



**COMMISSIONERS COURT
COMMUNICATION**

COURT ORDER NUMBER _____

PAGE 1 OF 14

DATE: 11/5/2024

**SUBJECT: CONSIDERATION OF AN INTERLOCAL AGREEMENT BETWEEN
TARRANT COUNTY AND THE CITY OF FORT WORTH RELATED TO
THE HERITAGE PARK ROADWAY AND PEDESTRIAN IMPROVEMENTS
PROJECT – 2021 AND 2006 TRANSPORTATION BOND PROGRAM**

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court consider an Interlocal Agreement (ILA) between Tarrant County and the City of Fort Worth related to the Heritage Park Roadway and Pedestrian Improvements Project - 2021 and 2006 Transportation Bond Program (TBP), located in Precinct 1.

BACKGROUND

The City of Fort Worth has requested funding assistance for the improvements to the Heritage Park Roadway and Pedestrian walkways. The general improvements are in Heritage and Paddock Parks and Tarrant County Courthouse streets and streetscape.

This project will consist of the construction (or reconstruction) of the Heritage Park Roadway and Pedestrian Improvements which includes the adjustment of the turning radius on Main Street and the elimination of the bailout lane, the elimination of the eastbound counter-flow bus lane on Belknap Street and the addition of traffic calming elements on Belknap Street. The Belknap improvements are more specifically the necessary construction detour arrangements, asphalt removal, sub-surface preparation for concrete, a new street surface of colored, stamped concrete replicating a brick pattern, lane markings, reflective markers, and other safety devices.

With approval, funding is provided from Precinct 1, Commissioner Brooks 2021 and 2006 TBP, Discretionary funding category. Specifically, \$1,000,000.00 is from the 2021 TBP, and \$1,000,000.00 is from the 2006 TBP, Precinct 1 discretionary funds.

This project is in the design phase. The funding assistance will be used towards the construction of the project. The term of the ILA is through September 30, 2027.

This ILA has been reviewed by the Auditor’s Office and approved as to form by the Criminal District Attorney’s Office.

SUBMITTED BY	Transportation Services	PREPARED BY:	Abbas Rastandeh
		APPROVED BY:	Scott Hall



COMMISSIONERS COURT COMMUNICATION

REFERENCE NUMBER: _____ DATE: 11/5/2024 PAGE 2 OF 14

FISCAL IMPACT

The fiscal impact to Tarrant County for the entire project will be \$2,000,000.00 (\$1,000,000.00 in 2021 TBP, and \$1,000,000.00 in the 2006 TBP funds).

There is no fiscal impact to FY 2025. The funds will be encumbered in FY 2026.

FORT WORTH[®]



June 20th, 2024

Attn: Commissioner Precinct 1, Roy Charles Brooks
Tarrant County GK Maenius Administration Building
100 E Weatherford St.
Fort Worth, TX 76102

Re: Heritage and Paddock Parks and Tarrant County Courthouse Area Streetscape

Dear Commissioner Brooks:

Thank you for your commitment to partner with the City of Fort Worth in support of the Heritage and Paddock Parks restoration project. I understand that your office previously pledged \$1,000,000 for the project, which includes the streetscape improvements around the parks. Your financial pledges for the pedestrian streetscape improvements will include the following work on Belknap, which will be designed and constructed to TXDOT standards:

- Necessary construction detour arrangements
- Asphalt removal
- Surface preparation for concrete
- New street surface of colored, stamped concrete replicating a brick pattern
- Lane markings, reflective markers and other pedestrian and vehicular safety devices (as needed)

Please accept this letter as a formal request for an additional \$1,000,000 for the streetscape project around the Tarrant County Courthouse. The additional funds requested will be used to repave the Belknap Street segment between Commerce and Houston Streets.

We appreciate Tarrant County's \$2,000,000 commitment to the streetscape improvement program associated with the Heritage and Paddock Park projects.

If you have any questions, please get in touch with Chad Allen, Engineering Manager, Transportation Public Works Department, at the City of Fort Worth, by phone to 817-392-8021 or e-mail to chad.allen@fortworthtexas.gov.

Sincerely,

Jessica McEachern
Assistant City Manager
City of Fort Worth

Cc: Randal Skinner, Kristen Camareno, Alan Hendrix, Abbas Rastandeh, Lissette Acevedo, Chad Allen, Andy Taft, Melissa Konur, Brandi Ervin, Scott Penn

TRANSPORTATION AND PUBLIC WORKS DEPARTMENT

The City of Fort Worth - 100 Fort Worth Trail - Fort Worth, Texas 76102

(817) 392-8021 – (817) 392-8092

STATE OF TEXAS § Interlocal Agreement for
§ Heritage Park Roadway
COUNTY OF TARRANT § and Pedestrian Improvements

This interlocal agreement (ILA) is entered into between Tarrant County, Texas, hereinafter referred to as the "COUNTY", and the City of Fort Worth, hereinafter referred to as the "CITY", and collectively referred to as the "parties", for the purpose of providing funding through the Tarrant County 2006 Transportation Bond Program (2006 TBP) and the Tarrant County 2021 Transportation Bond Program (2021 TBP) to a needed transportation project within the boundaries of both parties which the Commissioners Court of the COUNTY and the governing body of the CITY find serves a public purpose and promotes the public welfare of the citizens of Tarrant County.

The COUNTY and the CITY make the following findings of fact:

1. This ILA is made pursuant to Chapter 791 of the Texas Government Code and the Tarrant County 2021 Transportation Bond Program Policy, as amended;
2. To the extent necessary, the parties will use current revenues to pay obligations in this ILA;
3. The project benefits the public in that it is a needed transportation project;
4. The COUNTY and the CITY each has the legal authority to perform its obligations in this ILA;
5. The division of costs provided in this ILA constitute adequate consideration to each party; and
6. Both parties acknowledge they are each a "governmental entity" and not a "business entity" as those terms are defined in Texas Government Code Section 2252.908, and therefore, no disclosure of interested parties is required.

I.
PROJECT DESCRIPTION

This project, hereinafter referred to as the "PROJECT", will consist of the construction (or reconstruction) of the Heritage Park; BUS 287 to Weatherford Street Project which includes the adjustment of the turning radii on Main Street and N. Houston Street north of Belknap Street and the elimination of the bailout lane adjacent to Paddock Park (E. Bluff Street), the elimination of the eastbound counter-flow bus lane on Belknap Street between Throckmorton and N. Houston Streets and the addition of new traffic signals, pedestrian signals and streetscape elements such as sidewalks, bulb-outs, pedestrian lighting and street trees on Belknap Street and Weatherford Street at their intersections with Throckmorton Street, Houston Street, Main Street and Commerce Street. On Belknap Street from Houston Street to Commerce Street, the improvements will consist of new concrete pavement including necessary construction detour arrangements, asphalt removal, sub-surface preparation for concrete, and a new street surface of colored, stamped concrete replicating a

brick pattern with new lane markings, reflective markers and other safety devices.

II. **SCOPE OF SERVICES PROVIDED BY CITY**

The services to be provided by the CITY shall include, but are not limited to, the following:

- A. All total project costs including construction, right of way acquisition, utility relocation, engineering, planning, surveying, and governmental approval costs (collectively referred to as “Costs”);
- B. Following project completion, the CITY will provide the overall total project cost summary with final cost share between funding partners;
- C. Construction agreement administration, site review, permitting, and inspection;
- D. The CITY agrees to facilitate the efficient operations of the Project through ongoing transportation system maintenance efforts, including signal timing optimization as applicable;
- E. Interagency coordination, including CITY notification to the North Central Texas Council of Government (NCTCOG) and the COUNTY of any amendments or modifications to NCTCOG’s Transportation Improvement Program (TIP);
- F. A detailed project schedule documenting the percent complete for each major component of the Project shall be provided to the COUNTY with every reimbursement request;
- G. The CITY agrees to invite the COUNTY to any project groundbreaking or ribbon cutting events; and
- H. The CITY will include the following language on all public notices, web pages, and on-site signage related to the Project:

“This project is funded by the City of Fort Worth and the Tarrant County Commissioners Court through the Tarrant County 2006 and 2021 Transportation Bond Programs, Precinct 1: Commissioner Roy Charles Brooks.”

III. **TERM**

This ILA shall become effective upon the approval of both parties and shall terminate on September 30, 2027, unless terminated as described in Section XII in this ILA or extended in writing and approved by both parties.

IV.
FISCAL FUNDING ACKNOWLEDGEMENT

Tarrant County bond funds will be encumbered on a fiscal year basis in accordance with the Certification of Available Funds shown herein. In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable by any means whatsoever in any fiscal period for payments due under this ILA, then the affected party will immediately notify the other party of such occurrence and this ILA may be terminated on the last day of the fiscal period for which appropriations were received without penalty or expense to the affected party of any kind whatsoever, except to the portions of annual payments herein agreed upon for which funds shall have been appropriated.

V.
REIMBURSEMENT PROCESS

The COUNTY agrees to reimburse the CITY for the actual eligible PROJECT costs in an amount not to exceed \$2,000,000.00. Any reimbursement request from the CITY should include: 1) a copy of the invoice or billing for design services, right-of-way acquisition purchase, and construction; and 2) a copy of the check, a certification letter, or other documentation to verify the CITY's proof of payment. The final reimbursement payment to the CITY will be contingent upon the City Manager or Mayor providing written notification to the COUNTY that the project is complete along with identification of final project costs. COUNTY bond funds for the Project are allocated as follows:

County Payment by Phase*

Design:	\$0.00
ROW Acquisition:	\$0.00
Construction:	\$1,000,000.00 (2006 TBP)
	<u>\$1,000,000.00 (2021 TBP)</u>
TOTAL:	\$2,000,000.00

TBP Funding Category: 2006 Pct 1 Discretionary and 2021 Pct 1 Discretionary

** Reimbursement payments will be issued by the COUNTY for eligible expenses incurred during the Fiscal Year for which bond funds are certified by the Tarrant County Auditor.*

The CITY understands that the CITY will be responsible for cost overruns and any other expenses incurred by the CITY in performing the services described herein. The CITY agrees that the COUNTY retains control over when reimbursement payments will be disbursed to the CITY.

VI.
AGENCY-INDEPENDENT CONTRACTOR

Neither the COUNTY nor any employee thereof is an agent of the CITY, and neither the CITY nor any employee thereof is an agent of the COUNTY. This ILA does not and shall not be construed to entitle either party or any of their respective employees, if applicable, to any benefit, privilege or

other amenities of employment by the other party.

The COUNTY will have no right to control the manner or means of construction of the CITY's contractor for this PROJECT.

VII.
ASSIGNMENT

Neither party may assign, in whole nor in part, any interest it may have in this ILA without the prior written consent of the other party.

VIII.
THIRD-PARTY BENEFICIARY EXCLUDED

No person other than a party to this ILA may bring a cause of action pursuant to this ILA as a third-party beneficiary. This ILA may not be interpreted to waive the sovereign or governmental immunity of any party to this ILA to the extent such party may have immunity under Texas law.

IX.
AUDIT OF RECORDS

The CITY's records regarding this PROJECT shall be subject to audit by the COUNTY during the term of this ILA and for five years after the completion of the PROJECT.

X.
ENTIRE AGREEMENT

This ILA represents the entire understanding of and between the parties and supersedes all prior representations. This ILA may not be varied orally but must be amended by written document of subsequent date duly executed by these parties.

XI.
VENUE

This ILA shall be governed by the laws of the State of Texas and venue for any action under this ILA shall be in the district courts of Tarrant County, Texas.

XII.
TERMINATION

Until funded by the COUNTY as described in Section V, this ILA may be terminated by either party by providing written notice to the other party at least thirty (30) days prior to the intended date of termination. Such notice shall be deemed given when personally delivered or mailed by certified or registered mail (with return-receipt and postage prepaid) and addressed to:

COUNTY:
County Administrator
Tarrant County
100 E. Weatherford Street, Ste. 404
Fort Worth, Texas 76196

CITY:
City Manager
City of Fort Worth
100 Fort Worth Trail
Fort Worth, TX 76102

XIII.
SOVEREIGN POWERS

The COUNTY and the CITY agree and understand neither Party waives nor surrenders any of its governmental powers by execution of this ILA.

XIV.
COMPLIANCE WITH LAWS

In providing services required by this Agreement, CITY and any contractors the CITY engages to perform these services must observe and comply with all applicable federal, state and local statutes, ordinances, rules and regulations, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and non-discrimination laws and regulations. CITY shall be responsible for ensuring its compliance with any laws and regulations applicable to its business, including maintaining any necessary licenses and permits.

APPROVED on this day the ____ day of _____, 2024, by Tarrant County.

Commissioners Court Order No. _____.

TARRANT COUNTY, TEXAS

CITY OF FORT WORTH

Tim O'Hare, County Judge



Jessica McEachern, Assistant City Manager

Roy Charles Brooks, Commissioner Pct 1

APPROVED AS TO FORM:

M&C 24-0813
Date: 9/17/2024

Criminal District Attorney's Office*



Douglas Black (Oct 4, 2024 10:36 CDT)
City Attorney

Jannette A. Lippold

City Secretary

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead, those parties should seek contract review from independent counsel.

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF:

\$ _____ *as follows:*

Fiscal year ending September 30, 2025:

\$0.00 2006 Pct 1 Discretionary

Auditor's Office

CITY COUNCIL AGENDA



Create New From This M&C

DATE:	9/17/2024	REFERENCE NO.:	**M&C 24-0813	LOG NAME:	2024 80 HERITAGE PARK; BUS 287 TO WEATHERFORD COUNTY ILA
CODE:	C	TYPE:	CONSENT	PUBLIC HEARING:	NO
SUBJECT:	(CD 9) Authorize Execution of an Interlocal Agreement with Tarrant County for Reimbursements of City Construction Costs in an Amount Not to Exceed \$2,000,000.00 for the Heritage Park; BUS 287 to Weatherford Street Project, Adopt Appropriation Ordinance, and Amend the Fiscal Years 2024-2028 Capital Improvement Program				

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of an Interlocal Agreement with Tarrant County for reimbursement of eligible City construction costs in an amount not to exceed \$2,000,000.00 for the Heritage Park; Bus 287 to Weatherford Street project (City Project No. 104146);
2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Intergovernmental Contribution Fund in the amount of \$2,000,000.00, from future reimbursements from Tarrant County, for the purpose of funding the Heritage Park; Bus 287 to Weatherford Street project (City Project No. 104146); and
3. Amend the Fiscal Year 2024-2028 Capital Improvement Program.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to authorize the execution of an Interlocal Agreement (ILA) with Tarrant County in the amount of \$2,000,000.00 to provide reimbursement funding from Tarrant County for the Heritage Park; BUS 287 to Weatherford Street project (City Project No.104146).

On June 28, 2022, with M&C 22-0533, the City Council authorized the execution of an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for the Heritage Park; BUS 287 to Weatherford Street project. The AFA included \$1,000,000.00 in Local funding to be provided by Tarrant County as part of a future ILA. This M&C will authorize the execution of this ILA.

In June of 2024, the City officially requested an additional \$1,000,000.00 from Tarrant County in exchange for modifying the project scope to include the construction of colored, stamped concrete replicating a brick pattern along W. Belknap Street between Houston Street and Commerce Street. The County agreed to provide the additional \$1,000,000.00 for a total of \$2,000,000.00 for the project per terms to be agreed to in an ILA for the project, which is the subject of this M&C.

Heritage Park and Paddock Park are located in Downtown Fort Worth on the northern edge of the Trinity River bluff where the City meets the Trinity River. Improvements to the two parks and North Main Street is a key linkage opportunity that will implement a vision 50 years in the making. This Heritage Park; BUS 287 to Weatherford Street project is integral to the future success of the overall project.

The Heritage Park; BUS 287 to Weatherford Street project includes elements for enhancing the safety of pedestrian and vehicular movements. Improved pedestrian safety will be in the form of "bulb-outs" at the four intersections surrounding the Tarrant County Courthouse and new pedestrian signals at the street crossings. Vehicular movement improvements will include new traffic signals, removal of E. Bluff

Street on the north side of Paddock Park, geometry modifications to Commerce Street and N. Houston Street north of Belknap Street, and removal of the bus counterflow lane on W. Belknap Street.

Funding for the project includes local City funds, County funds, Federal funds, and State funds. The State portion of the grant also includes unappropriated Direct and Indirect Costs in the amount of \$1,052,631.00. The City bears the responsibility to pay for cost overruns. The table below summarizes funding for the project:

Fund	Existing Funding	Additional Funding (M&C)	Project Total
31001 - Grants Capital Projects Federal Fund	\$6,640,000.00	\$0.00	\$6,640,000.00
31003 - Grants Capital Projects State Fund	\$660,000.00	\$0.00	\$660,000.00
30106 - Intergovernmental Contribution Fund	\$0.00	\$2,000,000.00	\$2,000,000.00
Project Total	7,300,000.00		\$9,300,000.00

Funding for this project was not included in the FY2024-2028 Capital Improvement Program due to the addition of the grant dollars after the inception of the project which changed the budget needs. The action in this M&C will amend the FY2024-2028 Capital Improvement Program as approved in connection with Ordinance 26453-09-2023.

Funding will be available in the Intergovernmental Contribution Fund for the Transportation and Public Works Department for the Heritage Park; 287 to Weatherford Street project.

A business equity goal is not assigned when purchasing from an approved purchasing cooperative or public entity.

This project is located in COUNCIL DISTRICT 9.

FISCAL INFORMATION/CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations, execution of the Interlocal Agreement and adoption of the attached appropriation ordinance, funds will be deposited into the Intergovernmental Contributions Fund for the Heritage Park; BUS 287 to Weatherford Street project. The Transportation and Public Works Department will be responsible for the collection and deposit of funds due to the City. Prior to expenditure being incurred, the Transportation and Public Works Department has the responsibility to validate the availability of funds.

TO

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount
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FROM

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount
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Submitted for City Manager's Office by:

Jesica McEachern (5804)

Originating Department Head:

Lauren Prieur (6035)

Additional Information Contact:

Monty Hall (8662)

ATTACHMENTS

[2024 80 HERITAGE PARK; BUS 287 TO WEATHERFORD COUNTY ILA Updated FID.xlsx](#)
(CFW Internal)

[M&C Map 2024InterlocalAgreement CPN104146.pdf](#) (Public)

[ORD.APP 2024 80 HERITAGE PARK; BUS 287 TO WEATHERFORD COUNTY ILA_AO\(r2\)
30106.docx](#) (Public)

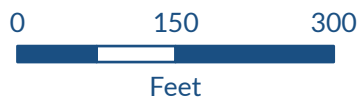
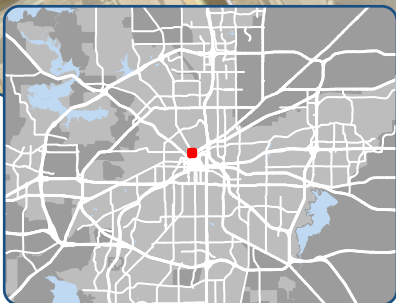
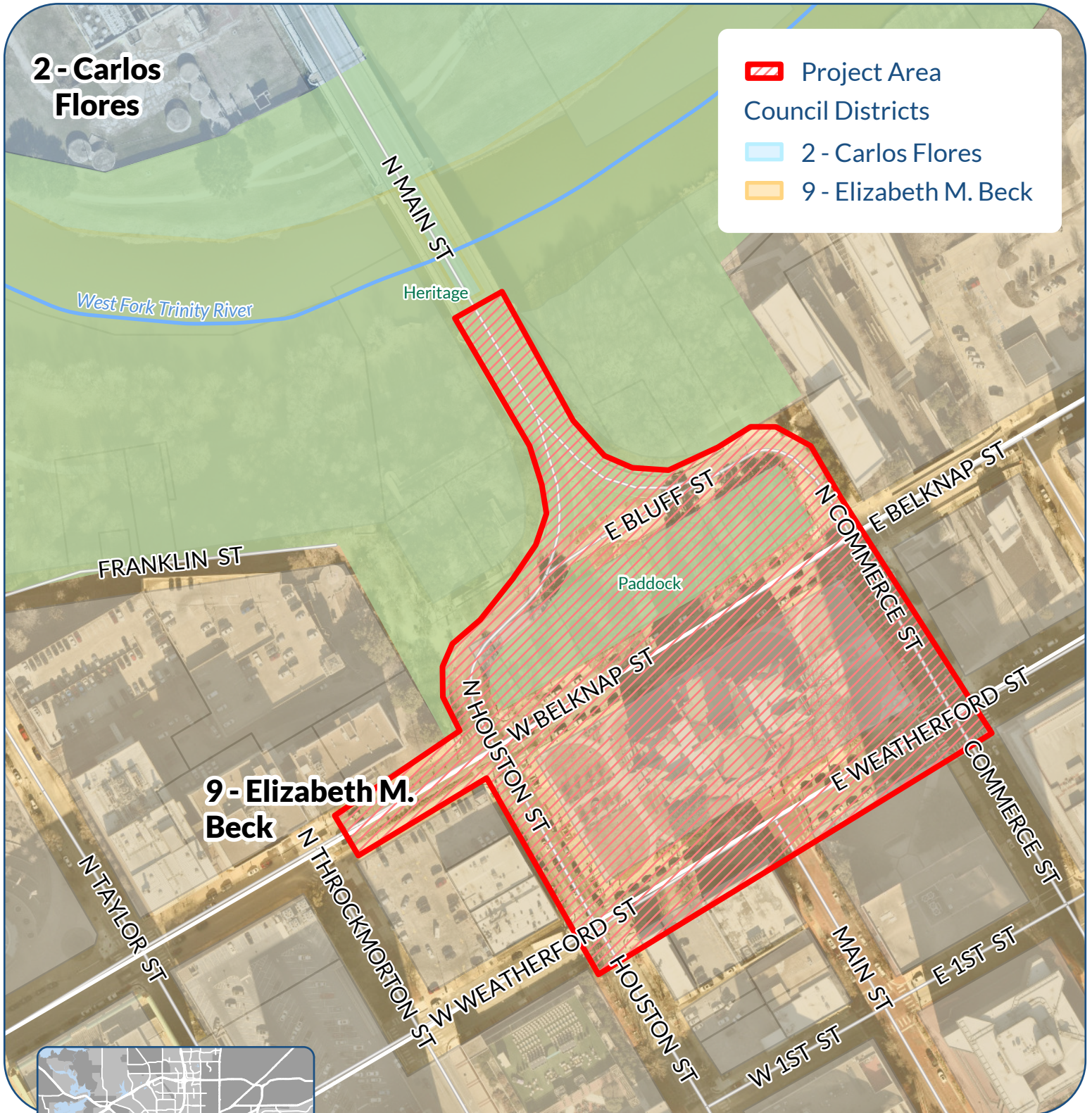
[TBP-2021-Fort Worth-Heritage Park BUS 287 to Weatherford-New Format ILA Final-R01-
Print.pdf](#) (CFW Internal)

Mayor & Council Map | CPN #104146

2024 Interlocal Agreement with Tarrant County



Heritage Park; BUS 287 to Weatherford Street



Data Source: CFW GIS, NearMap | Map generated August 2024
TPW Business Support Services

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