3 TARGETING CONSIDERATIONS

The preferred targeting areas include the individual's back or front lower-center mass. The head, neck, chest and groin should be avoided when reasonably practicable. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the conducted energy device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE CONDUCTED ENERGY DEVICE

Officers should apply the conducted energy device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one conducted energy device at a time against a single individual.

If the first application of the conducted energy device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the conducted energy device, including:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the conducted energy device. As soon as practicable, officers shall notify a supervisor any time the conducted energy device has been discharged. The cartridge serial number should be noted and documented on the use of force report. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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304.5.6 DANGEROUS ANIMALS

The conducted energy device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department conducted energy devices while off-duty.

Officers shall ensure that conducted energy devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

304.6 DOCUMENTATION

Officers shall document all conducted energy device discharges in the related arrest/crime reports and the Use of Force report forms. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device, other than for testing purposes, will also be documented on the report form.

304.6.1 CONDUCTED ENERGY DEVICE / USE OF FORCE REPORT FORM

Items that shall be included in the Use of Force report form are:

- (a) The type and brand of conducted energy device and cartridge and cartridge serial number.
- (b) Date, time and location of the incident.
- (c) Whether any display, laser or arc deterred a subject and gained compliance.
- (d) The number of conducted energy device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the conducted energy device was used.
- (f) The type of mode used (probe or drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Chief of Police or the authorized designee should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Chief of Police or the authorized designee should also conduct audits of data downloads and reconcile Use of Force report forms

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with recorded activations. Conducted energy device information and statistics, with identifying information removed, should periodically be made available to the public.

304.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing conducted energy devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only trained officers or appropriate medical personnel should remove conducted energy device probes from a person's body. Used conducted energy device probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Personnel removing probes from a person's body shall utilize personal protective equipment (i.e. gloves) and exercise universal precautions.

All persons who have been struck by conducted energy device probes or who have been subjected to the electric discharge of the device or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The conducted energy device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the conducted energy device (see the Medical Aid and Response Policy).

304.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the conducted energy device may be used. A supervisor should respond to all incidents where the conducted energy device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the conducted energy device. The device's onboard memory should be downloaded through the data port by the Chief of Police or the authorized designee and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

304.9 TRAINING

Personnel who are authorized to carry the conducted energy device shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the conducted energy device as a part of their assignments for a period of six months or more shall be recertified by a qualified conducted energy device instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued conducted energy devices should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Coordinator. All training and proficiency for conducted energy devices will be documented in the officer's training files.

Command staff, supervisors and investigators should receive conducted energy device training as appropriate for the investigations they conduct and review.

Officers who do not carry conducted energy devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Coordinator is responsible for ensuring that all members who carry conducted energy devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of conducted energy devices during training could result in injuries and should not be mandatory for certification.

The Training Coordinator should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) De-escalation techniques.
- (d) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

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- (e) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (f) Handcuffing a subject during the application of the conducted energy device and transitioning to other force options.
- (g) Restraint techniques that do not impair respiration following the application of the conducted energy device.

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305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

The policy of the Bedford Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Bedford Police Department would control the investigation if the suspect's crime occurred in the City of Bedford.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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305.4.2 CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved BPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a commander. All outside inquiries about the incident shall be directed to the Chief of Police or the authorized designee.

Upon arrival at the scene, the first uninvolved BPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

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- (b) If necessary, the supervisor may administratively order any BPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Supervisor and Telecommunications. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional BPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved BPD officer should be given an administrative order not to discuss the incident with other involved officers or BPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigations Division
- Outside agency investigators (if appropriate)
- Professional Standards Division supervisor
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.

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1. Involved BPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-BPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with employee groups/agency representatives will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved BPD officer. A licensed psychotherapist may also be provided to any other affected BPD members, upon request.
1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) The Department will honor the confidentiality of communications with emergency response team members consistent with Tex. Health & Safety Code § 784.003.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved BPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Supervisor to make schedule adjustments to accommodate such leave.

305.6 CRIMINAL INVESTIGATION

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) BPD supervisors and Professional Standards Division personnel should not participate directly in any voluntary interview of BPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's

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statement, he/she shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED BPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved BPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved BPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved BPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or

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probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Commander.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved BPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Professional Standards Division and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if

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any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity rights* and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 5. The Professional Standards Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Chief of Police or the authorized designee, which will restrict its findings to whether there was compliance with the Use of Force Policy.
 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

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305.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn video, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Bedford Police Department should conduct both a critical incident stress debriefing and a tactical debriefing.

305.10.1 CRITICAL INCIDENT STRESS DEBRIEFING

A critical incident stress debriefing should occur as soon as practicable. The Chief of Police or the authorized designee is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order (Tex. Health & Safety Code § 784.003).

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., telecommunications officers, non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards Division personnel (Tex. Health & Safety Code § 784.002).

305.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to the criminal and/or administrative investigators.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and the department representative responsible for each phase of the investigation. Releases will be

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available to the Supervisor, Criminal Investigations Division Commander and Public Information Officer in the event of inquiries from the media.

No involved BPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Commander.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REPORTING

If the death of an individual occurs in the Bedford Police Department jurisdiction and qualifies to be reported to the state as an in-custody death, or when an officer discharges a firearm causing injury or death to another person, the Chief of Police or the authorized designee will ensure that the Records and Property Supervisor is provided with enough information to meet the reporting requirements of Tex. Code of Crim. Pro. art. 49.18 and Tex. Code of Crim. Pro. art. 2.139, as applicable.

Firearms TPCA Standards: 1.11, 2.19, 2.20, 3.01, 3.03, 6.04, 6.05, 6.06, 6.09

306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

306.2 POLICY

The Bedford Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms Proficiency Officer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police or the authorized designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

Only department-issued handguns or those authorized by the Chief of Police are approved for on-duty use.

306.3.2 SHOTGUNS

Only department-issued shotguns or those authorized by the Chief of Police are approved for on-duty use. When not deployed, the shotgun shall be stored in a locking weapons rack in the patrol vehicle and shall be carried with the magazine fully loaded with approved ammunition, closed empty chamber and safety engaged. All shotguns left at the police department shall be unloaded, with the chamber open and stored in a gun vault or other designated location.

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Firearms TPCA Standards: 1.11, 2.19, 2.20, 3.01, 3.03, 6.04, 6.05, 6.06, 6.09

306.3.3 PATROL RIFLES

Only department-issued patrol rifles or those authorized by the Chief of Police are approved for on-duty use. When not deployed, the patrol rifle shall be stored in a locking weapons rack in the patrol vehicle and shall be carried with the magazine fully loaded with approved ammunition and inserted in the magazine well, closed empty chamber and safety engaged. All patrol rifles left at the police department shall be unloaded, with the chamber open and stored in a gun vault or other designated location.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Firearms Proficiency Officer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Proficiency Officer, who will maintain a list of the information.

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Firearms TPCA Standards: 1.11, 2.19, 2.20, 3.01, 3.03, 6.04, 6.05, 6.06, 6.09

306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Firearms Proficiency Officer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Proficiency Officer, who will maintain a list of the information.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Firearms Proficiency Officer for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Proficiency Officer.

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Firearms TPCA Standards: 1.11, 2.19, 2.20, 3.01, 3.03, 6.04, 6.05, 6.06, 6.09

- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Proficiency Officer that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Proficiency Officer, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Bedford Police Department identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Proficiency Officer when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms Proficiency Officer.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms Proficiency Officer.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms Proficiency Officer.

306.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

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Firearms TPCA Standards: 1.11, 2.19, 2.20, 3.01, 3.03, 6.04, 6.05, 6.06, 6.09

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Proficiency Officer. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Proficiency Officer. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Proficiency Officer. Members shall not dry fire or practice quick draws except as instructed by the Firearms Proficiency Officer or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Firearms

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Firearms TPCA Standards: 1.11, 2.19, 2.20, 3.01, 3.03, 6.04, 6.05, 6.06, 6.09

Proficiency Officer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Proficiency Officer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Tex. Penal Code § 46.13).

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or taken any combination thereof that would tend to adversely affect the member's senses or judgment.

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on- or off-duty are required to successfully qualify with all weapons carried or used by the officer at least annually (Tex. Occ. Code § 1701.355). Training and qualifications must be on an approved range course that meets the requirements of 37 Admin. Code § 218.9.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

In the event that the above requirements present a hardship, the Department may request in writing that the Texas Commission on Law Enforcement (TCOLE) waive an officer's annual demonstration of weapons proficiency requirement (Tex. Occ. Code § 1701.355(b); 37 Tex. Admin. Code § 218.9).

Each firearms instructor shall meet the proficiency requirements in 37 Tex. Admin. Code § 221.19.

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Firearms TPCA Standards: 1.11, 2.19, 2.20, 3.01, 3.03, 6.04, 6.05, 6.06, 6.09

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify after three (3) shooting attempts shall be provided with eight (8) hours of remedial training before being allowed three (3) additional opportunities to meet or exceed the minimum qualifying standards. The remedial training shall be conducted by the Firearms Proficiency Officer or an outside instructor that has been approved by the Chief of Police or the authorized designee and scheduled at the convenience of the department.

Any member failing to qualify under this section shall be subject to the following requirements:

- (a) Be suspended immediately from carrying any firearm in the performance of their law enforcement duties, including on-duty, while working a private security detail or as an off-duty/secondary firearm. In addition, the officer's ability to carry a firearm off-duty under their TCOLE licensing shall be suspended.
- (b) Be assigned for a period of up to thirty (30) days to duties that do not require them to carry a firearm or exercise their police powers.
- (c) At the end of the thirty (30) day period, the officer shall be provided with one (1) final opportunity to meet or exceed the minimum qualifying standards.
- (d) Any member failing the last opportunity to meet or exceed the minimum qualifying standards shall have their licensing as a Bedford Police Officer revoked. Any member who has had their officer status revoked shall be considered for any available civilian position for which they qualify. Should no civilian positions be available, or should the member not be suitable for any available civilian position, then that member's employment with the department shall be terminated.
- (e) An officer shall only be eligible for remedial training one (1) time in a five (5) year period.

If during the annual firearms qualification it is determined by the Firearms Proficiency Officer and the officer that failed to qualify is a result of the ergonomics of the department-issued firearm not being suited to the officer, that officer may be given approval to purchase a personally owned firearm better suited to their physical needs. That officer may then participate in the Personally Owned Duty Firearms section (306.3.4) of this policy and will have thirty (30) days from the qualification period to obtain an approved personally owned firearm.

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional

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statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.7.3 WARNING AND OTHER SHOTS

Warning shots are prohibited except under extreme/exigent circumstances that must be justified by the officer firing the warning shot.

306.8 FIREARMS PROFICIENCY OFFICER DUTIES

The Chief of Police will designate a firearms proficiency officer, known as the Firearms Proficiency Officer, who will be responsible for maintaining department records of firearms proficiency for each officer (37 Tex. Admin. Code § 218.9).

The range will be under the exclusive control of the Firearms Proficiency Officer. All members attending will follow the directions of the Firearms Proficiency Officer. The Firearms Proficiency Officer will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. Failure of any member to sign in and out with the Firearms Proficiency Officer may result in non-participation or non-qualification.

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The range shall remain operational and accessible to department members during hours established by the Department.

The Firearms Proficiency Officer has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation (37 Tex. Admin. Code § 218.9).

The Firearms Proficiency Officer has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until it has been inspected and approved by the Firearms Proficiency Officer.

The Firearms Proficiency Officer has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry (37 Tex. Admin. Code § 218.9).

The Firearms Proficiency Officer shall complete and submit to the Training Coordinator documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Firearms Proficiency Officer should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Coordinator.

306.9 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Bedford Police Department identification card whenever carrying such firearm.
- (b) The officer may not be the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits TPCA Standards: 7.13, 7.14, 7.18, 7.19

307.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

307.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

307.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

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307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law unless exempt under Tex. Transp. Code § 546.004 (Tex. Transp. Code § 546.003).

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (Tex. Transp. Code § 546.001; Tex. Transp. Code § 546.005):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and telecommunications officers/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

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- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as air support assistance.
- (l) Whether the pursuing vehicle is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs the pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards posed to uninvolved bystanders or motorists.

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- (f) The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are generally discouraged.

307.4 PURSUIT VEHICLES

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit vehicles and the supervisor vehicle). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the number of suspects. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

307.4.1 MOTORCYCLES

When involved in a pursuit, police department motorcycles should be replaced by marked emergency vehicles as soon as practicable.

307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

307.4.3 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or others.

The primary pursuing officer should notify the telecommunications officers, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including the license plate number, if known.

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- (c) The reason for the pursuit.
- (d) The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- (e) The number of occupants and identity or description.
- (f) The weather, road and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle or to air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

307.4.4 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- (a) Immediately notifying the telecommunications officers of his/her entry into the pursuit.
- (b) Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- (c) Broadcasting information that the primary pursuing officer is unable to provide.
- (d) Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- (e) Identifying the need for additional resources or equipment as appropriate.
- (f) Serving as backup to the primary pursuing officer once the suspect has been stopped.

307.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:

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1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
- (c) Officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
1. Request assistance from available air support.
 2. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
 3. Request other officers to observe exits available to the suspect.
- (d) Notify the Texas Department of Public Safety or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing officer and with a clear understanding of the maneuver process between the involved officers.

307.5.1 PURSUIT TRAILING

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

307.5.2 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air support crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

The air support crew should coordinate the activities of resources on the ground, report progress of the pursuit, and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If officers on the ground are not within visual contact of the pursued vehicle and the air support crew determines that it is unsafe to continue the pursuit, the air support crew should recommend terminating the pursuit.

307.5.3 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide

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some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police department vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing the rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

307.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

- (a) Immediately notifying involved officers and the telecommunications officers of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander or Administration is notified of the pursuit, as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing Bedford Police Department officers when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit as required.

307.6.1 SUPERVISOR RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

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The Supervisor shall review all pertinent reports for content and forward them to the Commander.

307.7 TELECOMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or telecommunications officers. If the pursuit leaves the jurisdiction of this department or such is imminent, involved officers should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

307.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the telecommunications officers is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Supervisor as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

307.8 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.9 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

307.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Bedford Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation.

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The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

307.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Bedford Police Department, the supervisor should consider:

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor should review a request for assistance from another agency. The supervisor, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing agency by officers of this department will conclude at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

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307.10 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

307.10.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

307.10.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.10.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
 - 2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
 - 3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
 - 4. The suspect vehicle is stopped or traveling at a low speed.

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5. Only law enforcement vehicles should be used in this tactic.
- (b) The PIT is limited to use by properly trained officers with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.
- (d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (e) Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
 1. Should reasonably only affect the pursued vehicle.
 2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
 3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
 4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should

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only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

307.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

307.12 REPORTING REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- (a) The primary pursuing officer shall complete appropriate crime/arrest reports.
- (b) The primary pursuing officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the supervisor shall promptly complete a pursuit review, summarizing the pursuit to the Chief of Police or the authorized designee. This review should include, at a minimum:
 1. Date and time of the pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved vehicles and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 - (a) Any use of force shall be reported and documented in compliance with the Use of Force Policy.
 7. Arrestee information, if applicable.
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at the scene or who handled the incident.

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11. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
 - (d) After receiving pursuit review, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review, as appropriate.
 - (e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

307.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.14 POLICY REVIEW

Officers of this department shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.



Council Agenda Background

PRESENTER: Kelly Snook, Interim Capital Projects Director **DATE:** 08/24/20

Staff Report

ITEM:

Discussion regarding Generations Park monument signage.

City Attorney Review: N/A

DISCUSSION:

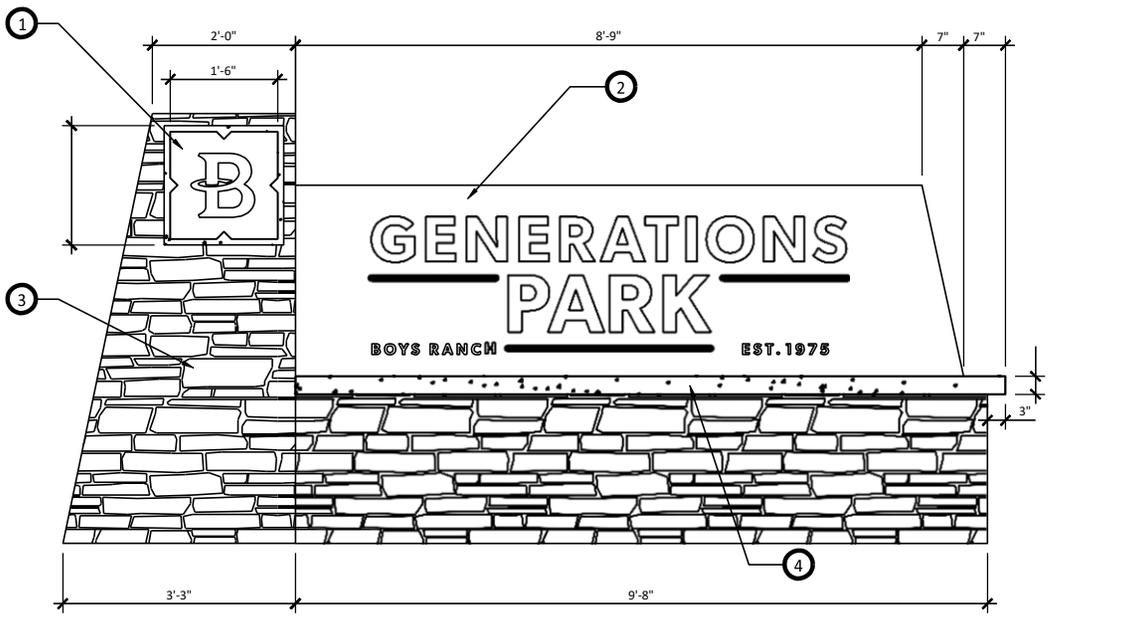
The City of Bedford authorized the Generations Park project team to design and construct Phase Next park improvements. Part of those improvements includes various park signage, including monument signs at the main entry and reading towards the Center entry.

The entry sign will be constructed of stone, either salvaged from the existing buildings, or with stone to match the existing historic Boys Ranch sign. The silhouette of the sign is similar in design to the existing historic sign as well. The proposed sign includes logos and colors as approved by City Council on July 14, 2020.

The Center monument sign will have a similar finish and will also include logos and colors for the Center, as approved by City Council on July 14, 2020.

ATTACHMENTS:

Monument Sign Drawings



1'-6" 6" 2'-3"

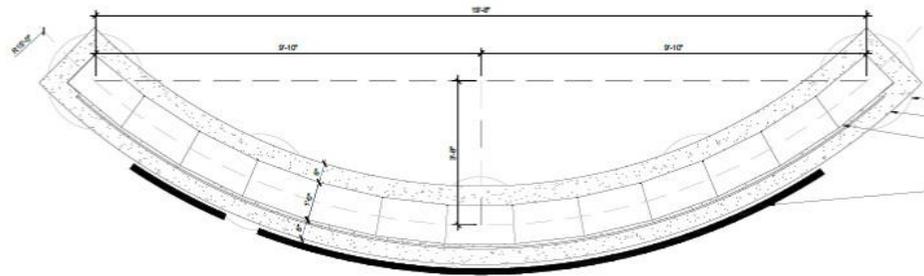
3" 1'-8"

- 1 POWDER-COATED LASER CUT ALUMINUM EMBLEM, PIN MOUNTED
- 2 POWDER-COATED LASER CUT ALUMINUM PANEL WITH OPAQUE WHITE ACRYLIC BACKER
- 3 FULL-WIDTH LEDGESTONE TO MATCH EXISTING MONUMENT

4 3" CAST CONCRETE CAP TP MATCH EXISTING MONUMENT

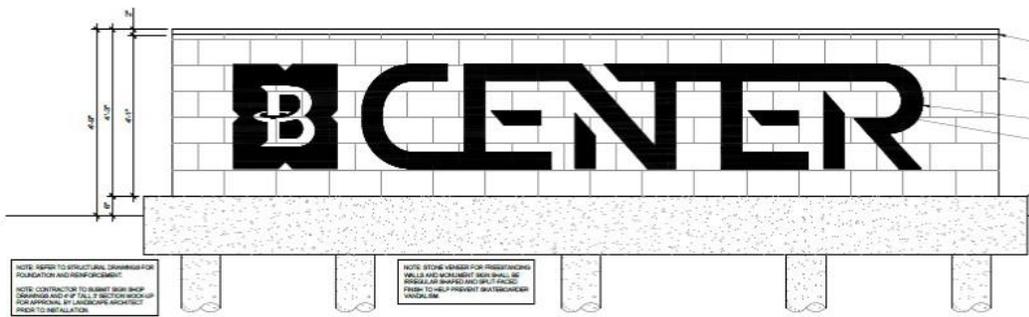
1 GENERATIONS PARK SIGN
34" = 1'-0"





CONCRETE REIN. BELOW
TOP REBAR TO
STRUCTURAL PLANE
CONCRETE REIN. BELOW
REBAR TO STRUCTURAL
PLANE
1" THICK STONE CAP WITH
1/4" CHANNEL LETTER
STONE VESSEL. REFER TO
ARCHITECTURAL PLANS
POUNDED LOCATED PINS
SEE BLUE LABEL CUT
ALUMINUM CHANNELS PIN
REQUIRED

PLAN



1" THICK STONE CAP STONE
TO MATCH BUILDING STONE
MATERIAL. REFER TO
ARCHITECTURAL PLANS
1-1/4" STONE VESSEL TO
MATCH STONE OF
BUILDING. REFER TO
ARCHITECTURAL PLANS
1/4" CHANNEL LETTERS
DESIGN/PREVIEW BRONZE
APPROVAL
POUNDED LOCATED PINS
SEE BLUE LABEL CUT
ALUMINUM CHANNELS PIN
REQUIRED
CONCRETE REIN. REFER TO
STRUCTURAL, DETAIL 15-108

NOTE: REFER TO STRUCTURAL DRAWINGS FOR
FOUNDATION AND REINFORCEMENT
NOTE: COORDINATION TO OWNER: REBAR MUST
BE 4" DIA. AND 4" P.C. SECTION WIDTH UP
TO 10' DIA. BY ARCHITECTURE CONTRACT
REFER TO METALLATION

NOTE: STONE VESSEL FOR FREESTANDING
WALLS AND MONUMENT SIGN SHALL BE
PROVIDED REBAR AND BRIT. FLOOR
FINISH TO HELP PREVENT WATERMARKING
IN UNDER

SECTION ELEVATION

1 MONUMENT SIGN WITH TEXT / FREESTANDING WALL
3/8" = 1'-0"



Council Agenda Background

PRESENTER: Kelly Snook, Interim Capital Projects Director **DATE:** 08/24/20

Staff Report

ITEM:

Report on Phase Next cost estimate.

City Attorney Review: N/A

DISCUSSION:

On November 6, 2017, Bedford voters passed the General Obligation Parks Bond for \$70 Million, funding this next phase of construction at the Boys Ranch Park. City Council voted in June 2019 to allocate a total of \$64.5 million towards the construction of the Boys Ranch-Phase Next and \$5.5 million towards the design and construction of a visual and performing arts center.

At this time, the 100% CDs have been submitted to the Construction Manager at Risk (CMAR) Steele & Freeman, Inc. The CMAR is in the process of completing a final cost estimate and is actively receiving bids. Through this process, the CMAR Guaranteed Maximum Price (GMP) will be refined, reviewed by staff and project team, and will be within a final budget of approximately \$58.59M in order to stay within the total project budget.

Arts and Entertainment	\$5,500,000.00
Interest to Date	<u>\$60,477.00</u>
	\$5,560,477.00
Preliminary Cost Estimate	
Phase Next GO Bond Funds	\$64,500,000.00
Interest to Date - 2018 GO	\$3,044,003.00
Interest to Date - 2019 GO	<u>\$51,768.00</u>
	\$67,595,771.00
Consultant Fees	\$6,183,127.00
Asbestos Abatement	\$60,572.00
Report, Specifications and Oversight	\$54,681.00
Change Order 1	\$12,835.90
Land ROW	\$705,364.00
FFE	\$1,703,481.00
Phase Next Construction	\$59,831,489.00
Storage Building	\$241,680.00
Contingency (Storage Building) 20%	<u>\$48,336.00</u>
	\$68,841,565.90

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Stephanie Ayers, Human Resources Director **DATE:** 08/24/20

Staff Report

ITEM:

Report on efficiency study options and pricing.

City Attorney Review: N/A

DISCUSSION:

Human Resources Director Stephanie Ayers will report on options and pricing for an efficiency study as proposed by Bakertilly.

ATTACHMENTS:

Memo



Baker Tilly US, LLP
2500 Dallas Parkway
Suite 300
Plano, TX 75093
972 748 0300

August 18, 2020

To: Stephanie Ayers, Director of Human Resources
From: David Eisenlohr, Baker Tilly US, LLP
Subject: Efficiency Study Options and Pricing

You asked that I provide cost estimates for the anticipated City of Bedford efficiency review under two alternative approaches:

1. An overall review of the City organization and operations, including all departments in a high-level assessment followed by a series of “deep dive” analyses in those areas identified as most in need of positive change.
2. A complete analysis of a select group of City departments or service functions, to be chosen by the newly appointed City Manager.

Option 1 – High-Level Opportunity Assessment Approach

The ultimate cost for this approach can be highly variable, depending on what we learn in the initial diagnostic assessment, but remains within the control of the City of Bedford. Baker Tilly and the City would first establish an overall budget for the assignment and, following the completion of the assessment phase, would agree on a set of high-priority opportunities for further analysis based the expected benefit and the remaining budget available. Work on the follow-on, “deep dive” projects will not commence until the City provides specific direction and authorization to move forward.

As an example, my “high end” estimate for the project was \$60,000 in professional fees (email of 6/8/20). Under this option, I expect that about 30-35% of that budget would be consumed in the assessment phase, leaving between \$39,000 and \$42,000 – let’s call it \$40,000 – to spend on the high priority/high impact projects. In the event that more (or less) high potential projects are warranted, the remaining budget would be adjusted up or down at the City’s direction.

Option 2 – Individual Departments Selected by the City Manager

To get a feel for the size and complexity of the various City departments, I reviewed the organizational chart, staffing schedules and program descriptions included in the adopted FY 2020-2021 budget. I then assigned each department – based on authorized headcount – to one of three size categories, as follows (FTE counts are rounded):

Large Departments

- Police (142 FTE)

Medium Departments

- Fire (72 FTE)
- Community Services (69 FTE)
- Public Works (51 FTE)

Small Departments

- Administrative Services (21 FTE)
- Development Services (19 FTE)
- Support Services (18 FTE)
- General Government (12 FTE)

An “order of magnitude” fee range estimate for a full review of a single department, by size category, is:

- Large Department - \$60,000-\$75,000
- Medium Department: \$40,000 - \$50,000
- Small Department: \$20,000 - \$25,000

When the new City Manager selects a particular department or departments, we would first sit down with him to get a sense of his concerns and expectations, particular areas of focus, etc. We would then develop a workplan and budget tailored to those requirements and expectations for his review and approval. At that point, the scope and complexity of the analysis could cause the budget to vary from the above estimates. For example, were the new City Manager to select Development Services (including Economic Development, Neighborhood Services, Inspections and Planning/Zoning), and should the City Manager want a complete reengineering/redesign of the development review and code enforcement processes, it would look more like a “Medium” department than a small department. General Government, on the other hand, is small and functionally cohesive/focused and could be under the estimated range for small departments selected for review.

We could approach this option as a Master Service Agreement, allowing the Manager to periodically issue work order requests for a review of all or a part of a given department, either on a regular cycle or on an as-needed basis. This method can help promote the principle of “continuous improvement” over the long term.

I hope this helps and look forward to your review and the next steps in the process as you transition to your new City Manager.