

AGENDA

**Regular Meeting of the Bedford City Council
Tuesday, November 8, 2011
2000 Forest Ridge Drive
Bedford, Texas 76021**

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

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

CALL TO ORDER

WORK SESSION

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Presentation about the impact of Senate Bill 1, regarding the Super Freeport exemption.
- Report on the Community Powered Revitalization Program's Fall Blitz.

EXECUTIVE SESSION:

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

- a) Pursuant to Section 551.072, to deliberate the purchase, exchange, lease or value of real property – Sulpher Branch & SB-1.

REGULAR SESSION 6:30 P.M.

CALL TO ORDER/GENERAL COMMENTS

INVOCATION (Pastor Kevin Smith, Faith Christian Fellowship Church)

PLEDGE OF ALLEGIANCE

OPEN FORUM

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

CONSIDER APPROVAL OF ITEMS BY CONSENT

COUNCIL RECOGNITION

1. Proclamation declaring November 2011 as "Drug Interaction Awareness Month."
2. Recognition of Paula Archibald, Code Enforcement Officer, for a Bedford Employee Commitment Award (BECA).

APPROVAL OF THE MINUTES

3. Consider approval of the following City Council minutes:
 - a) October 25, 2011 regular meeting

NEW BUSINESS

4. Consider an ordinance adopting a Fund Balance Policy; authorizing the City Manager to assign fund balance for intended specific uses; and providing for an effective date.
5. Consider a resolution authorizing the Mayor to certify the Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedures.
6. Consider a resolution authorizing the Mayor to certify the Equitable Sharing Agreement and Certification as required by the United States Department of Justice.
7. Consider a resolution rescinding Resolution 11-89 and authorizing the City Manager to purchase portable trunked radios from Motorola Solutions, Inc. in the amount of \$517,428.27.
8. Consider a resolution authorizing the City Manager to enter into a one-year lease agreement for one year with Cathedral of Hope Mid-Cities Church to provide meeting space for church services at the Old Bedford School.
9. Consider a resolution authorizing the City Manager or their designee to execute an all cash contract of sale with Michael G. Minter for the purchase of fee simple property rights in land being all of Lot 44, Block 7, Kelmont Park Addition with the physical address being 1421 Donna Lane, City of Bedford, Tarrant County Texas.
10. Report on most recent meeting of the following Boards and Commissions:
 - ✓ Animal Control Board- Councilman Griffin
 - ✓ Animal Shelter Advisory Board- Councilman Griffin
 - ✓ Beautification Commission- Councilman Turner
 - ✓ Community Affairs Commission- Councilman Fisher
 - ✓ Cultural Commission- Councilman Champney
 - ✓ Library Board- Councilman Brown
 - ✓ Parks & Recreation Board- Councilman Griffin
 - ✓ Senior Citizen Advisory Board- Councilman Savage
 - ✓ Teen Court Advisory Board- Councilman Griffin

11. Council member reports

12. City Manager report

13. 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, November 4, 2011 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 should be requested forty-eight (48) hours prior to the scheduled starting time of a posted council meeting by calling 817.952.2101.)



Council Agenda Background

PRESENTER: Clifford Blackwell, CGFO
Administrative Services Director

DATE: 11/08/11

Work Session

ITEM:

Presentation about the impact of Senate Bill 1, regarding the Super Freeport exemption.

City Manager Review: _____

DISCUSSION:

Super Freeport good:

- Tangible personal property imported into this State to be forwarded outside this State or to another location within the State;
- Detained in this State *in which the owner of the property does NOT have a direct or indirect ownership interest* for assembling, storing, manufacturing, processing or fabricating purposes by the person who acquired or imported it;
- Property transported to another location in or outside of this State not later than 175 days after the date it was acquired/imported into this State;
- Does NOT include oil, natural gas, petroleum products, aircraft parts, dealer's motor vehicle inventory, dealer's vessel and outboard motor inventory, dealer's heavy equipment inventory, or retail manufactured housing inventory, because all are taxable.

Senate Bill 1 requires cities to take official action, by adopting an ordinance or resolution, between October 1, 2011 and December 31, 2011 to provide for the taxation of "goods-in-transit" in 2012. Should the city decide NOT to exempt these "goods-in-transit" and tax them, it must conduct a public hearing prior to doing so. These new requirements apply regardless of any action taken by a city in the past to tax Super Freeport goods. Therefore, if a city wishes to tax these Super Freeport goods, it must adopt a new ordinance or resolution indicating as such, after it conducts the public hearing prior to December 31, 2011.

Failure to take action within the specified timeframe will result in those "goods-in-transit" being EXEMPT from taxation in 2012.

After discussions with the Tarrant Appraisal District (TAD), and according to their 2011 records, it is estimated that the market value of "goods-in-transit" on the City of Bedford's tax roll would be between \$100,000 and \$115,000. Thus, the fiscal impact of property tax revenue foregone would be less than \$600.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Wes & Diane Higdon
6 Stones Mission Network

DATE: 11/08/11

Work Session

ITEM:

Report on the Community Powered Revitalization Program's Fall Blitz.

City Manager Review: _____

DISCUSSION:

Wes and Diane Higdon of 6 Stones Mission Network will give a report to Council regarding the Community Powered Revitalization Program's Fall Blitz held from October 14 through October 15.

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Jim Story, Mayor

DATE: 11/08/11

Council Recognition

ITEM:

Proclamation declaring November 2011 as “Drug Interaction Awareness Month.”

City Manager Review: _____

DISCUSSION:

Rob Zachariah of St. Luke’s Pharmacy will be on hand to accept this proclamation.

ATTACHMENTS:

Proclamation
Letter of Request



CITY OF
BEDFORD

Proclamation

WHEREAS, drug interactions occur when a substance – another drug, food or beverages, or preexisting medical condition affects the activity of a drug thus changing the way the medication acts in your body; and

WHEREAS, drug interactions can make medications less effective or they can cause unexpected and potentially dangerous side effects, serious injury or death; and

WHEREAS, to avoid drug interactions always read labels, use only one pharmacy, learn your medications, and carry a list of your medications everywhere.

NOW, THEREFORE, let it be known that I, Jim Story, Mayor of the City of Bedford, and the City Council do hereby proclaim the month of November 2011 as:

Drug Interaction Awareness Month

in the City of Bedford and we urge all citizens to communicate with their physicians and pharmacists to ensure medications are taken properly so that drug interactions do not occur.

*In witness whereof, I have hereunto set my hand and caused the seal of the City of Bedford to be affixed this
8th day of November, 2011.*

JIM STORY MAYOR


Jakubik, Megan

From: Wells, Michael
Sent: Wednesday, November 02, 2011 4:23 PM
To: Jakubik, Megan
Subject: FW: Proclamation Inquiry

From: On Behalf Of Rob Zachariah
Sent: Monday, October 17, 2011 9:32 AM
To: Wells, Michael
Subject: Proclamation Inquiry

Hello Michael,

I wanted to inquire with you about recognizing November to be Drug Interaction Awareness Month in the City of Bedford.

I am already working with the City of Euless, and they have agreed to this proclamation.

Can you direct me to the person at the City of Bedford who I can talk about this in greater detail?

Regards

Rob Zachariah
Partner
St. Luke's Pharmacy
350 Westpark Way
Euless, TX 76040
Tel: 817-684-9464
Fax: 817-684-9287



Council Agenda Background

PRESENTER: Beverly Griffith, City Manager

DATE: 11/08/11

Council Recognition

ITEM:

Recognition of Paula Archibald, Code Enforcement Officer, for a Bedford Employee Commitment Award (BECA).

City Manager Review: _____

DISCUSSION:

The BECA is part of the City of Bedford's Employee Recognition Program. In order for an employee to receive a BECA, he/she must display "above and beyond the call of duty" conduct or actions in their daily job function or other types of meritorious actions or conduct.

Any citizen, business owner or employee may nominate a City employee for a BECA by completing a form. The nominations are reviewed on a periodic basis by the City's senior management team. The senior management team then votes on the nominations.

Paula was nominated by Mr. Tom Quigley, a Bedford resident who lives on Jerry Lane. In his nomination he writes, "Thanks to Paula Archibald for showing consideration and thoughtfulness in helping an almost 89 year old guy with a stack of loose wood curbside. It was her good idea of putting it in boxes. Imagine my surprise when I saw later Paula had not only brought boxes, but had filled them for me. This was certainly above and beyond the call of duty. Criticism is often freely given these days, but I want to commend Paula for what she did for me. What a nice, caring person. We are mighty glad to live in Bedford."

ATTACHMENTS:

N/A



Council Agenda Background

PRESENTER: Michael Wells, City Secretary

DATE: 11/08/11

Minutes

ITEM:

Consider approval of the following City Council minutes:

a) October 25, 2011

City Manager Review: _____

DISCUSSION:

N/A

ATTACHMENTS:

Minutes

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 25th day of October, 2011 with the following members present:

Jim Story	Mayor
Chris Brown	Council Members
Ray Champney	
Roger Fisher	
Jim Griffin	
Roy Savage	
Roy W. Turner	

constituting a quorum.

Staff present included:

Beverly Griffith	City Manager
David Miller	Deputy City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Cliff Blackwell	Director of Administrative Services
Roger Gibson	Police Chief
John Kubala	Public Works Director
Mirenda McQuagge-Walden	Managing Director of Community Services
Bill Syblon	Development Director
James Tindell	Fire Chief

CALL TO ORDER

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

WORK SESSION

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

Council discussed placing the following items on consent: 4, 6 and 9.

- **Presentation by Robert Hinkle, NTE, and Lara Kohl, Bluebonnet Construction, regarding the S.H. 183 expansion.**

Lara Kohl with Bluebonnet Construction gave an update to Council regarding progress on the S.H. 183 expansion and what can be expected the rest of the year. Recent activity includes demolishing and reconstructing the Murphy Drive portion of the Murphy/Westpark Bridge, which required some significant traffic detours on weekends. They worked closely with City staff to minimize the impact of these closures. The concrete for the new bridge was originally supposed to be poured last Saturday; however, it was postponed until last night due to rain. The area was back open this morning. Other projects included partial bridge demolition at the intersections at Forest Ridge Drive, Bedford Road and Central Drive as well as utility relocation, which has to be done before some of the major reconstruction.

Ms. Kohl showed some pictures of some of the work including new columns being constructed at the

121/183 interchange, extensive excavation work in the Plainview/Norwood area in Hurst, and MSE retaining walls in the Murphy/Westpark area. The retaining walls, as well as the columns and bridge decks, will eventually be painted the colors decided on by the Aesthetics Committee.

In regards to coordination, NTE and Bluebonnet have been holding monthly meetings with City staff to ensure that the City gets a 30-60-90 day preview of what is going to happen with the expansion. They in turn receive information from City staff, including the impact of football games, making sure that designated detour routes are acceptable, and traffic management issues. They have also been doing business outreach in the area to those locations impacted by lane closures and detours. They have gone door-to-door to these businesses letting them know about the work and detour routes. Finally, the City's Public Information Office has been helpful in getting information on lane closures posted to the City's website.

Over the next three weeks, there will not be a lot of changes. Excavation, column construction and construction at the 121/183 interchange will continue. Through the end of the year, there will be much of the same activity including drainage and utility work, construction at the 121/183 interchange, and partial bridge reconstruction at the Forest Ridge, Bedford Road and Central Drive intersections. Starting in mid-November, they will begin holding public meetings with affected residents regarding sound walls being installed in the rights-of-way adjacent to their properties. Finally, there will be main lane construction from Central Drive to Brown Trail. Citizens can stay aware of the project through the project's website, the information hotline, Facebook, Twitter and the Information Center.

Ms. Kohl answered general questions from Council. The project is slated to take four more years, for a total of five. All the rights-of-way that are needed for the project are in the process of being acquired, though some are currently in litigation. A majority of the aesthetic treatments will be on the sound walls and in the City gateway areas; there will not be any patterns on most of the retaining walls, though they will be stained. In regards to comparisons with the DFW Connector Project, Ms. Kohl explained that project does not affect any residential areas, only impacts businesses along William D. Tate, and is mostly working in a "greenfield" environment. She stated they will work with their subcontractors to make sure they clean up their trash. Also, she asked to be contacted if any of the areas they are working on need to be mowed or otherwise maintained. As far as signage for businesses, there are the standard TxDOT blue driveway signs and some cities have chosen to create their own way-finding signs as well. Though these signs cannot be placed in the rights-of-way, NTE will work with the City on placement.

Police Chief Roger Gibson stated that NTE and Bluebonnet have been very helpful to the Police Department. For example, they provided maps of the construction at the Murphy Drive Bridge that were well detailed and clearly articulated what was occurring and how traffic was going to proceed. This information was given to the Patrol Division. Also, with a couple of recent fatalities on the highway, NTE helped the Department with portable signs, traffic support and barricades.

Ms. Kohl stated that during construction, incidents such as damage to the lines for signal lights do sometimes occur but that NTE works quickly to repair the issue.

Mayor Story adjourned the Work Session at 6:04 p.m.

EXECUTIVE SESSION:

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

- a) Pursuant to Section 551.087, deliberation regarding Economic Development Negotiations relative to Block, Lot D, Shady Oaks East Addition, Block 1, Lot 1Rb, Bedford Meadows Shopping Center, and Block 1, Lot 2R, Super 8 Motel/121 Addition.**
- b) Pursuant to Section 551.072, deliberation regarding the purchase, exchange, lease or value of real property relative to Ryanwood Baptist Church, 1400 Brown Trail.**
- c) Pursuant to Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of**

the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for group homes.

Council convened into Executive Session pursuant to the Texas Government Code regarding Section 551.087, deliberation regarding Economic Development Negotiations relative to Block, Lot D, Shady Oaks East Addition, Block 1, Lot 1Rb, Bedford Meadows Shopping Center, and Block 1, Lot 2R, Super 8 Motel/121 Addition; Section 551.072, deliberation regarding the purchase, exchange, lease or value of real property relative to Ryanwood Baptist Church, 1400 Brown Trail; and Section 551.071(2), consultation with the City Attorney on matters in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code – Zoning for group homes at approximately 6:04 p.m.

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

Council did not finish executive session and will convene again at the end of the meeting.

Council convened into Executive Session again at approximately 7:41 p.m.

Council reconvened from Executive Session at approximately 7:55 p.m.

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

REGULAR SESSION 6:30 P.M.

The Regular Session began at 6:42 p.m.

CALL TO ORDER/GENERAL COMMENTS

Mayor Story called the meeting to order.

INVOCATION (Senior Pastor Nosa Onaiwu, Arise & Shine Int'l Ministries)

Senior Pastor Nosa Onaiwu of Arise & Shine Int'l Ministries gave tonight's invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was given.

OPEN FORUM

Nobody chose to speak under tonight's Open Forum.

CONSIDER APPROVAL OF ITEMS BY CONSENT

Motioned by Councilman Champney, seconded by Councilman Brown, to approve the following items by consent: 4, 6, 7 and 9.

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

COUNCIL RECOGNITION

- 1. Consider a resolution authorizing the Beautification Commission to recognize Fort Worth Community Credit Union, for maintaining, improving, and/or keeping their property visually attractive to the community.**

Beautification Chairperson Michael Boyter presented information regarding this resolution. 1905 Forest Ridge Drive is the headquarters of the Fort Worth Community Credit Union and they have been located

there since 2001, employing over 100 people. They actively participate in 4thFest and are a sponsor of the Library. They believe in setting the highest standards for their property and for setting the standard for others. They are nominated under the category of overall appearance. The Commission voted unanimously at their August meeting to approve this nomination. If approved, the award is scheduled to be presented Saturday, November 5. Council and Mr. Boyter discussed changing the date for the presentation due to the possibility of Council being unavailable on that date.

Motioned by Councilman Champney, seconded by Councilman Griffin, to approve a resolution authorizing the Beautification Commission to recognize Fort Worth Community Credit Union, for maintaining, improving, and/or keeping their property visually attractive to the community.

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

2. Proclamation recognizing November 2011 as Pancreatic Cancer Awareness Month.

Mayor Story read a proclamation recognizing November 2011 as Pancreatic Cancer Awareness Month.

3. Employee Service Recognition.

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

Elizabeth Swartzell, Police Department - 5 years of service
Robin Giselbach, Support Services - 5 years of service
Mark Williams, Fire Department – 20 years of service

APPROVAL OF THE MINUTES

4. Consider approval of the following City Council minutes: a) October 11, 2011 regular meeting

This item was approved by consent.

NEW BUSINESS

5. Consider a resolution adopting a Retail Center Revitalization Program.

Development Director Bill Syblon presented information regarding this resolution. This item is a follow-up from a recent City Council Work Session. There is a continued desire from the public, Council and commercial property owners to see the City encourage the redevelopment and renovation of the City's aging shopping centers. This program encourages property owners to invest in their property by giving them up to a \$20,000 matching grant for items such as façade improvements, windows, window treatments, lighting, awnings, canopies, curbing, irrigation, landscaping, cleaning, repainting and parking lot improvements. The program also offers up to a \$5,000 matching grant for the cost to replace or remove older dilapidated signs and replace them with newer signs. The critical elements of the criteria are that the applicant must be the owner or tenant of a multi-tenant property that is over 20 years old and with a vacancy of at least 30%. Also, there is a minimum budget requirement of \$20,000.

Language added to the Program Guidelines, as advised by the City Attorne, is underlined as follows: Article I. General Purpose, Paragraph 1. – The City will consider applications, and approve them in whole or in part under the sole discretion of the Bedford City Council; Article V. Procedures, Section A. Application Review Step, Subsection 4. - In light of the proprietary nature of this data, all information included within the application shall remain confidential unless and until formal action is taken to establish an agreement, or required to be released by law; and Article V. Procedures, Section B. Consideration of Application, Subsection 5. - Upon approval of submitted bids by City staff, and approval by the City Council, the Applicant will enter into a contract for reimbursement with

the City of Bedford. The maximum funding amount indicated on the contract will be based upon the lowest acceptable bid for proposed improvement project.

Motioned by Councilman Champney, seconded by Councilman Griffin, to approve a resolution adopting a Retail Center Revitalization Program, including the amendments that were stipulated and read by Mr. Syblon.

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

- 6. Consider a resolution authorizing the purchase of a Ford Taurus sedan vehicle in the amount of \$21,687 from Philpott Motors through the Houston-Galveston Area Council state contract.**

This item was approved by consent.

- 7. Consider a resolution authorizing a driveway closure and additional driveway construction at the Ryanwood Baptist Church located at 1400 Brown Trail.**

This item was approved by consent.

- 8. Consider a resolution naming the Chairperson and the Vice-Chairperson of the Cultural Commission.**

Mayor Story presented information regarding this resolution. The ordinance creating the Commission gave the Council the authority to appoint the chairperson and vice-chairperson of the Commission. Council had appointed Leighton Railsback as chairperson; unfortunately, Mr. Railsback recently passed away. Alicia McGlinchey, the current vice-chairperson, has agreed to become the chairperson. Councilman Champney stated that the Commission is in the process of evaluating members for the vice-chairperson position.

Motioned by Councilman Champney, seconded by Councilman Griffin, to approve a resolution naming Alicia McGlinchey as Chairperson of the Cultural Commission with the understanding there will be a nomination for vice-chair at a future meeting to be determined.

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

- 9. Consider a resolution authorizing the City Manager to enter into a lease agreement with ARTSNET, relative to the Trinity Arts Building located within the Bedford Boys Ranch Park.**

This item was approved by consent.

- 10. Report on most recent meeting of the following Boards and Commissions:**
✓ **Animal Control Board- Councilman Griffin**

No report was given.

- ✓ **Animal Shelter Advisory Board- Councilman Griffin**

No report was given.

- ✓ **Beautification Commission- Councilman Turner**

Councilman Turner commended the Commission and specifically its Chairperson, Michael Boyter, for their enthusiasm. The Commission held its paper shredding day last Saturday and a record 255 cars were serviced. It is a remarkable service to the community.

- ✓ **Community Affairs Commission- Councilman Fisher**

Councilman Fisher stated he was proud of the Commission; after the business breakfast held on October 4, the Shop Bedford First program spiked to almost 200 businesses, nearly double that of other cities participating in SKEDS. Both the Commission and Kay Brown in the Development Department work really hard to get the word out on the program. There will be a Christmas promotion featuring coupons in the next Bedford Connection magazine.

✓ **Cultural Commission- Councilman Champney**

Councilman Champney reported that the Commission met last Monday and they are currently in the planning phase and giving assignments to Commission members. He is looking forward to major activity and progress in 2012.

✓ **Library Board- Councilman Brown**

No report was given.

✓ **Parks & Recreation Board- Councilman Griffin**

No report was given.

✓ **Senior Citizen Advisory Board- Councilman Savage**

Councilman Savage reported that the Board met last week and they received news that Senior Center Manager Virginia Chamblee will be retiring in January after 39 years with the City. Dates to remember are the Halloween Dance on October 31 starting at 7:00 p.m.; the Black and White Dance on November 28 starting at 7:00 p.m., Thanksgiving Dinner on November 16 starting at 12:00 p.m.; and the Christmas Dance on December 12 starting at 7:00 p.m.

Councilman Savage presented attendance figures for the Center. In July, there were 2,734 event attendees compared to 2,712 in 2010; 2,933 event attendees in August compared to 2,931 in 2010; and 2,612 event attendees in September compared to 2,464 in 2010. Overall attendance in July was 913 Bedford residents and 1,070 residents from other cities; in August was 1,172 Bedford residents and 1,340 residents from other cities; and, in September was 1,045 Bedford residents and 1,115 residents from other cities.

✓ **Teen Court Advisory Board- Councilman Griffin**

No report was given.

11. Council member reports

Mayor Story reported on the concert held by Di Wu, a Cliburn finalist, held on October 20 at the Old Bedford School. He also stated that the Senior Center craft sale will be held this Saturday from 9:00 a.m. to 3:00 p.m.

Councilman Champney commended Technical Sergeant Randy Gardner who made a presentation on safety and various other issues, as well as answered questions, at a recent homeowner's association meeting. He also reported that the paper shredding day was tremendous.

12. City Manager report

✓ **Status report on Adam Smith's Texas Harley Davidson request for street name change.**

City Manager Beverly Griffith updated Council on a request by Adam Smith's Texas Harley Davidson to change the name of Shoalmont Drive to Don Smith Drive. The City received a formal application for the name change after the requestor made a presentation under Persons to be Heard at a previous Council meeting. The City does have a policy and procedures for dedicating City facilities such as a street. One of the criteria that have been established is to include evidence of community support, such as a petition.

Under the circumstances, the requestor has made it known that is something he does not want to do because then word would get out.

Council was of the consensus to have staff research to confirm that no other businesses would be affected by the name change and to place this item on the next Council meeting agenda for action.

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

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

ADJOURNMENT

Mayor Story adjourned the meeting at 7:55 p.m.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary



Council Agenda Background

PRESENTER: Clifford Blackwell, CGFO
Administrative Services Director

DATE: 11/08/11

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

ITEM:

Consider an ordinance adopting a Fund Balance Policy; authorizing the City Manager to assign fund balance for intended specific uses; and providing for an effective date.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The City Council adopts an annual budget, which includes the City of Bedford's Fiscal and Budgetary Policy Statements. This policy is the official statute by which the City governs its financial practices.

In March 2009, the Governmental Accounting Standards Board (GASB) released Statement No. 54 – "Fund Balance Reporting and Governmental Fund Type Definitions," effective fiscal year ending September 2011. This new statement is intended to improve the usefulness of the amount reported in fund balance, by providing a more structured classification of a governmental entity's fund balance.

The City's current policy stipulates [within the 'Operating Reserves/Fund Balances' section] that the General Fund shall maintain a minimum unreserved fund balance of 25% of annual operating expenditures, excluding capital outlay, since capital outlay expenditures are usually non-recurring purchases. The Water/Sewer and Stormwater funds shall maintain a minimum working capital of 146 days and 91 days, respectively. The Tourism fund shall maintain an unreserved amount of 25% of annual operating expenditures, excluding capital outlays, or one-year's average annual debt service requirement, whichever is greater.

City staff recommends amending the current fiscal and budgetary policy to include the structured classifications of the fund balance per GASB-54 Statement. In addition, City staff also recommends revisions to the minimum fund balance and working capital requirements within the same policy.

The revised section of the policy has been amended to incorporate recommended language of the GASB-54 Statement, including definitions of funds, as well as the categories used to define the fund balances. It further defines the order in which available expenditures are used among multiple categories. Moreover, it defines by whose authority an expenditure qualifies for a certain category. The categories are the following:

1. Nonspendable
2. Restricted
3. Committed
4. Assigned
5. Unassigned

Due to the expansion of the fund balance into these five categories, there is a possibility that a portion of the City's General Fund Balance could be *Nonspendable, Restricted, Committed, and/or Assigned*; therefore, it is the recommendation of this amended policy to stipulate a minimum UNASSIGNED fund balance requirement of 20% of annual operating expenditures, excluding capital outlays. In addition, this recommendation is the same for the Tourism Fund. The minimum 'working capital' requirement for both the Water/Sewer fund and the Stormwater fund have been

revised to 90 days each, based on the earlier discussions with the City Council and the City's utility rate consultant.

The revisions to this policy (Exhibit A) are highlighted in the following attachment.

RECOMMENDATION:

Staff recommends the following motion:

Approval of an ordinance adopting a Fund Balance Policy; authorizing the City Manager to assign fund balance for intended specific uses; and providing for an effective date.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance
Exhibit A: Fiscal & Budgetary Policy Statement

ORDINANCE NO. 11-

AN ORDINANCE ADOPTING A FUND BALANCE POLICY; AUTHORIZING THE CITY MANAGER TO ASSIGN FUND BALANCE FOR INTENDED SPECIFIC USES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Governmental Accounting Standards Board (GASB) released Statement No. 54 "Fund Balance Reporting and Governmental Fund Type Definitions" on March 11, 2009, effective for fiscal year ending September 30, 2011; and,

WHEREAS, as part of GASB Statement No. 54, governments are required to adopt and disclose information in the notes to the financial statements about amounts reported in fund balance; and,

WHEREAS, this new Statement is intended to improve the usefulness of the amounts reported in fund balance by providing more structured classifications; and,

WHEREAS, the City Council of Bedford, Texas previously adopted Fiscal and Budgetary Policy Statements which set out criteria for desired fund balances for various funds ("Fiscal Policy"); and,

WHEREAS, the establishment of Fiscal Policy is considered prudent financial management and the City of Bedford desires to maintain a stable, financial position as well as position itself for the future; and,

WHEREAS, Fiscal Policy can communicate and document the City's stewardship of public funds, give assurance to investors and other interested parties, and acknowledge the City's operating practices and contingent responses to emergencies; and,

WHEREAS, the City Council desires to amend the Fiscal Policy as heretofore amended, by the adoption of the amended Fiscal and Budgetary Policy Statements, attached hereto as Exhibit "A."

WHEREAS, the City Council of Bedford, Texas has approved a fiscal and budgetary policy as part of the annual budget, of which this policy will serve to repeal.

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

SECTION 1. That the "Fiscal Policy" is hereby amended by the adoption of the amended Fiscal and Budgetary Policy Statements, as set forth in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2. That this ordinance shall be in full force and effect from and after passage.

PRESENTED AND PASSED on this 8th day of November, 2011, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

ORDINANCE NO. 11-

APPROVED AS TO FORM:

Stan Lowry, City Attorney

**CITY OF BEDFORD
FISCAL AND BUDGETARY POLICY STATEMENTS**

I. STATEMENT OF PURPOSE

The intent of the following Fiscal and Budgetary Policy Statements is to enable the City to achieve and maintain a long-term stable and positive financial condition. The watchwords of the City's financial management include integrity, prudent stewardship, planning, accountability, and full disclosure.

The more specific purpose is to provide guidelines for planning and directing the City's day-to-day financial affairs and in developing recommendations to the City Manager and City Council.

The scope of these policies includes:

- accounting, auditing and financial reporting;
- internal controls;
- operating budget management;
- capital budget and improvement programs;
- asset management;
- revenue management;
- expenditure control;
- financial conditions, reserves and stability ratios;
- debt management; and
- Staffing and training.

These policies are designed to benefit the City by:

- Ensuring the fair and full disclosure of the financial position and the results of financial operations in conformity with Generally Accepted Accounting Principles (GAAP), and
- Adhering to compliance with finance related legal and contractual issues in accordance with the provisions of the Texas Local Government Code, the City Charter, and other applicable legal mandates.

The City Council will annually review and approve the Fiscal and Budgetary Policy Statements as part of the budget process.

II. ACCOUNTING, AUDITING AND FINANCIAL REPORTING

ACCOUNTING. The city is solely responsible for the reporting of its financial affairs, both internally and externally. The Director of Administrative Services is the City's Chief Fiscal Officer and is responsible for establishing the Chart of Accounts and for properly recording financial transactions.

AUDITING. In conformance with the City's Charter and according to the provisions of the Texas Local Government Code, Title 4, Chapter 103, the City will be audited annually by outside independent accountants (auditor). The auditor must be a CPA firm of regional reputation and must demonstrate that it has the breadth and depth of staff to conduct the City's audit in accordance with generally accepted auditing standards and contractual requirements. The auditor must be registered as a partnership or corporation of certified public accountants, holding a license under Article 41a1, Section 9, of the Civil Statutes of Texas, capable of demonstrating that it has sufficient staff which will enable it to conduct the City's audit in accordance with generally accepted auditing standards as required by the City Charter and applicable state and federal laws. The auditor's report on the City's financial statements will be completed within 120 days of the City's fiscal year end, and the auditor will jointly review the management letter with the Council within 30 days of its receipt by the staff.

The City Council has established an audit committee that meets with the independent auditors primarily at year-end to discuss the results of the audit. The committee consists of three City Council members to be appointed by a majority of the City Council. The audit committee plays an advisory role to the City Council and helps to facilitate communication between management, the auditors, and the City Council. Management and City Council remain ultimately responsible for the fair presentation of the financial statements and for obtaining and monitoring the financial statement audit.

In conjunction with their review, the Director of Administrative Services shall respond in writing to the City Manager and City Council regarding the auditor's Management letter, addressing the issues contained therein. The Council shall schedule its formal acceptance of the auditor report upon resolution of any issues resulting from the joint review.

The auditor is retained by and is accountable directly to the City Council and will have access to direct communication with the City Council if the City Staff is unresponsive to auditor recommendations or if the auditor considers such communication necessary to fulfill its legal and professional responsibilities.

The City will not require an auditor rotation; however, the Council may circulate requests for proposal for auditor services every three to five years.

FINANCIAL REPORTING. Upon completion and acceptance of the annual audit by the City's auditors, the City shall prepare a comprehensive annual financial report (CAFR). The CAFR will be prepared in accordance with generally accepted accounting principles. The CAFR shall be presented to the City Council within 120 calendar days of the City's fiscal year end. City staffing limitations may preclude such timely reporting. In such case, the Administrative Services Director will inform the City Manager and the City Manager will inform the City Council of the delay and the reasons therefore.

The Finance Division will prepare internal financial reports sufficient to plan, monitor, and control the City's financial affairs. Internal reporting objectives are addressed throughout these policies.

III. OPERATING BUDGET MANAGEMENT

BUDGETARY ACCOUNTING BASIS. The City’s accounting records for general governmental operations are maintained on a modified accrual basis according to Generally Accepted Accounting Principles (GAAP). The revenues are recorded when actually received, and expenditures are recorded when the liability is incurred. Accounting records for the City’s utilities and other proprietary funds are maintained on a full accrual basis. For example, expenditures are recognized when a liability is incurred, and revenues are recognized when they are obligated to the City. Depreciation is budgeted as an operating expense. Capital purchases for the proprietary funds are listed in the budget document in order that proposed purchases can be reviewed by the City Council. The budgetary accounting basis follows GAAP except that fund balances/retained earnings are presented in the budget as a measure of available spendable resources. Unexpended appropriations for budgeted funds lapse at fiscal year end, except for appropriations for Capital Project Funds, which are for the length of the project.

OVERVIEW. Budgeting is an essential element of the financial planning, control and evaluation process of municipal government. The City’s “operating budget” is the City’s annual financial operating plan. It comprises governmental and proprietary funds, including the Debt Service Fund, and various capital improvement funds.

PREPARATION. The budget is prepared by the City Manager with the cooperation of all City departments, and is submitted to the City Council. The budget should be presented to the City Council no later than forty five (45) days prior to fiscal year end, and should be enacted by the City Council prior to fiscal year end.

The budget shall include four basic segments for review and evaluation. These segments are:

- (1) Personnel Costs;
- (2) Base Budget for Operations and Maintenance Costs;
- (3) Supplemental Funding Packages for Capital and Other Non-capital Projects (i.e., new or expanded programs); and
- (4) Projected Revenues.

The base budget represents funding for the current level of service, and does not include capital outlay, new programs or new services. Any increase in the base budget request will be limited to no more than the average of the Consumer Price Index (CPI) for the most recent three-year period available. Any item requested for capital outlay, new programs or new services is shown as a Supplemental Funding Package. Supplemental Funding Packages are above and beyond the prior year base, and are considered individually for funding approval.

A Combined Budget Summary with scheduled inter-fund transfers is included in the budget presented to the City Council. The Fund Balances will be identified as to restricted and unrestricted, designated and/or reserved.

The budget review process shall include Council participation in the development of each of the four segments of the proposed budget and a Public Hearing to allow for citizen participation in the budget preparation.

The budget process shall span sufficient time to address policy and fiscal issues by the Council.

A copy of the proposed budget shall be filed with the City Secretary when it is submitted to the City Council in accordance with the provisions of the City Charter.

Upon the presentation of a proposed budget document to the Council, the Council shall call and publicize a public hearing. The Council will subsequently adopt by Ordinance such budget as it may have been amended as the City's Annual Budget, effective for the fiscal year beginning on the first day of October.

PLANNING. The budget process will be coordinated so as to identify major policy issues for City Council consideration several months prior to the budget approval date so that proper decision analysis can be made.

REPORTING. Periodic financial reports will be prepared to enable the Department Directors to manage their budgets and to enable the Administrative Services Director to monitor and control the budget as authorized by the City Manager.

AMENDING. In case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions which could not, by reasonable diligent thought and attention, have been included in the original budget may, from time to time, be authorized, upon the affirmative vote of a majority of the full membership of the council, including the mayor as a voting member, as amendments or supplements to the original budget. Such supplements and amendments shall be approved in an ordinance and shall be filed with the original budget. (See Section 4.09 of the City Charter)

IV. REVENUE MANAGEMENT

The City will strive for the following optimum characteristics in its revenue system:

SIMPLICITY. The City, where possible and without sacrificing accuracy, will strive to keep the revenue system simple in order to reduce compliance costs for the taxpayer or service recipient. A corresponding decrease in the City's costs for collection and a reduction in avoidance to pay will thus result.

CERTAINTY. A knowledge and understanding of revenue sources increases the reliability of the revenue system. The City will understand its revenue sources and enact consistent collection policies to provide assurances that the revenue base will materialize according to budgets and plans.

EQUITY. The City shall require that there be a balance in the revenue system; i.e., the revenue base will have the characteristic of fairness and neutrality as it applies to cost of service, willingness to pay, and ability to pay.

ADMINISTRATION. The benefits of a revenue type will exceed the cost of producing the revenue. The collection process will be reviewed periodically for cost effectiveness as a part of the indirect cost and cost of service analysis.

DIVERSIFICATION AND STABILITY. In order to protect from fluctuations in a revenue source due to fluctuations in the economy and variations of other factors, a diversified revenue source will be pursued and maintained as a stable source of income.

CONSERVATIVE ESTIMATION OF REVENUE. In order to mitigate the effects of fluctuations in a revenue source due to fluctuations in the economy and variations of other factors, all revenues will be conservatively estimated with the exception of property tax and inter-fund transfers.

COST/BENEFIT OF ABATEMENT. The City will use due caution in the analysis of any tax or fee incentives that are used to encourage development. Ideally, a cost/benefit (fiscal impact) analysis will be performed as a part of such caution.

NON-RECURRING REVENUES. One-time or non-recurring revenues will not be used to finance current ongoing operations. Non-recurring revenues should be used only for one-time expenditures such as long-lived capital needs. They will not be used for budget balancing purposes.

PROPERTY TAX REVENUES. All real and business personal property located within the City shall be valued at 100% of the fair market value for any given year based on the current appraisal supplied to the City by the Central Appraisal District. Reappraisal and reassessment shall be done regularly as required by State law.

In January of 1995, the citizens of Bedford approved an additional one-half of one percent sales tax for property tax reduction, as provided for in the State Property Tax Code. This resulted in a reduction of the operations and maintenance property tax rate of approximately eleven cents in the subsequent fiscal year. This reduction is called the sales tax adjustment rate, and is re-calculated on an annual basis.

When comparing the adopted property tax rate for the City of Bedford to surrounding cities, the City of Bedford tax rate should be combined with the sales tax adjustment rate to arrive at a tax rate that is comparable in method of calculation. This total rate should fall within a reasonable range of comparable cities and should be adequate to produce the revenues needed to pay for approved City services.

The adopted tax rate should not exceed the rollback rate as computed by Truth in Taxation laws. Property tax revenues will be estimated based on the actual percentage of collections for the prior year, net of any unusual or non-recurring activity.

SALES TAX. Sales tax revenue projections shall be conservative due to the volatile nature of this economically sensitive revenue source.

USER-BASED FEES. For services associated with a user fee or charge, the direct and indirect costs of that service will be offset by a fee where possible. There will be a periodic review of fees and charges to ensure that fees provide adequate coverage of costs of services.

UTILITY RATES. The City will review and adopt utility rates periodically that will generate revenues required to fully cover operating expenditures, meet the legal restrictions of all applicable bond covenants, and provide for an adequate level of working capital needs. Rates will be structured in order to generate 75% of the fixed cost of operating the utility system from the minimum monthly service charges, and 25% of fixed cost from consumption charges. This policy does not preclude drawing down cash balances to finance current operations; however, it is best that any extra cash balance be used instead to finance capital projects.

Components of the Utility Rates will include a transfer to the General Fund for an administrative fee for services of general overhead, such as administration, finance, personnel and data processing. This fee will be documented annually through a cost allocation procedure.

INTERGOVERNMENTAL REVENUES. The reliance placed on intergovernmental revenues will be eliminated. Any potential grants will be examined for matching requirements.

V. EXPENDITURE CONTROL

APPROPRIATIONS. The level of budgetary control is the Department level budget in the Governmental and Proprietary Funds, and the Fund level in all other funds. Budget appropriation amendments at lower levels shall be made in accordance with applicable administrative procedures.

PURCHASING. All City purchases and contracts shall conform to the City Purchasing Policy.

PROMPT PAYMENT. All invoices approved for payment by the proper City authorities shall be paid by the Finance Division according to state law. The Director of Administrative Services shall establish and maintain proper procedures which will enable the City to take advantage of all purchase discounts, when possible, except in the instance where payments can be reasonably and legally delayed in order to maximize the City's investable cash.

RISK MANAGEMENT. The City will aggressively pursue every opportunity to provide for the Public's and City employees safety and to minimize the risk of loss of resources through liability claims with an emphasis on safety programs. All reasonable options will be investigated to finance risks.

VI. ASSET MANAGEMENT

INVESTMENTS. The Director of Administrative Services shall promptly invest all City funds in accordance with the provisions of the current Bank Depository Agreement or in accordance with the City Council approved Investment Policy.

At the end of each fiscal year, a report on investment performance will be provided to the City Council. In conjunction with the financial reports presented to Council, the Director of Administrative Services shall prepare and provide a written recapitulation of the City's investment portfolio to the Council, detailing each City investment instrument with its rate of return and maturity date.

CASH/TREASURY MANAGEMENT. Periodic review of cash flow position will be performed to determine performance of cash management and investment policies. A detailed policy structure will be followed with respect to Cash/Treasury Management. The underlying theme will be that idle cash will be invested with the intent to (1) safeguard assets, (2) maintain liquidity and (3) maximize return. Where legally permitted, pooling of investments may be done. The City will adhere to the investments authorized through the City Council approved investment policies.

The City's cash flow will be managed to maximize the cash available to invest. Such cash management will entail the centralization of cash collections, where feasible, including property tax payments, utility bills, building and related permits and licenses, and other collection offices as appropriate.

FIXED ASSETS AND INVENTORY. These assets will be reasonably safeguarded, properly accounted for, and prudently insured.

A fixed asset of the City shall be defined as a purchased or otherwise acquired piece of equipment, vehicle, furniture, fixture, capital improvement, addition to existing capital investments, land or buildings, with the cost or value of such acquisition being \$5,000 or more with an expected useful life greater than one year.

The City's fixed assets shall be reasonably safeguarded, properly accounted for and sufficiently insured. Responsibility for the safeguarding of the City's fixed assets lies with the Department Director in whose department the fixed asset is assigned. The Finance Division shall supervise the marking of fixed assets with City numbered property tags and shall maintain the permanent records of the City's fixed assets including description, cost, department of responsibility, date of acquisition, depreciation and expected useful life. The Finance Division shall also perform an annual inventory of assets using random sampling at the department level. Such inventory shall be performed by the Director Administrative Services or his or her designee in the presence of designated department personnel from the department of responsibility.

COMPUTER SYSTEM / DATA SECURITY. The City shall provide security of its computer system and data files through physical security. The computer system (CPU) shall be in a location inaccessible to unauthorized personnel. On a frequent and scheduled basis, backup files of system data will be stored off premises for safekeeping.

In addition, the City will take all prudent steps to ensure that the accessibility and integrity of the City's computer and information systems will be protected from viruses, unauthorized access, and other such threats and hazards.

VII. CAPITAL BUDGET AND PROGRAM

PREPARATION. The City's capital budget will include all capital project funds and all capital resources. The budget will be prepared annually. The capital budget will be prepared as directed by the City Manager with the involvement of all required City departments.

CONTROL. All capital project expenditures must be appropriated in the capital budget. The Finance Division must certify the availability of resources so any appropriation can be made before a capital project contract is presented to the Council for approval.

PROGRAM PLANNING. The capital budget will be taken from capital improvement program plans for future years. The planning time must be at least five years. The replacement and maintenance for capital items should also be projected for the next five years. Future maintenance and operational costs will be considered so that these costs can be included in the operating budget.

FINANCING PROGRAMS. Where applicable, assessments, pro-rata charges, or other fees should be used to fund capital projects, which have a primary benefit to specific, identifiable property owners.

Recognizing that long-term debt is usually a more expensive financing method, alternative financing sources will be explored before debt is issued. When debt is issued, it will be used to acquire major assets with expected lives that equal or exceed the average life of the debt issue. The exceptions to this requirement are the traditional costs of marketing and issuing debt, capitalized labor for design and construction of capital projects, and small component parts which are attached to major equipment purchases.

INFRASTRUCTURE MAINTENANCE. The City recognizes that deferred maintenance increases future capital costs. Therefore, a portion of the General Fund and Utility Fund Budgets will be set aside each year to maintain the quality of the City's infrastructures.

Replacement schedules should be developed in order to anticipate the inevitable ongoing obsolescence of infrastructure.

In addition to infrastructure maintenance, the City will plan for the replacement of other assets such as vehicles and equipment by establishing replacement schedules as needed.

VIII. FINANCIAL CONDITIONS, RESERVES, AND STABILITY RATIOS

OPERATIONAL COVERAGE. The City will maintain a balanced budget whereby operating revenues will be greater than or equal to operating expenditures.

Deferrals, short-term loans, or one-time sources will be avoided as budget balancing techniques. Reserves will be used only for emergencies or non-recurring expenditures, except when balances can be reduced because their levels exceed guideline minimums as stated in this policy.

FUND BALANCE POLICY. The primary purpose of this policy is to establish guidelines for fund balance levels with the City of Bedford's governmental and proprietary funds. It is essential for the City to maintain adequate levels of fund balance to mitigate financial risk that can occur from unforeseen revenue shortfalls, unanticipated expenditures, or any other adverse circumstances. In addition, it also designed to provide the appropriate amount of working capital for the City's general operations.

DEFINITIONS:

Fund Balance. The difference between a governmental fund's assets and liabilities, divided into 5 categories: 1) Nonspendable, 2) Restricted, 3) Committed, 4) Assigned, 5) Unassigned

Nonspendable. That portion of the fund balance that is legally or contractually required to be maintained intact. In addition, nonspendable also means that portion is not expected to be converted to cash, i.e. inventories, prepaids, long-term receivables.

Restricted. That portion of the fund balance that is constrained for a specific purpose by external resource providers (such as grantors, bondholders, and higher levels of government) through constitutional provisions, or by enabling legislation.

Committed. That portion of the fund balance that is constrained by a formal action of the government's highest level of decision making authority, the City Council. These constraints can only be removed or changed by taking the same type of action employed to commit these amounts.

Assigned. That portion of the fund balance not 'restricted' or 'committed' that has a specific purpose expressed by the governing body or a body/official to which the governing body delegates authority. Only resources in other governmental funds can be assigned. The General Fund cannot assign its fund balance.

Unassigned. A residual amount for the General Fund that is not classified in any of the other 4 categories and is available for any purpose. Negative residual amounts for all other governmental funds are reported in this classification.

Enabling Legislation. Authorizes the government to assess, levy, charge, or otherwise mandate payment of resources and includes a legally enforceable requirement that those resources be used only for the specific purpose.

General Fund. A fund that accounts for all financial resources not accounted for and reported in another fund.

Special Revenue Fund. A fund whose revenue source(s) is restricted or committed to a specific purpose other than capital projects or debt service. Usually has one or more revenue resources that is not a transfer from another fund. The Tourism Fund

is a special revenue fund that is primarily financed by hotel occupancy taxes. A portion of this revenue has been obligated on an annual basis for debt service payments. In addition, revenue from this fund is used to finance the ongoing operations of several tourism-related facilities and special events.

Capital Projects Fund. A fund that accounts for all financial resources that are restricted, committed, or assigned to expenditures for capital outlays.

Debt Service Fund. A fund that accounts for all financial resources that are restricted, committed, or assigned to expenditures for principal and interest of debt obligations.

Enterprise Fund. A fund that accounts for operations that are financed and operated in a manner similar to private business enterprises, where the intent of the governing body is that the cost of providing goods or services to general public on a continuing basis be financed or recovered primarily through users charges.

Permanent Fund. Funds to account for resources that are restricted to the extent that only earnings, and not principal, may be used for purposes that support the City of Bedford's programs that are for the benefit of the city and/or its citizens.

Working Capital. The measurement of the operating liquidity of an enterprise fund by subtracting the current liabilities from the current assets.

PRIORITY OF FUND BALANCE CATEGORIES:

In lieu of a policy for unrestricted fund balance, funds that are constrained in the remaining categories will be used in the order of: 1) committed, 2) assigned, 3) unassigned. Therefore, when multiple categories of fund balance are available for expenditure (i.e. a construction project funded partly by 1) a grant, 2) funds set aside by the City Council, & 3) unassigned funds), the City will start with the most restricted category and spend those funds first before moving down to the next category with available funds. Normally, this would result in the use of restricted, then committed, then assigned, and lastly unassigned fund balance.

COMMITTED FUND BALANCE AUTHORITY:

The City Council is the City's highest level of decision making authority and the formal action that is required to approve, modify, or remove a fund balance commitment is an ordinance adopted by the City Council. The ordinance must adopt or rescind the commitment, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period. A committed fund balance should incorporate contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual obligations.

ASSIGNED FUND BALANCE AUTHORITY:

The City Council authorizes the City Manager or his/her designee as the official authorized person to assign fund balance to a specific purpose approved by this policy. The specific purpose of an assigned fund balance can include, but is not limited to, an appropriation of existing fund balance to eliminate a projected deficit in the subsequent year's budget in an amount not to exceed the projected excess of expenditures over revenues.. Additionally, the assigned fund balance will include remaining amounts that are reported in the governmental funds (aside from the General Fund), except negative amounts. Assignments in the General Fund are amounts that are intended to be used for a specific purpose that is narrower than the general purpose of the government itself. And, governments cannot assign an amount to a specific purpose if it would cause a deficit in the unassigned fund balance.

MINIMUM UNASSIGNED FUND BALANCE:

It is the goal of the City of Bedford to achieve and maintain an unassigned fund balance in the general fund equal to **20%** of budgeted expenditures for unanticipated expenditures, unforeseen revenue fluctuations, or other adverse circumstances. The fund balance level, however, may be reduced to the equivalent of **15%** of budgeted expenditures in unusual financial circumstances, as determined by the City Council.

Moreover, if such a situation occurs, the City will implement necessary corrective action, in which the City Manager will submit a plan to restore the unassigned fund balance to the equivalent of **20%** of budgeted expenditures as soon as economic conditions allow. These steps include, but are not limited to, identifying, nonrecurring, or alternative sources of revenue, increasing existing revenues, charges and/or fees: use of year-end surpluses; enacting cost saving measures such as holding capital purchases, reducing departmental operating budgets, freezing vacant positions, and/or reducing the workforce. The time period to replenish the fund balance shall be defined within the City Manager's plan submittal.

Moreover, in accordance with GASB 54 standards, all special revenue funds will have an assigned fund balance; however, the Tourism Fund will maintain its goal based on the greater of 20% of operating expenditures less capital outlays or an average annual debt service requirement.. In addition, the funds that flow into the City of Bedford Street Improvement Economic Development Corporation consist primarily of sales tax. And a significant portion of this revenue has been obligated on an annual basis for debt service payments. Therefore, in order to ensure that the City is able to meet future debt service requirements, the Corporation should maintain an assigned fund balance equivalent to one year of the average annual debt service requirement, including related expenses.

NON-GOVERNMENTAL FUND BALANCE:

The fund balance categories discussed above do not apply to proprietary funds according to GASB 54. Although it is not required by GASB, the City of Bedford recognizes the need for a minimum working capital policy for the proprietary funds maintained by the City, such as the Water and Sewer Fund and Stormwater Fund. Therefore, the Water and Sewer Fund shall maintain its goal of a working capital amount equivalent to **90** days of operational expenses excluding capital outlays.

And the Stormwater Fund shall maintain its goal of a working capital amount equivalent to **90** days of operational expenses excluding capital outlays. If the working capital falls below the desired level, the City will implement the necessary corrective action, in which the City Manager or designee will submit a plan to restore its working capital to the desired level within the time period specified in the plan. These steps include, but are not limited to, enacting cost saving measures; increasing user charges; holding capital purchases; freezing positions; and/or reducing the workforce. .

CAPITAL AND DEBT SERVICE FUNDS. Revenues in the Debt Service Fund are stable, based exclusively on property tax revenues and transfers from other funds. Reserves in the Debt Service Fund are designed to provide funding between the date of issuance of new debt and the time that property tax levies are adjusted to reflect the additional debt.

IX. DEBT MANAGEMENT

TYPES OF DEBT. Long-term debt will not be used for operating purposes, and the life of a bond will not exceed the useful life of a project financed by that bond issue.

When appropriate, and as approved by Council Policy, self-supporting revenues will pay debt services in lieu of tax revenues.

ANALYSIS OF FINANCING ALTERNATIVES. The City will explore all financing alternatives in addition to long-term debt including leasing, grants and other aid, developer contributions, and use of reserves of current monies.

DISCLOSURE. Full disclosure will be made to bond rating agencies and other users of financial information. The City staff, with the assistance of financial advisors and bond counsel, will prepare necessary materials for presentation to rating agencies, will aid in the production of Offering Statements, and will take responsibility for the accuracy of all financial information released.

FEDERAL REQUIREMENTS. The City will maintain procedures to comply with arbitrage rebate and other Federal requirements.

DEBT STRUCTURE. The structure should approximate level debt service unless operational matters dictate otherwise, or if market conditions indicate a potential savings could result from modifying the level payment stream.

Consideration of market factors, such as the tax-exempt qualification, minimum tax alternative, and so forth will be given during the structuring of long-term debt instruments.

DEBT ISSUANCE. The City will use a competitive bidding process in the sale of bonds unless the nature of the issue warrants a negotiated bid. In situations where a competitive bidding process is not elected, the City will publicly present the reasons why and the City will participate with the financial advisor in the selection of the underwriter or direct purchaser.

X. INTERNAL CONTROLS

WRITTEN PROCEDURES. Wherever possible, written procedures will be established and maintained by the Director of Administrative Services for all functions involving cash handling and /or accounting throughout the City. These procedures will embrace the general concepts of fiscal responsibility set forth in this policy statement.

DEPARTMENT DIRECTOR'S RESPONSIBILITY. Each Department Director is responsible to ensure that good internal controls are followed throughout his or her Department, that all Finance Division directives or internal controls are implemented, and that all independent auditor internal control recommendations are addressed. The Finance Division will assist Department Directors in implementing the internal control requirements and obtaining their compliance.

XI. STAFFING AND TRAINING

ADEQUATE STAFFING. Staffing levels will be maintained at an adequate level for the fiscal functions of the City to operate effectively. Overtime shall be used only to address temporary or seasonal demands that require excessive hours. Workload shedding alternatives will be explored before adding staff.

TRAINING. The City will support the continuing education efforts of all financial staff including the investment in time and materials for maintaining a current perspective concerning communicating, teaching, and sharing with other staff members all information and training materials acquired from seminars, conferences, and related education efforts.

To the fullest extent possible, written documentation of tasks and procedures will be developed and maintained as both an aid to personnel training and an element of effective management.

AWARDS, CREDENTIALS, RECOGNITION. The City will support efforts and involvements that result in meeting standards and receiving exemplary recitations on behalf of the City's fiscal policies, practices, processes, products, or personnel. The City will support participation in the Distinguished Budget Presentation Award program and the Certificate of Achievement for Excellence in Financial Reporting program sponsored by the Government Finance Officers Association of the United States and Canada. Vacuum actuator



Council Agenda Background

PRESENTER: Roger Gibson, Police Chief

DATE: 11/08/11

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

ITEM:

Consider a resolution authorizing the Mayor to certify the Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedures.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

Each year the Police Department files a Chapter 59 Asset Forfeiture Report with the State of Texas Attorney General's office. The Department receives forfeiture and seized funds from multiple federal and/or state entities, which are deposited into the Department's Drug Enforcement Fund. The Chapter 59 Asset Forfeiture Report only captures property and funds that were seized by the Police Department or forfeited to the Police Department by the Tarrant County District Attorney's office.

The report also reflects all expenditures utilizing forfeited or seized funds awarded by the District Attorney's office. These funds are generally expended during the same fiscal year; therefore, typically there is not a beginning balance to reflect on the report. By law, these funds can only be used for law enforcement purposes.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the Mayor to certify the Chapter 59 Asset Forfeiture Report as required by Article 59.06 of the Code of Criminal Procedures.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution
Chapter 59 Asset Forfeiture Report

RESOLUTION NO. 11-

A RESOLUTION AUTHORIZING THE MAYOR TO CERTIFY THE CHAPTER 59 ASSET FORFEITURE REPORT AS REQUIRED BY ARTICLE 59.06 OF THE CODE OF CRIMINAL PROCEDURES.

WHEREAS, the City Council of Bedford, Texas completed an inspection of all relevant documents and supporting materials; and,

WHEREAS, the City Council of Bedford, Texas believes that the Asset Forfeiture Report is true and correct and contains all of the required information.

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

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

SECTION 2. That the City Council of Bedford, Texas, authorizes the Mayor to certify the Chapter 59 Asset Forfeiture Report as required by article 59.06 of the Code of Criminal Procedures.

PASSED AND APPROVED this 8th day November of 2011, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

**FY 2011
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY**

Agency Name:	<u>City of Bedford Police Department</u>	Reporting Period: (local fiscal year)	<u>10/01/10 - 09/30/11</u>
Agency Mailing Address:	<u>2121 L. Don Dodson Drive</u> <u>Bedford, Texas 76021</u>	example:	01/01/11 to 12/31/11, 09/01/10 to 08/31/11 etc.
Phone Number:	<u>817.952.2403</u>		
County:	<u>Tarrant</u>		
Email Address:	<u>kelli.agan@bedfordtx.gov</u>	This should be a permanent agency email address	

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I. SEIZED FUNDS

<p>A) Beginning Balance: Instructions: Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period. Include funds that may have been forfeited but have not been transferred to your agency's forfeiture account. Do not include funds that are in an account held by another agency, e.g., the District Attorney's account.</p>	<p>0.00</p> <p>\$</p>
<p>B) Seizures During Reporting Period: Instructions: Include only those seizures which occurred during the reporting period and where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by your agency.</p> <p>1) Amount seized and retained in your agency's custody.</p>	<p>1,879.68</p> <p>\$</p>
<p>2) Amount seized and transferred to the District Attorney pending forfeiture.</p>	<p>\$21,428.45</p>
<p>C) Interest Earned on Seized Funds During Reporting Period: Instructions: Enter amount of interest earned on funds in your agency's seizure account during the reporting period. Do not include interest earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.</p>	<p>1.90</p> <p>\$</p>
<p>D) Amount Returned to Defendants/Respondents:</p>	<p>\$0.00</p>
<p>E) Amount Transferred to Forfeiture Account: Instructions: Include all amounts in your agency's possession forfeited during the reporting period and transferred to your forfeiture account. Do not include funds that are in an account held by another agency, e.g. the District Attorney's account.</p>	<p>0.00</p> <p>\$</p>
<p>F) Ending Balance: Instructions: Add lines A, B(1), and C, subtract lines D and E, put total in line F.</p>	<p>\$ 1,881.58</p>

II. FORFEITED FUNDS

A) Beginning Balance: Instructions: Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	0.00 \$
B) Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period: Instructions: Do not include amounts forfeited but not yet received by your agency; interest refers to the amount earned prior to forfeiture and distributed as part of the judgment of forfeiture.	1,881.58 \$
C) Interest Earned on Forfeited Funds During Reporting Period : Instructions: Include only the amount of interest earned on funds in your agency's forfeiture account or interest earned on funds derived from the sale of forfeited property during the reporting period. Do not include interest earned if funds are on deposit in an account that does not belong to your agency, e.g. the District Attorney's account.	0.00 \$
D) Proceeds Received by Your Agency From Sale of Forfeited Property: Instructions: Include amounts received for all property sold during the reporting period, even if the subject property was forfeited in a prior reporting period.	0.00 \$
E) Total Expenditures of Forfeited Funds During Reporting Period: Instructions: From Total on Section VI.	\$ 1,881.58
F) Ending Balance: Instructions: Add lines A through D, subtract line E, place total in line F.	\$ 0

III. OTHER PROPERTY

Instructions: List the number of items seized for the following categories. Include only those seizures where a seizure is made by a peace officer employed by your agency. If property is sold, list under "Proceeds Received by Your Agency From Sale of Forfeited Property" in Section II (D) in the reporting year in which the proceeds are received.

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited and 0 cars put into use.	SEIZED	FORFEITED TO AGENCY	RETURNED TO DEFENDANTS / RESPONDENTS	PUT INTO USE BY AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	1	2	0	0
2) REAL PROPERTY (Count each parcel seized as one item)	0	0	0	0
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)	0	1	0	0
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)	0	0	0	0
5) Other Property - Description: Flat Screen TV	1	0	0	0
Other Property -Description: Laptops	2	0	0	0
Other Property -Description: XBox	1	0	0	0

IV. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

Instructions: Enter the total number of items transferred to your agency where the forfeiture judgment awarded ownership of the property to another agency prior to the transfer.

A) Motor Vehicles (the number of vehicles, not a currency amount):	0
B) Real Property (the number of separate parcels of property, not a currency amount):	0
C) Computers (the number of computers, not a currency amount):	0
D) Firearms (the number of firearms, not a currency amount):	0
E) Other (the number of items, not a currency amount):	0

V. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY

Instructions: Enter the total number of items transferred or loaned from your agency where the forfeiture judgment awarded ownership of the property to your agency prior to the transfer.

A) Motor Vehicles (the number of vehicles, not a currency amount):	0
B) Real Property (the number of separate parcels of property, not a currency amount):	0
C) Computers (the number of computers, not a currency amount):	0
D) Firearms (the number of firearms, not a currency amount):	0
E) Other (the number of items, not a currency amount):	0

VI. EXPENDITURES

Instructions: This category is for Chapter 59 expenditures SOLELY for law enforcement purposes - not for expenditures made pursuant to your general budget. List the total amount expended for each of the following categories. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the Other category.

A) SALARIES	
1. Increase of Salary, Expense, or Allowance for Employees (Salary Supplements):	\$ 0.00
2. Salary Budgeted Solely From Forfeited Funds: N/A	\$
3. Number of Employees Paid Using Forfeiture Funds:	0.00
TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:	\$ 0.00
B) OVERTIME	
1. For Employees Budgeted by Governing Body: N/A	\$ 0.00
2. For Employees Budgeted Solely out of Forfeiture Funds:	\$
3. Number of Employees Paid Using Forfeiture Funds:	0.00
TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:	\$ 0.00

C) EQUIPMENT	
1. Vehicles:	\$ 0.00
2. Computers:	\$ 0.00
3. Firearms, Vests, Personal Equipment:	\$ 0.00
4. Furniture:	\$ 0.00
5. Software:	\$ 0.00
6. Maintenance Costs:	\$ 0.00
7. Uniforms:	\$ 0.00
8. K9 Related Costs:	\$ 1,881.58
9. Other (Provide Detail on Additional Sheet):	\$ 0.00
TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:	\$ 1,881.58

D) SUPPLIES	
1. Office Supplies:	\$ 0.00
2. Cellular Air Time :	\$ 0.00
3. Internet:	\$ 0.00
4. Other (Provide Detail on Additional Sheet) :	\$ 0.00
TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:	\$ 0.00

E) TRAVEL	
1. Total In State Travel	\$ 0.00
a) Lodging:	\$ 0.00
b) Air Fare:	\$ 0.00
c) Meals (including per diem):	\$ 0.00
d) Car Rental:	\$ 0.00
2. Total Out of State Travel	\$ 0.00
a) Lodging:	\$ 0.00
b) Air Fare:	\$ 0.00
c) Meals (including per diem):	\$ 0.00
d) Car Rental:	\$ 0.00
3. Fuel:	\$ 0.00
4. Parking:	\$ 0.00

5. Other (Provide Detail on Additional Sheet):	\$ 0.00
TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:	\$ 0.00

F) TRAINING	
1. Fees (Conferences, Seminars):	\$ 0.00
2. Materials (Books, CDs, Videos, etc.):	\$ 0.00
3. Other (Provide Detail on Additional Sheet):	\$ 0.00
TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS	\$ 0.00

G) INVESTIGATIVE COSTS	
1. Informant Costs:	\$ 0.00
2. Buy Money:	\$ 0.00
3. Lab Expenses:	\$ 0.00
4. Other (Provide Detail on Additional Sheet) :	\$ 0.00
TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$ 0.00

H) TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE	0.00
1. Total Prevention/Treatment Programs (pursuant to 59.06 (h), (l), (j)):	\$ 0.00
2. Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)):	\$ 0.00
TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE (pursuant to Articles 59.06 (h), (l), (j), (n), (o)):	\$ 0.00

I) FACILITY COSTS	
1. Building Purchase:	\$ 0.00
2. Lease Payments:	\$ 0.00
3. Remodeling:	\$ 0.00
4. Maintenance Costs:	\$ 0.00
5. Utilities:	\$ 0.00
6. Other (Provide Detail on Additional Sheet):	\$ 0.00
TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$ 0.00

J) MISCELLANEOUS FEES	
1. Court Costs:	\$ 0.00
2. Filing Fees:	\$ 0.00

3. Insurance:	\$0.00
4. Witness Fees:	\$0.00
5. Audit Costs and Fees:	\$0.00
6. Other (Provide Detail on Additional Sheet):	\$0.00
TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:	\$ 0.00

K) TOTAL PAID TO COOPERATING AGENCY(IES) PURSUANT TO LOCAL AGREEMENT:	\$ 0.00
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L) TOTAL OTHER PAID OUT OF CHAPTER 59 FUNDS (provide detailed descriptions on additional sheet(s) and attach to this report):	\$ 0.00
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M) TOTAL EXPENDITURES:	\$ 1,879.68
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NOTE: If you are governed by a Commissioners Court or a City Council, BOTH CERTIFICATIONS MUST BE COMPLETED. Otherwise, please complete the Agency Head Certification.

CERTIFICATION

I swear or affirm that the Commissioners Court or City Council has conducted the audit required by Article 59.06 of the Code of Criminal Procedure, unless after due inquiry, it has been determined that no accounts, funds or other property pursuant to Chapter 59 of the Code of Criminal Procedure are being held or have been transacted in the relevant fiscal year by the agency for which this report is being completed, and that upon diligent inspection of all relevant documents and supporting materials, I believe that this asset forfeiture report is true and correct and contains all of the required information.

COUNTY JUDGE, MAYOR or CITY
MANAGER
(Printed Name): Jim Story

SIGNATURE: _____

DATE: 11/08/11

AGENCY HEAD CERTIFICATION

I swear or affirm, under penalty of perjury, that I have accounted for the seizure, forfeiture, receipt, and specific expenditure of all proceeds and property subject to Chapter 59 of the Code of Criminal Procedure, and that upon diligent inspection of all relevant documents and supporting materials, this asset forfeiture report is true and correct and contains all information required by Article 59.06 of the Code of Criminal Procedure. I further swear or affirm that all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

AGENCY HEAD (Printed Name): Roger Gibson

SIGNATURE: _____

DATE:

11/08/11

RETURN COMPLETED FORM TO: Office of the Attorney General
Criminal Prosecutions Division
P.O. Box 12548
Austin, TX 78711-2548
Attn: Kent Richardson
(512)936-1348
kent.richardson@oag.state.tx.us

WE CANNOT ACCEPT FAXED OR EMAILED COPIES. PLEASE MAIL THE SIGNED, ORIGINAL DOCUMENT TO OUR OFFICE AT THE ADDRESS ABOVE.



Council Agenda Background

PRESENTER: Roger Gibson, Police Chief

DATE: 11/08/11

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

ITEM:

Consider a resolution authorizing the Mayor to certify the Equitable Sharing Agreement and Certification as required by the United States Department of Justice.

City Attorney Review: N/A

City Manager Review: _____

DISCUSSION:

Each year the Police Department files an Equitable Sharing Agreement and Certification report with the United States Department of Justice Asset Forfeiture and Money Laundering Section. The Department receives forfeiture and seized funds from multiple federal and/or state entities, which are deposited into the Department's Drug Enforcement Fund. The Equitable Sharing Agreement and Certification report captures all property and funds that were seized by the Police Department or forfeited to the Police Department.

The report also reflects all expenditures utilizing forfeited or seized funds and the ending balance. By law, these funds can only be used for law enforcement purposes.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the Mayor to certify the Equitable Sharing Agreement and Certification as required by the United States Department of Justice.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Resolution
Equitable Sharing Agreement and Certification

RESOLUTION NO. 11-

A RESOLUTION AUTHORIZING THE MAYOR TO CERTIFY THE EQUITABLE SHARING AGREEMENT AND CERTIFICATION AS REQUIRED BY THE UNITED STATES DEPARTMENT OF JUSTICE.

WHEREAS, the City Council of Bedford, Texas completed an inspection of all relevant documents and supporting materials; and,

WHEREAS, the City Council of Bedford, Texas believes that the Equitable Sharing Agreement and certification report is true and correct and contains all of the required information.

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

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

SECTION 2. That the City Council of Bedford, Texas, authorizes the Mayor to certify the Equitable Sharing Agreement and Certification as required by the United States Department of Justice.

PASSED AND APPROVED this 8th day November of 2011, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

Summary of Shared Monies Spent		Justice Funds	Treasury Funds
a	Total spent on salaries for new, temporary, not-to-exceed one year employees Refer to § VIII.A.2.a.3 of the <i>Justice Guide</i>	\$0.00	\$0.00
b	Total spent on overtime	\$0.00	\$0.00
c	Total spent on informants, "buy money," and rewards	\$0.00	\$0.00
d	Total spent on travel and training	\$1,759.77	\$0.00
e	Total spent on communications and computers	\$592.85	\$0.00
f	Total spent on weapons and protective gear	\$0.00	\$0.00
g	Total spent on electronic surveillance equipment	\$0.00	\$0.00
h	Total spent on buildings and improvements	\$92.98	\$0.00
i	Total transfers to other state and local law enforcement agencies (complete Table C, page 2)		
j	Total spent on other law enforcement expenses (complete Table D, page 3)	\$6,813.27	\$0.00
k	Total Expenditures in Support of Community-based Programs (complete Table E, page 3)		
l	Total Windfall Transfers to Other Government Agencies (complete Table F, page 3)		
m	Total spent on matching grants (complete Table G, page 3)		
n	Total	\$9,258.87	\$0.00
o	Did your agency receive non-cash assets? <input type="radio"/> Yes <input checked="" type="radio"/> No If yes, complete Table H, page 3.		

Please fill out the following tables, if applicable.

Table A: Members of Task Force

Agency Name	NCIC/ORI/Tracking Number

Table B: Equitable Sharing Funds Received from other Agencies

Total the amount transferred to each agency on separate lines

Transferring Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name: <input type="text"/>		
NCIC/ORI/Tracking Number: <input type="text"/>		

Table C: Equitable Sharing Funds Transferred to Other Agencies

Total the amount transferred to each agency on separate lines

Receiving Agency Name, City, and State	Justice Funds	Treasury Funds
Agency Name: <input type="text"/>		
NCIC/ORI/Tracking Number: <input type="text"/>		

Table D: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds
K-9 Vet Care, Supplies & Food	\$2,250.71	\$0.00
SWAT Ballistic Vest	\$2,042.56	\$0.00
Commercial Drivers License (CDL) for two SWAT Members to drive Mobile Command Unit	\$120.00	\$0.00
Child Abduction Response Team (CART) Operational Start Up Cost	\$2,000.00	\$0.00
Funding to participate in "A Child is Missing" alert program	\$400.00	\$0.00

Table E: Expenditures in Support of Community-based Programs

Refer to § VIII.A.1.m and Appendix C of the *Justice Guide*

Recipient	Justice Funds	

Table F: Windfall Transfers to Other Government Agencies

Refer to § VIII.A.1.n of the *Justice Guide* and pp. 25-26 of the *Treasury Guide*

Recipient	Justice Funds	Treasury Funds

Table G: Matching Grants

Refer to § VIII.A.1.h of the *Justice Guide* and p. 22 of the *Treasury Guide*

Matching Grant Name	Justice Funds	Treasury Funds

Table H: Other Non-Cash Assets Received

Source	Description of Asset
Justice <input type="radio"/>	
Treasury <input type="radio"/>	

Table I: Civil Rights Cases

Name of Case	Type of Discrimination Alleged			
		<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
	<input type="checkbox"/> Disability	<input type="checkbox"/> Age	<input type="checkbox"/> Other	

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, Program Operations Unit, 1400 New York Avenue, N.W., Tenth Floor, Washington, DC 20005.

Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

- 1. Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature page (page 6) submitted by fax. This will constitute submission to the Department of Justice and the Department of Treasury.
- 2. Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.
- 3. Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*.
- 4. Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of Treasury, depending on the source of the funds, that the receiving agency is a federal Equitable Sharing Program participant and has a current Equitable Sharing Agreement and Certification on file.
- 5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public monies as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.
- 6. Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

Affidavit - Existing Participant

Under penalty of perjury, the undersigned officials certify that **they have read and understand their obligations under the Equitable Sharing Agreement** and that the information submitted in conjunction with this Document is an accurate accounting of funds received and spent by the Agency under the *Justice* and/or *Treasury Guides* during the reporting period and that the recipient Agency is in compliance with the National Code of Professional Conduct for Asset Forfeiture.

The undersigned certify that the recipient Agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above? Yes No

If you answered yes to the above question, complete Table I

Agency Head

See ¶ 2 on page

Signature: _____

Name: Roger Gibson

Title: Police Chief

Date: 11/08/2011

Governing Body Head

See ¶ 2 on page

Signature: _____

Name: Jim Story

Title: Mayor

Date: 11/08/2011

Subscribe to Equitable Sharing Wire:

The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.

kelli.agan@bedfordtx.gov

Final Instructions:

Step 1: Click to save for your records

Step 2: Click to save in XML format

Step 3: E-mail the XML file to aca.submit@usdoj.gov

Step 4: Fax THIS SIGNED PAGE ONLY to (202) 616-1344

<p>FOR AGENCY USE ONLY</p> <p>Entered by _____</p> <p>Entered on _____</p> <p><input type="radio"/> FY End: 09/30/2011</p> <p><input checked="" type="radio"/> NCIC: TX2200300 Agency: City of Bedford Police Department</p> <p><input type="radio"/> State: TX Contact: Roger Gibson</p>	 <p>Date Printed: October 26, 2011 10:43</p> <p>Phone: 817.952.2406</p> <p>E-mail: roger.gibson@bedfordtx.gov</p>
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Council Agenda Background

PRESENTER: James Tindell, Fire Chief

DATE: 11/08/11

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

ITEM:

Consider a resolution rescinding Resolution 11-89 and authorizing the City Manager to purchase portable trunked radios from Motorola Solutions, Inc. in the amount of \$517,428.27.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

Council approved Resolution 11-89 on August 9, 2011, authorizing the City Manager to purchase portable trunked radios from Motorola Solutions, Inc. in the amount of \$689,503.47. Shortly thereafter, Motorola Solutions, Inc. quoted a significant change in pricing, lowering the original purchase price to \$517,428.27, a savings of \$172,076.20. This discount is a result of a multi-million dollar radio system purchase by the City of Fort Worth from Motorola Solutions, Inc., with the agreement entitling third-party governmental pricing to the Houston – Galveston Area Council (HGAC).

All radios are listed through the HGAC cooperative purchasing for competitive pricing. Purchase will be funded by 2011 Certificates of Obligation issued by the City. Since all radios will carry a one-year maintenance warranty, there will not be an annual maintenance cost for the first year of service.

The new resolution will rescind the previous authorization to purchase radios and will authorize the City Manager to purchase the same radios and related equipment with the HGAC pricing and discounts.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution to rescind Resolution 11-89 and authorize the City Manager to purchase portable trunked radios from Motorola Solutions, Inc. in the amount of \$517,428.27.

FISCAL IMPACT:

Replacement of Portable Radios – Project Total with HGAC pricing, plus discounts – \$517,428.27

Funding will be paid out of the 2011 Certificates of Obligation.

ATTACHMENTS:

Resolution
Resolution 11-89
Motorola Solutions Quote

RESOLUTION NO. 11-

A RESOLUTION RESCINDING RESOLUTION NO. 11-89 AND AUTHORIZING THE CITY MANAGER TO PURCHASE PORTABLE TRUNKED RADIOS FROM MOTOROLA SOLUTIONS, INC. IN THE AMOUNT OF \$517,428.27.

WHEREAS, the City Council of Bedford, Texas, determines the necessity to rescind Resolution No. 11-89, authorizing the City Manager to purchase portable trunked radios from Motorola Solutions, Inc. in the amount of \$689,503.47; and,

WHEREAS, the City Council of Bedford, Texas, determines the need to purchase portable trunked radios; and,

WHEREAS, Project 25 is a standards development process for the design, manufacture, and evaluation of interoperable digital two-way wireless communications products for public safety, firefighters, and police officers; and,

WHEREAS, Motorola Solution, Inc. is listed with the Houston – Galveston Area Council Cooperative Purchase.

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

SECTION 1. That this resolution hereby rescinds Resolution No. 11-89.

SECTION 2. That the City Council hereby authorizes the City Manager to purchase portable trunked radios from Motorola Solutions, Inc. in the amount of \$517,428.27.

SECTION 3. That the portable trunked radios will be purchased through 2011 Certificate of Obligations issued by the City.

PASSED AND APPROVED this 8th day of November 2011, by a vote of ___ ayes, ___ nays, and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

RESOLUTION NO. 11-89

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE PORTABLE TRUNKED RADIOS FROM MOTOROLA SOLUTIONS, INC. IN THE AMOUNT OF \$689,503.47.

WHEREAS, the City Council of Bedford, Texas, determines the need to purchase portable trunked radios; and,

WHEREAS, Project 25 is a standards development process for the design, manufacture, and evaluation of interoperable digital two-way wireless communications products for public safety, firefighters, and police officers; and,

WHEREAS, Motorola Solution, Inc. is listed with the Houston – Galveston Area Council Cooperative Purchase.

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

SECTION 1. That the City Council hereby authorizes the City Manager to purchase portable trunked radios in the amount of \$689,503.47.

SECTION 2. The portable trunked radios will be purchased through 2011 Certificate of Obligations issued by the City.

PASSED AND APPROVED this 9th day of August 2011, by a vote of 6 ayes, 0 nays, and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney



MOTOROLA

Quote Number: QU0000161720
 Effective: 23 SEP 2011
 Effective To: 22 NOV 2011

Bill-To:

BEDFORD FIRE DEPT
 2000 FOREST RIDGE DR
 BEDFORD, TX 76021
 United States

Ultimate Destination:

BEDFORD FIRE DEPT
 1816 BEDFORD RD
 BEDFORD, TX 76021
 United States

Attention:

Name: Rick Nash
Email: rick.nash@bedfordtx.gov
Phone: (817) 952-2555

Sales Contact:

Name: Bill Kennedy
Email: bkennedy@dfwcomm.com
Phone: (817) 789-8610

Freight terms: FOB Destination
Payment terms: Net 30 Due

Item	Quantity	Nomenclature	Description	List price	Your price	Extended Price
1	180	H98UCF9PW6AN	APX6000 700/800 MODEL 2 PORTABLE	\$2,200.00	\$1,159.18	\$208,652.40
1a	180	H38BT	ADD: SMARTZONE OPERATION	\$1,200.00	\$632.28	\$113,810.40
1b	180	Q361AR	ADD: P25 9600 BAUD TRUNKING	\$300.00	\$158.07	\$28,452.60
1c	180	Q806BM	ADD: ASTRO DIGITAL CAI OPERATION	\$515.00	\$271.35	\$48,843.00
1d	180	QA01749AB	ADD: ADVANCED SYSTEM KEY - SOFTWARE KEY	-	-	-
2	180	NNTN8092A	BATT IMP FM R LI ION 2300M 2350T	\$140.00	\$108.16	\$19,468.80
3	180	NNTN7080A	APX 7000 IMPRES SINGLE UNIT CHARGER US/NA/CA/LA	\$125.00	\$90.90	\$16,362.00
4	180	PMMN4062A	PLUS RSM NC IP54 3.5MM JACK RX	\$107.00	\$82.67	\$14,880.60
5	29	H46UCD9PW5BN	XTS2500 762-870MHZ/ 1-3W/ 96 CHANNELS/ NO KEY PAD / MODEL 1.5	\$950.00	\$469.21	\$13,607.09
5a	29	Q574AA	ENH: SOFTWARE TRUNKING 9600 BAUD	\$1,675.00	\$827.28	\$23,991.12
5b	29	Q883AA	ENH: 3600/9600 INTEROPERABILITY	\$500.00	\$246.95	\$7,161.55
6	29	NTN9858C	BATTERY IMPRES NiMH 2100 mAh	\$110.00	\$72.24	\$2,094.96
7	29	WPLN4111AR	110V SUC SMART CHARGER	\$165.00	\$119.99	\$3,479.71
8	29	PMMN4051B	REMOTE SPEAKER MIC, RX-JACK	\$89.00	\$68.76	\$1,994.04
9	14630	SVC03SVC0115D	SUBSCRIBER PROGRAMMING	\$1.00	\$1.00	\$14,630.00

Total Quote in USD

\$517,428.27

HGAC CONTRACT RA01-08

PO Issued to Motorola must:

- >Be a valid Purchase Order (PO)/Contract/Notice to Proceed on Company Letterhead. Note: Purchase Requisitions cannot be accepted
- >Have a PO Number/Contract Number & Date
- >Identify "Motorola" as the Vendor
- >Have Payment Terms or Contract Number
- >Be issued in the Legal Entity's Name
- >Include a Bill-To Address with a Contact Name and Phone Number



Council Agenda Background

PRESENTER: Leigh Morgan, Deputy Director of Parks and Recreation

DATE: 11/08/11

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

ITEM:

Consider a resolution authorizing the City Manager to enter into a one-year lease agreement with Cathedral of Hope Mid-Cities Church to provide meeting space for church services at the Old Bedford School.

City Attorney Review: Yes

City Manager Review: _____

DISCUSSION:

The Cathedral of Hope Mid-Cities has been using the Old Bedford School for the last year to hold church services. The Church uses the auditorium and the galleries of the facility on Sundays from 9:00 a.m. - 1:30 p.m. The Church has been an extremely good lessee and there have been no issues.

The rental fee offered to the church is \$350 per week for a yearly total of \$18,200. This is higher than last year's fee of \$300 per week because their rental period for this agreement will be from 8:30 a.m. - 1:30 p.m. The rental fee offered to the Church is slightly less than that offered to other rentals based upon the guaranteed rental income for all 52 Sundays in a year. The rental fee would typically be \$100 per hour plus \$75 for the AV equipment for a total of \$575 for a four hour reservation each Sunday.

The rental fee will be due on a monthly basis in advance.

RECOMMENDATION:

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a lease agreement for one year with Cathedral of Hope Mid-Cities Church to provide meeting space for church services at the Old Bedford School.

FISCAL IMPACT:

Tourism Fund annual impact \$18,200.

ATTACHMENTS:

Resolution
Contract

RESOLUTION NO. 11-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE-YEAR LEASE AGREEMENT WITH CATHEDRAL OF HOPE MID-CITIES CHURCH TO PROVIDE MEETING SPACE FOR CHURCH SERVICES AT THE OLD BEDFORD SCHOOL.

WHEREAS, the City Council of Bedford, Texas wishes to provide Cathedral of Hope Mid-Cities Church meeting space for church services; and,

WHEREAS, the staff of the City of Bedford Old Bedford School wishes to provide supervision of the lease agreement to Cathedral of Hope Mid-Cities Church for the purpose of holding church services.

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

SECTION 1. That the City Council does hereby authorize the City Manager to enter into a lease agreement requiring an annual rental fee of \$18,200 for a term of one year with Cathedral of Hope Mid-Cities Church for the purposes of holding church services.

SECTION 2. That this resolution shall take effect from and after the date of passage.

PASSED AND APPROVED this 8th day of November 2011, by a vote of ___ ayes, ___ nays and ___ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

Jim Story, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney

THIS AGREEMENT is dated as of the ___ day of _____ in the year _____. This Agreement is made and entered into by and between **Cathedral of Hope: Mid Cities**, hereinafter referred to as "Lessee", and **The City of Bedford** hereinafter referred to as "Lessor."

WITNESSETH:

WHEREAS, Lessor presently owns and maintains a facility located at 2400 School Lane in the City of **Bedford**, Texas, known as the Contract Premises, and

WHEREAS, Lessee wishes to utilize a portion of said Contract Premises for the purpose of operating therein during the term hereof a "Church", and

WHEREAS, the Parties wish hereby to set forth the terms and conditions upon which Lessee shall be permitted to utilize such facility for such purpose.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the mutual promises and covenants contained herein, and in order to obtain the mutual benefits provided hereunder, the Parties hereto agree as follows:

1. Grant. Lessor hereby grants Lessee permission to utilize the Contract Premises to conduct Church services and activities in the manner and during the term hereafter specified.
2. Contract Premises. For purposes hereof, the Contract Premises shall include the auditorium and galleries located at **2400 School Lane** in the City of **Bedford**, Texas known as the **Old Bedford School**. Lessee shall further have use of tables, chairs, audio/visual equipment and such other items of furniture or equipment of Lessor as shall be reasonable for Lessee's use of the Contract Premises
3. Access to Contract Premises. Lessee shall have exclusive use of the Contract Premises each **Sunday** during the term hereof, from the hours of 8:30 a.m. until 1:30 p.m., in order to conduct its activities hereunder. Lessee shall have no right or access to the Contract Premises at any other time unless Lessor grants consent. All requests for use of facilities other than times out lined in contract must be made to Lessee in writing.
4. Restrictions on Use. Lessee shall operate or utilize the Contract Premises for no purpose other than the Church Services and activities defined herein, which shall be subject to the following restrictions:
 - (a.) No more than maximum building capacity according to fire code persons shall be permitted by Lessee to occupy the Contract Premises at any time.
 - (b) Lessee shall at all times conduct its activities provided for hereunder in a wholesome, diligent, and efficient manner.

(c) Preparation of the Contract Premises for Lessee's activities and clean-up of the Contract Premises following such activities shall be the sole responsibility of Lessee. **Lessee's agrees that the Lessor will not provide storage for any equipment; supplies, concession products or any other items needed by Lessee.** Lessee agrees that it will, following each use of the Contract premises, restore same to as good a condition as existed prior to such use by Lessee. **Lessee agrees to complete a facility walk through with staff prior to church activities as well as after activities prior to leaving the premises.**

(d) Lessee shall conduct the activities provided for herein on each **Sunday** during the term hereof, save for legal holidays, upon which Lessee shall request in writing consent to conduct its activities.

(e) Lessee shall not cause or permit any illegal activity to be conducted upon the Contract Premises including smoking and no illegal weapons are allowed.

(f) Lessee shall be allowed to use and display its company logo banner each time of said event, in accordance with the City's sign ordinance.

(g). Lessee shall make no changes or structural alterations to the Contract Premises without prior written consent of Lessor. Lessee shall be responsible for any damages to the Contract Premises resulting from use or occupancy thereof by Lessee, its agents, servants or invitees.

5. Term of Agreement. The term of this Agreement shall be for one (1) year. Lessee shall operate each **Sunday** during the term of this lease from the hours 8:30 a.m. to 1:30 p.m. only, commencing upon the effective date hereof. Any Sunday that event is not held Lessee will still be responsible for paying Lessor unless event is canceled at least 14 days prior to event date.

6. Payment to Lessor. As payment for the rights granted hereunder, Lessee agrees to pay to the Lessor during the term hereof an amount equal to **a flat fee of \$350.00 per week in monthly installments.** All such sums payable to Lessor shall be due and payable the first Sunday of each month. Any additional requested hours of use will be charged at full rental rate.

7. Protection against Accident to Employees and the Public. The Lessee shall at all times exercise reasonable precautions for the safety of employees and others on or near the Contract Premises and shall comply with all applicable provisions of Federal, State, and Municipal safety laws.

8. Laws and Ordinances. The Lessee shall at all times observe and comply with all Federal, State, and local laws, ordinances and regulations, which in any manner affect the Lessee or the work, and shall indemnify and save harmless the Lessor against claim arising from the violation of any such laws, ordinances and regulations whether by the Lessee or its employees.

9. Venue. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement and the exclusive venue for any legal proceedings involving this Agreement shall be in the courts of **Tarrant County**, the State of Texas.

10. Termination. The parties agree that the Lessor or Lessee shall have the right to terminate this agreement upon **thirty (30)** days written notice without cause. Notice not to renew must be given in writing by Lessor to Lessee **thirty (30)** days prior to the next commencement date.

11. Indemnification. The Lessee shall defend, indemnify and hold harmless the Lessor and its elected and appointed officials, officers, agents and employees from and against all damages, injuries (including death), claims, property damages (including loss of use), losses, demands, suits, judgments and costs, including reasonable attorney's fees and expenses, in any way arising out of or resulting from the performance of this Agreement or caused by the negligent act or omission of the Lessee, its officers, agents, employees, subcontractors, franchisees or invitees.

12. Insurance and Certificates of Insurance. Without limiting any of the other obligations or liabilities of the Lessee or Sub-Lessee, the Lessee or Sub-Lessee shall, during the term of the agreement, purchase and maintain the hereinafter stipulated minimum insurance with companies duly licensed to write business in the State of Texas and rated A-1 or better by A.M. Best. The Lessor shall be named as an additional insured on all required policies except Workers' Compensation. Valid Certificates of Insurance for each policy covering the Lessee and Subcontractors, together with a statement by the issuing company to the extent that said policies shall not be canceled without thirty (30) days prior notice being given the Lessor, shall be delivered to the Lessor and reviewed for sufficiency by the Lessor's Risk Manager before this Agreement is executed or any activities commenced:

(a) Commercial General Liability Insurance, Including, premises operations, Independent Contractor's Liability, completed Operations and Contractual Liability, covering but not limited to, the liability assumed under the indemnification provisions of this Agreement, fully insuring Lessee's liability for injury to or death of owners, employees and third parties, extended to include personal injury liability coverage, and for damage to property of third parties, with the following limits:

General Aggregate

\$2,000,000

Each Occurrence	\$1,000,000
Personal & Advertising Injury	\$1,000,000
Damage to rented premises	\$ 50,000
Sexual/Physical Abuse part of GL	\$ 50,000
Each Claim	\$ 25,000

Lessee's insurance shall be primary and shall be endorsed to provide a waiver of subrogation in favor of the Lessor. The Commercial General Liability Policy should be endorsed using Endorsement No. CG20 09 11 85.

Deductibles on each insurance policy shall no greater than \$5000.00

13.Hindrances and Delays. No claims shall be made by the Lessee for damages resulting from hindrances or delays from any cause during the progress of any portion of the operations or activities embraced in this Agreement.

14. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

Lessor City of Bedford

By: _____
Beverly Griffith, City Manager

Date

Lessee Cathedral of Hope-Mid Cities

By: _____
Christopher Thomas, Executive Director

Date

ITEM #9 IS TO BE DISCUSSED BY COUNCIL IN EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.072. THE MATERIALS FOR THIS ITEM WILL BECOME PUBLIC INFORMATION UPON COUNCIL APPROVAL. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT 817.952.2104 IF YOU HAVE ANY QUESTIONS.