

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 14, 2022
CITY HALL, 3200 DIANA DRIVE**

The Work Session and Regular Session are open to the public. If Executive Session is required, it will be held in the Council Conference Room, and is closed to the public. Please note that although the Council will generally consider the items on the agenda in the order shown below, they may elect to re-order items in order to accommodate the needs of the Council, city staff, presenters, or the public generally. Therefore, members of the public interested in any agenda item are encouraged to be in attendance at the start of the meeting.

CITY COUNCIL WORK SESSION – 6:00 PM

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**
2. Discuss water meter audit and replacement program
3. Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.

REGULAR SESSION – 7:00 PM

CALL TO ORDER

INVOCATION AND PLEDGES OF ALLEGIANCE

1. PRESENTATIONS

A. Citizen Appearances/Public Comments

Citizen comments emailed to Lindsay Wells (lwells@richlandhills.com) on an item either listed on this agenda or not listed on this agenda will be heard at this time. Citizens in attendance at the meeting who have signed a card to speak to the City Council will also be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussion of the subject and may respond only with statements of factual information or existing city policy. Public comment will not be taken on items that the Council has previously considered in a public hearing.

2. CONSENT AGENDA

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember or citizen so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with staff recommendations.

- A. Approve minutes from the January 24, 2022 City Council Regular Meeting

3. PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

- A. None

4. ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

- A. Consider Ordinance 1443-22 ordering a Special Election on May 7, 2022, to submit a proposition on the reauthorization of the local sales and use tax at the rate of three-eighths of one percent to continue providing revenue for the maintenance and repair of city streets.

5. CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

- A. None

6. OTHER ITEMS FOR CONSIDERATION

- A. Consider approval of payment to the Texas Department of Transportation for construction costs associated with the Baker Boulevard Corridor Improvements Project in the amount of \$162,651.52

7. REPORTS & DISCUSSIONS

- A. None

8. COMMUNITY INTEREST ITEMS

This is a standing item on the agenda of every regular meeting of the City Council. (The Texas Open Meetings Act effective September 1, 2009, provides that *"a quorum of the city council may receive from municipal staff, and a member of the governing body may make, a report regarding items of community interest during a council meeting without having given notice*

of the subject of the report, provided no action is taken or discussed.” The Open Meetings Act does not allow Council to discuss an item concerning pending City Council business unless it is specifically, appropriately posted on the agenda.) An “item of community interest” includes the following:

- information regarding holiday schedules;
- honorary recognitions of city officials, employees, or other citizens;
- reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by a city official or city employee; and
- announcements involving imminent public health and safety threats to the city

9. EXECUTIVE SESSION

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.**

Reconvene into open session for possible action resulting from any items posted and legally discussed in Executive Session.

10. ADJOURNMENT

CERTIFICATE

I hereby certify that the above agenda was posted on this the 10th day of February 2022 by 5:30 p.m., on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas, pursuant to the Texas Government Code, Chapter 551.

Lindsay Wells

Lindsay Wells
City Secretary



ACCESSIBILITY STATEMENT

The Facility is wheelchair accessible. If you plan to attend this public meeting and have a disability that requires special arrangements, please notify the City Secretary 48 hours in advance at (817) 616-3810 and reasonable accommodations will be made to assist you.

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: February 14, 2022

Subject: Water Meter Audit and Replacement Program

Agenda Item:

Discuss water meter audit and replacement program

Background Information:

Over the past year, staff has been discussing options for a water meter replacement program. Our current water meters are 20(+) years old and nearing the end of their life cycles. In addition, meter reading technology has changed, and our current endpoints are no longer supported by the manufacturer. When an endpoint becomes inoperable, staff must hand read the meter until the endpoint device can be replaced, and endpoints have been difficult to find over the past year. Staff is currently having to read almost 400 meters by hand each month.

In considering solutions for a meter replacement program, I engaged a group called Performance Services, Inc. to assist us in analyzing our current system. PSI is an integrated design and delivery engineering company that specializes in constructing and renovating municipal, healthcare and education facilities. They deliver optimal environments through design-build and guaranteed energy savings performance contracts. Advanced Metering Infrastructure technology is one of their specialized areas.

PSI has completed a preliminary audit of our water system and presented the results to staff. They have identified potential areas of improvement that could result in reduced operational costs and increased revenue due to improved meter performance. I have asked Ira Nicodemus to present the preliminary audit results to City Council and discuss how PSI can assist the City with a feasible water meter replacement program.

One of the main reasons staff chose to engage PSI was their turnkey delivery approach. PSI oversees the entire process from audit to implementation to measurement and verification reporting. They offer single-source accountability throughout the entire project. PSI will also provide utility billing software integration support and assist with community

engagement and communications during the transition from existing meters to the newer smart meter technology.

If City Council is agreeable to proceeding with PSI's services, the next step in the process would be a thorough investment grade audit performed by a PSI engineer and project manager. The investment grade audit does not commit the City to using PSI's services for meter replacement, and Council may choose to use the audit results at a later date.

Financial Considerations:

PSI completed a preliminary audit at no cost to the City. If the City chooses to move forward with an investment grade audit, the cost of that audit would be wrapped into the overall costs of implementing the water meter replacement program. If, after the investment grade audit, the City chooses not to move forward with a meter replacement program through PSI, the City would have to pay PSI \$29,564 for their testing and engineering services.

Legal Review:

N/A

Board/Citizen Input:

The original presentation from PSI was scheduled for the January 24, 2022 City Council meeting but was rescheduled to the February 14th meeting as the PSI representative was unable to attend. Staff led City Council through an initial discussion of the program at the January 24th meeting.

Attachments:

N/A

Council Action Requested:

Discussion Item Only

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Lindsay Wells, City Secretary

Date: February 14, 2022

Subject: Minutes from the January 24, 2022 Regular City Council Meeting

Agenda Item:

Approval of minutes from the January 24, 2022 City Council Regular Meeting

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

January 24, 2022 Draft Minutes

Council Action Requested:

Motion to approve the minutes from the January 24, 2022 Regular City Council Meeting

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
JANUARY 24, 2022
MINUTES**

Roll Call:

Council present

Edward Lopez, Mayor
Douglas Knowlton, Place 1
Curtis A. Bergthold, Mayor Pro Tem
Javier Alvarez, Place 4
G.W. Estep, Place 5

Council absent

Stacey L. Morse, Place 2

Staff present

Candice Edmondson, City Manager
Lindsay Wells, City Secretary
James Donovan, City Attorney

CITY COUNCIL WORK SESSION – 6:00 PM

Assistant to the City Manager Logan Thatcher introduced new employee Communications Specialist Samantha Hall and provided an overview of her duties and the focus of her current projects.

1. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, 418.183(f) and 418.106(d) & (e). Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.

None.

2. **Discuss water meter audit and replacement program**

City Manager Candice Edmondson provided a brief overview of the need for a water meter replacement program due to the age and condition of current water meters in the city. With changing meter reading technology and endpoints becoming inoperable, staff must hand read the meter until the endpoint device can be replaced, and endpoints have been difficult to find over the past year. Staff is currently having to read almost 400 meters by hand each month. She advised of program costs and possible funding options for the Citywide transition from existing meters to the newer smart meter technology.

Performance Services, Inc. (PSI) was contracted to perform a preliminary audit of the City's water system. Consultant Ira Nicodemus was due to present PSI's findings but is unable to attend tonight's meeting. This item will be brought back on the February 14,

2022 City Council agenda to allow Mr. Nicodemus to present the findings. A Letter of Intent will be presented for City Council consideration at the February 28, 2022 City Council meeting.

3. Discuss items listed on tonight's City Council agenda. No action will be taken and each item will be considered during the Regular Session.

4A. Consider Resolution 549-22 stating the primary intended uses of the City of Richland Hills' allotment of local fiscal recovery funds through the American Rescue Plan Act

City Manager Candice Edmondson presented Resolution 549-22 stating the primary intended uses of the City of Richland Hills' allotment of local fiscal recovery funds through the American Rescue Plan Act. Richland Hills is set to receive \$1,970,642 in fiscal recovery funds as provided in the American Rescue Plan Act (ARPA). The funds are intended to help the City combat the COVID-19 pandemic, including ongoing public health and economic impacts. The City received its first payment in the amount of \$985,321 on August 23, 2021, with a second payment set to occur later this year.

Resolution 549-22 outlines the City Council's intent to expend the first tranche of funds for water system improvements and premium pay for essential workers as provided in the resolution.

5A. Considered award of bid for drainage, water and sanitary sewer repair unit price contract to EXCEL 4 Construction, LLC

Director of Neighborhood Services Scott Mitchell advised that staff has been utilizing private vendors to complete some projects traditionally done by Public Works staff and to help expediate the completion of projects, staff created a unit price contract for routine repair work such as localized water main installation and repairs, valve repair, curb stops, sewer line spot repairs, manholes, etc. The unit price contract also standardizes the costs for these projects vs. quoting each individual project as it comes up. The City utilizes similar contracts from other government entities and, as the primary contract holder, would allow other agencies to utilize this contract as well.

Based on the bid received, references provided and previous experience with the City, staff recommends awarding the contract to EXCEL 4 Construction, LLC as the best value bid. The unit price contract will extend through the remainder of FY 2022 (September 30, 2022), with the intent to bid a new unit price contract for FY 2023 should the program prove to be successful.

Discussion ensued regarding fair and balanced billing and the costs for mobilization as listed in the proposed contract. The City Council recommended renegotiating elements of the contract with Excel 4 Construction with the award of bid to be brought back for City Council consideration at a future meeting.

Mayor Lopez adjourned the work session at 6:28 p.m.

REGULAR SESSION – Mayor Lopez Called to Order – Time 7:00 p.m.**INVOCATION AND PLEDGES OF ALLEGIANCE – Council Member G.W. Estep****PRESENTATIONS****1A. Business Spotlight: USA Donuts**

Chheng Quach introduced his business, USA Donut, located at 7650 Glenview Drive and advised that the grand opening would be held Wednesday, February 2, 2022.

1B. World Read Aloud Day Proclamation

Mayor Lopez read a proclamation declaring February 2, 2022, as “World Read Aloud Day” in Richland Hills and encouraged everyone to participate.

1C. Citizen Appearances/Public Comments

Citizen comments emailed to Lindsay Wells (lwells@richlandhills.com) on an item either listed on this agenda or not listed on this agenda will be heard at this time. Citizens in attendance at the meeting who have signed a card to speak to the City Council will also be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the city staff and City Council members are prevented from discussion of the subject and may respond only with statements of factual information or existing city policy. Public comment will not be taken on items that the Council has previously considered in a public hearing.

Athena Campbell, 2802 Elm Park, Richland Hills, expressed concerns regarding the water meter replacement program discussed during the work session.

CONSENT AGENDA**2A. Approve minutes from the November 17, 2021 Special City Council Meeting and the January 10, 2022 City Council Regular Meeting****2B. Approve a one-year renewal of Bank Depository Contract with JPMorgan Chase Bank, N.A.**

Motion: Motion was made by Councilmember Estep and seconded by Councilmember Knowlton to approve the consent agenda.

Motion carried by a vote of 4-0.

PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS**3A. Fiscal Year 2023 Budget Public Forum**

City Manager Candance Edmondson advised that, per Section 12.01 of the City Charter, “the City Council shall hold a Public Forum in January for the express purpose of obtaining citizen comments on items they would like to see included or considered in the budget for the upcoming year.”

Mayor Lopez opened the public forum at 7:16 p.m.

Council discussed items including backlit street signs, a potential new City logo, street sweepers, a City newsletter, and increased functionality on the City’s website.

Athena Campbell, 2802 Elm Park, Richland Hills, inquired about greatly increasing the offered pay for Public Works employees, a K9 unit for the Police Department, and the inclusion of a budget calendar on the website.

Theresa Bledsoe, 2716 Spruce Park Drive, Richland Hills, inquired about a City newsletter in hard copy form for those residents without access to internet services, citywide wi-fi access, and an ambulance service similar to the City of Bedford.

Travis Malone, 2641 Mimosa Park, Richland Hills, discussed proposed improvements to the City’s website and inquired about the cost and process to implement a “quiet zone” near the Trinity Railway Express (TRE) train station.

Mayor Lopez closed the public forum at 7:37 p.m.

ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS**4A. Approved Resolution 549-22 stating the primary intended uses of the City of Richland Hills’ allotment of local fiscal recovery funds through the American Rescue Plan Act**

Item was discussed during the work session.

Discussion ensued regarding expanding the proposed wi-fi park access citywide.

Motion: Motion was made by Councilmember Knowlton and seconded by Mayor Pro Tem Bergthold to approve Resolution 549-22 stating the primary intended uses of the City of Richland Hills’ allotment of local fiscal recovery funds through the American Rescue Plan Act

Motion carried by a vote of 4-0.

CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS**5A. Approved award of bid for drainage, water and sanitary sewer repair unit price contract to EXCEL 4 Construction, LLC**

Item was discussed during the work session.

Motion: Motion was made by Councilmember Knowlton and seconded by Mayor Pro Tem Bergthold to table item to a future City Council meeting to allow staff to address City Council concerns.

Motion carried by a vote of 4-0.

OTHER ITEMS FOR CONSIDERATION**6A. None****REPORTS & DISCUSSIONS****7A. Street Improvement Projects Update**

Director of Neighborhood Services Scott Mitchell provided an update regarding several street projects including those on Rosebud Lane, Chafin Drive, Magnolia Park, and Atmos Energy making spot repairs throughout the city.

Discussion ensued regarding differences in street resurfacing versus spot repairs and citywide public works maintenance.

7B. 1st Quarter Investment Report

City Manager Candice Edmondson provided a brief overview of the 1st Quarter Investment Report and advised that the City is in a favorable financial position.

7C. City Council Budget Workshop

City Manager Candice Edmondson provided several proposed dates in February and March for the City Council to hold a spring budget workshop. Council agreed on Friday, March 4, 2022 to hold a budget workshop.

7D. December Department Reports

Parks and Recreation Director Jason Brown provided a brief overview of the Parks Department and The Link activities and Director of Neighborhood Services Scott Mitchell advised that Code Enforcement is being rebranded to Code Compliance to more align with the City's and Department's values.

COMMUNITY INTEREST ITEMS

8. Mayor Pro Tem Bergthold advised of several upcoming events:
- Through January 31, 2022, The Link Membership Sale extension;
 - Thursday, February 10, 2022,
 - Senior Lunch Bunch, The Link, 12:00 to 1:00 p.m.;
 - Tarrant County Food Pantry, The Link Parking Lot, 5:30 to 7:00 p.m.; and
 - Friday, February 11, 2022, Parents Night Out, The Link, 6:00 to 9:00 p.m.

EXECUTIVE SESSION

9. **Executive Session:** Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Sec. 551.071, Sec. 551.072, Sec. 551.073, Sec. 551.074, Sec. 551.076, Sec. 551.087 and Sec. 418.0183 (f) and 418.106 (d) & (e) of the Texas Government Code (Texas Disaster Act).

None.

ADJOURNMENT

10. A motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Estep to adjourn.

Motion carried by a vote of 4-0.

There being no further business to come before the City Council, Mayor Lopez declared the meeting adjourned at 8:19 p.m.

ATTEST:

APPROVED:

Lindsay Wells, City Secretary

Edward Lopez, Mayor

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Lindsay Wells, City Secretary

Date: February 14, 2022

Subject: Ordinance 1443-22 ordering a Special Election to submit a proposition on the reauthorization of the local sales and use tax to continue providing revenue for the maintenance and repair of city streets

Agenda Item:

Consider Ordinance 1443-22 ordering a Special Election on May 7, 2022, to submit a proposition on the reauthorization of the local sales and use tax at the rate of three-eighths of one percent to continue providing revenue for the maintenance and repair of city streets

Background Information:

In November 2018, Richland Hills voters approved a proposition allocating $\frac{1}{2}$ cent total of sales tax to Street Maintenance ($\frac{3}{8}$ of one percent) and Type B Economic Development (from the rate of $\frac{1}{8}$ to $\frac{2}{8}$ of one percent.)

The new tax collection began in April 2019 following the final financial obligations to the Fort Worth Transportation Authority in March 2019. The Street Maintenance portion of the tax is dedicated strictly to repairing and maintaining (including reconstructing) existing street and sidewalks. Chapter 327 of the Texas Tax Code requires that this portion of the local sales and use tax expires on the fourth anniversary of the date of the beginning of the tax collection. The Street Maintenance portion of the tax will expire in April 2023 if not reauthorized.

The proposition on the ballot is as follows:

PROPOSITION

“THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF RICHLAND HILLS, TEXAS AT THE RATE OF THREE-EIGHTHS OF ONE PERCENT ($\frac{3}{8}$ of 1%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS. THE TAX EXPIRES ON THE FOURTH (4TH) ANNIVERSARY OF THE DATE OF THIS ELECTION UNLESS THE IMPOSITION OF THE TAX IS REAUTHORIZED.”

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the Ordinance and Tax Code, Chapter 327, requirements

Board/Citizen Input:

N/A

Attachments:

Ordinance No. 1443-22

Council Action Requested:

Motion to approve Ordinance 1443-22 ordering a Special Election on May 7, 2022, to submit a proposition on the reauthorization of the local sales and use tax at the rate of three-eighths of one percent to continue providing revenue for the maintenance and repair of city streets

ORDINANCE NO. 1443-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, ORDERING A SPECIAL ELECTION TO SUBMIT A PROPOSITION ON THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX AT THE RATE OF THREE-EIGHTHS OF ONE PERCENT (3/8% OF 1%) TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF CITY STREETS; MAKING PROVISIONS FOR THE CONDUCT OF SUCH ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; ESTABLISHING THE DATES AND TIMES OF EARLY VOTING FOR SUCH ELECTION; AND AUTHORIZING A CONTRACT WITH TARRANT COUNTY TO FURNISH ELECTION SERVICES AND EQUIPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council (the Council) of the City of Richland Hills, Texas (the City) hereby finds and determines that an election should be held to determine whether to reauthorize the City Council to levy and collect a sales and use tax within the City under provisions of Chapter 327, as amended, Texas Tax Code (the Act), for the maintenance and repair of municipal streets; and

WHEREAS, the City will hold a Special Election in conjunction with the May 7, 2022 General Election; and

WHEREAS, in accordance with the requirements of the Act, the combined rate of all local sales tax and use taxes imposed by the City and other political subdivisions having territory in the City and will not exceed two percent (2%); and

WHEREAS, the Council hereby finds and determines that it is in the best interest of the citizens of the City to hold this election on the date set forth below pursuant to a contract with Tarrant County for joint election service.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

Section 1. Election Order for Special Election

An election shall be held on May 7, 2022, a uniform election date, in the City, for the purpose of submitting the following proposition to the qualified voters of the City:

PROPOSITION

“THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF RICHLAND HILLS, TEXAS AT THE RATE OF THREE-EIGHTHS OF ONE PERCENT (3/8 of 1%) TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS. THE TAX EXPIRES ON THE FOURTH (4TH) ANNIVERSARY OF THE DATE OF THIS ELECTION UNLESS THE IMPOSITION OF THE TAX IS REAUTHORIZED.”

Section 2. Joint Election Administration Contract

The Mayor is hereby authorized to execute a contract with Tarrant County Elections Administrator for the purpose of having Tarrant County furnish all or any portion of the election services and equipment needed by the City Secretary to conduct the election. The contract document and election services provided therein shall conform to Chapter 31, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

Section 3. Voting Equipment

The election services contract shall provide (a) the type of electronic voting equipment to be used for early voting by personal appearance and on election day, (b) notification and training for election judges and clerks, (c) an estimate and final payment terms for the election services provided, (d) agreements for early voting equipment and voting machine rental, and (e) other procedures to conduct the election.

Section 4. Combined Ballots

Combined ballots may be utilized containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. Returns may be made on forms, which are individual or combined, and the Tarrant County Elections Administrator shall be designated as the custodian of the combined records. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary pursuant to state law. Notice of the time and place for such drawing shall be given in accordance with the Code

Section 5. Early Voting Clerk

Heider Garcia, Tarrant County Elections Administrator, 2700 Premier Street, Fort Worth, Texas, 76111, or his successor, is hereby appointed as Early Voting Clerk and Lindsay Wells, City Secretary, 3200 Diana Drive, Richland Hills, Texas, 76118, shall serve as Deputy Early Voting Clerk. Applications for ballot by mail must be received by 12 noon or close of business, whichever is later, by Tuesday, April 26, 2022.

Mailing Address:
Tarrant County Elections
Attention: Early Voting Clerk
PO Box 961011
Fort Worth, Texas 76161-0011
www.tarrantcounty.com
817-831-8683
Fax: 817-831-6118
electionsinfo@tarrantcounty.com

Section 6. Early Voting

Early voting by personal appearance shall be conducted at the main early voting location at the Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas 76111. Branch offices for early voting shall also be established as outlined in the joint election agreement with Tarrant County.

Early voting by personal appearance begins on Monday, April 25, 2022, and ends on Tuesday, May 3, 2022, during the hours listed below:

April 25 – 29	Monday – Friday	8:00 a.m. – 5:00 p.m.
April 30	Saturday	7:00 a.m. – 7:00 p.m.
May 1	Sunday	10:00 a.m. – 4:00 p.m.
May 2 – 3	Monday – Tuesday	7:00 a.m. – 7:00 p.m.

Applications for early voting by mail shall be delivered to the Early Voting Clerk at the address set forth in Section 5 not later than 12 noon or close of business, whichever is later, by Tuesday, April 26, 2022.

For purposes of processing ballots cast in early voting, the election officers for the Early Voting Ballot Board shall be appointed and designated in accordance with the provisions of the election agreement with Tarrant County.

Section 7. Election Day

All resident, qualified voters, determined by the laws of the State of Texas, the Charter, and ordinances of the City of Richland Hills shall be qualified to vote at such election. For the purpose of said election, the entire City is constituted into one voting precinct. Voting on Election Day, May 7, 2022, shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. The location of the polling places are designated pursuant to the Texas Election Code as those precincts designated by Tarrant County. This election shall be held and conducted in accordance with the aforesaid election agreement, election laws of the Texas Election Code, the Federal Voting Rights Act of 1965, as amended, the Charter of the City of Richland Hills, and as may be required by law. All election materials and proceedings shall be printed in English, Spanish, and Vietnamese.

Section 8. Election Results

The results of the election shall be certified, canvassed, and returned in the form and manner prescribed by the laws of the State of Texas and the charter and ordinances of the City of Richland Hills.

Section 9. Election Notice

The notice of the election hereby ordered and called shall be promulgated, published and posted in keeping with the laws of the State of Texas, and the charter and ordinances of the City of Richland Hills.

Section 10. Election Officials

The election judge, alternate election judge, and ballot board will be appointed by the Tarrant County Elections Administrator, as permitted by law. The presiding judge shall appoint elections clerks as may be necessary for the proper conduct of the election. The election judge, or the alternate election judge in the absence of the election judge, and the election clerks shall constitute the Early Voting Ballot Board. The election judge, and alternate election judge, and election clerks shall be qualified voters of the City.

Section 11. Necessary Actions

The City Manager and the City Secretary, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of federal and state law in carrying out and conducting the election, whether or not expressly authorized herein.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on February 14, 2022, by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

APPROVED AS TO FORM:

LINDSAY WELLS, CITY SECRETARY

BETSY ELAM, CITY ATTORNEY

Memorandum

To: Honorable Mayor Edward Lopez and Richland Hills City Council Members

From: Candice Edmondson, City Manager

Date: February 14, 2022

Subject: Payment to TxDOT for Baker Boulevard Corridor Improvements

Agenda Item:

Consider approval of payment to the Texas Department of Transportation for construction costs associated with the Baker Boulevard Corridor Improvements Project in the amount of \$162,651.52

Background Information:

On March 29, 2012, the City of Richland Hills executed an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for surface transportation improvements along Baker Boulevard. The scope of work included the reconstruction of three intersections on Baker Boulevard at Rufe Snow Drive, Handley Ederville Road and Vance/Ash Park, and consisted of adding right turn lanes, curb and gutter and sidewalks. The original project budget estimate was \$3,550,531 with the local entity (City of Richland Hills) being responsible for 20% of project costs.

Amendments to the Advanced Funding Agreement were approved August 29, 2012 (Amendment #1) and June 9, 2016 (Amendment #2), with the June 9th amendment being the final amendment. Amendment #2 revised the scope of work to include corridor improvements along Baker Boulevard/SH 183 including sidewalks and curb & gutter; realign intersection at Ash Park and Baker Boulevard; add westbound right turn lanes at Rufe Snow and Baker Boulevard; add eastbound right turn lanes at Handley Ederville Road and Baker Boulevard. Amendment #2 also included a revised project budget estimate increasing the total estimated project costs to \$4,611,058 with the City of Richland Hills being responsible for 20% of project costs.

The Baker Boulevard corridor improvements was bid in August 2017 and the project was considered substantially complete in June 2019. On October 12, 2020 the City of Richland Hills received an invoice indicating the City owed TxDOT an additional \$837,281.92 for the project. This was well above what the City was obligated to pay per the Advanced Funding Agreement.

City staff held several meetings with TxDOT over the past year and a half to reconcile the project costs. There were two major costs the City did not agree with. One was that the Green Ribbon funding the City had been granted for Baker Boulevard median improvements had not been applied to the project. TxDOT rectified that issue in June 2021 reducing the amount TxDOT showed the City owed to \$427,281.92.

The other issue was the increased construction engineering costs. Of the \$427,281.92 being requested, \$264,630.40 was construction engineering. While the City is bound per the Advanced Funding Agreement to cover additional costs beyond the agreed upon amounts, Item 12.G in the Master Agreement says that *“in the event the State determines that additional funding is required by the Local Government is required at any time during the Project, the State will notify the Local Government in writing.”* The first time the City was made aware of the overages in construction engineering was on the October 12, 2020 statement of costs invoice. Staff requested proof from TxDOT that prior notice of the additional funding requirements had been sent to the City, but TxDOT was unable to obtain any communication regarding the change in construction engineering costs. As such, TxDOT agreed to pay the \$264,630.40 in construction engineering leaving a balance of \$162,651.52.

Based on project documentation, staff has confirmed increases in construction costs equating to \$162,651.52. Part of the increase was due to rising construction costs at the time of the project and part was due to utility replacements that were added to the project during construction, so that there would be new utilities under the newly paved areas. Per the Advanced Funding Agreement, any changes in costs will be covered 100% by the City. Staff recommends payment of \$162,651.52 to TxDOT for construction costs incurred during the Baker Boulevard Corridor Improvements Project.

Financial Considerations:

Funding for the Baker Boulevard Corridor Improvements Project was provided in the Tax Increment Reinvestment Zone (TIF) Fund. Funds are available in the TIF fund balance to cover the additional \$162,651.92 for the project. Council may also choose to use excess reserve funds in the General Fund should Council want to leave money in the TIF Fund for future projects.

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

TxDOT Invoice and Revised Statement of Costs dated January 7, 2022
Advanced Funding Agreement Amendment #2

Council Action Requested:

Motion to approve payment to the Texas Department of Transportation for construction costs associated with the Baker Boulevard Corridor Improvements Project in the amount of \$162,651.52



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

INVOICE
January 7, 2022

City of Richland Hills
ATTN: Mayor
3200 Diana Drive
Richland Hills, TX 76118

Invoice #: LOC00052205
Project ID: 02009402121
Customer ID: 035300
Invoice Date: 01/07/2022
Due Date: 02/06/2022
Amount Due: 162,651.52

To Whom It May Concern:

The above reference project has been completed and accepted by the State. Final auditing by this office revealed additional funds due to the Texas Department of Transportation (TxDOT).

Please refer to the attached final Statement of Cost to see the breakdown of total construction costs, advanced payments received to cover the local's share of the estimated costs and the remaining balance due. Please remit a check made payable to the "Texas Department of Transportation" in the amount shown above within 30 days from receipt of this letter.

Forward all payments to:

Texas Department of Transportation
ATTN: Revenue Management
P.O. Box 149001
Austin, TX 78714-9001

To ensure proper credit to your account, please include the above referenced **Project ID** on all payments and/or correspondence. For clarity and tracking purposes, it is strongly suggested that this payment not be combined with any other transactions to TxDOT.

If you should have any questions concerning this matter, please refer to the district contact listed on the attached Statement of Cost.

Sincerely,

Financial Management Division

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

An Equal Opportunity Employer

REVISED
STATEMENT OF COST
CITY OF RICHLAND HILLS
1/3/2022

PROJECT	PRELIMINARY ENGINEERING (Federal)	PRELIMINARY ENGINEERING (Federal/Local)	PRELIMINARY ENGINEERING (State)	PRELIMINARY ENGINEERING (Local)	CONSTRUCTION (Federal/State)	CONSTRUCTION (Federal)	CONSTRUCTION (Local)	CONSTRUCTION ENGINEERING (Federal/State)	CONSTRUCTION ENGINEERING (State)	TOTAL
STP 2012(660) 0094-02-121	\$ 162,531.72	\$ 61,488.04	\$ 716.66	\$ 2,964.27	\$ 3,930,031.29	\$ 154,126.38	\$ 160,270.41	\$ 313,019.01	\$ 264,630.40	\$ 5,049,778.18

Preliminary Engineering Portion Funded by Entity (Federal/Local)
Preliminary Engineering Portion Funded by Entity (Local)
Construction Portion Funded by Entity (Local)
Adjustments

% Participation	
20.00%	12,297.61
100.00%	2,964.27
100.00%	160,270.41
	0.19

Total Amount Chargeable to Entity

175,532.48

Advanced Cash Payments
Less: Amount Chargeable
Amount Due to TxDOT

12,880.96
(175,532.48)
(162,651.52)

Maximum Federal:	\$3,833,738.00
PE Federal	\$ 162,531.72
PE (Federal/local)	\$ 49,190.43
Construction (Federal/state)	\$3,144,025.03
Construction (Federal)	\$ 154,126.38
Construction Eng (Federal/state)	\$ 250,415.20
ROW 0094-02-126	\$ 73,449.43
Adjustments	\$ (0.19)
Total Federal	\$3,833,738.00
Remaining Federal:	\$0.00

DocuSigned by:

Rose Rodriguez

1/3/2022

52FD29A95742409...

Rose Rodriguez
Contract Administration Manager

Date

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STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT #2**

THIS AMENDMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and City of Richland Hills, acting by and through its duly authorized officials, called the Local Government.

W I T N E S S E T H

WHEREAS, the State and the Local Government executed a contract on March 29th of 2012 and Amendment #1 on August 29th of 2012 to effectuate their agreement to reconstruct three intersections on Baker Blvd at Rufe Snow, Handley-Ederville Road, and Vance/Ask Park; and,

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, the State and the Local Government do agree as follows:

A G R E E M E N T

1. Description of Amended Items

Article 4, Scope of Work, is deleted in its entirety and replaced with the following:

The scope of work for this LPAFA is described as corridor improvements along Baker Boulevard/SH 183 including sidewalks and curb & gutter; realign intersection at Ash Park and Baker Boulevard; add westbound right turn lanes at Rufe Snow and Baker Boulevard; add eastbound right turn lanes at Handley-Ederville Road and Baker Boulevard.

Article 5, Right of Way and Real Property, is deleted in its entirety and replaced with the following:

- A.** Right of way and real property acquisition shall be the responsibility of the Local Government. Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.

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- B. If the Local Government is the owner of any part of the Project site under this agreement, the Local Government shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.
- C. All parties to this agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.
- D. The Local Government shall assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Local Government to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State, and be free and clear of all encroachments. The Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Local Government shall be responsible for securing any additional real property required for completion of the Project.
- E. In the event real property is donated to the Local Government after the date of the State's authorization, the Local Government will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Local Government's appraisal, determine the fair market value and credit that amount towards the Local Government's financial share. If donated property is to be used as a funding match, it may not be provided by the Local Government. The State will not reimburse the Local Government for any real property acquired before execution of this agreement and the obligation of federal spending authority.
- F. The Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Local Government acquiring the real property. Tracings of the maps shall be retained by the Local Government for a permanent record.
- G. The Local Government agrees to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values. Expenses incurred by the Local Government in performing this work may be eligible for reimbursement after the Local Government has received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.

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- H. Reimbursement for real property costs will be made to the Local Government for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost of the parcel, whichever is less. In addition, reimbursement will be made to the Local Government for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- I. If the Project requires the use of real property to which the Local Government will not hold title, a separate agreement between the owners of the real property and the Local Government must be executed prior to execution of this agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. The separate agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

Article 12, Local Project Sources and Uses of Funds, Item G is deleted in its entirety and replaced with the following:

Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation." The check or warrant shall be deposited by the State and managed by the State. Funds may only be applied by the State to the Project. If after final Project accounting any excess funds remain, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.

Article 16, Debarment Certification is deleted in its entirety and replaced with the following:

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

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Article 17, Cost Principles and Office of Management and Budget (OMB) Audit Requirements is deleted in its entirety and replaced with the following:

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

Article 20, Disadvantaged Business Enterprise (DBE) Program Requirements is deleted in its entirety and replaced with the following:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

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Article 21, Federal Funding Accountability and Transparency Act Requirements is deleted in its entirety and replaced with the following:

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>
- B. The Local Government agrees that it shall:
1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
 2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
 3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

Article 22, Single Audit Report is deleted in its entirety and replaced with the following:

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR 200.
- B. If threshold expenditures are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 E. 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at <http://www.txdot.gov/inside-txdot/office/audit/contact.html>. The expenditure threshold for fiscal years beginning prior to December 31, 2014 is \$500,000; the expenditure threshold for fiscal years beginning on or after December 31, 2014 is \$750,000.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise

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amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

Article 22A. Non-Discrimination Provisions is added with the following:

- A. Relocation Assistance:** The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects.
- B. Disability:**
- a. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et. Seq.), as amended, prohibits discrimination on the basis of disability; and 49 CFR Part 27.
 - b. Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by the Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- C. Age:** The Age Discrimination Act of 1974, as amended, (42 U.S.C. § 6101 et. Seq.), prohibits discrimination on the basis of age.
- D. Race, Creed, Color, National Origin, or Sex:**
- a. The Airport and Airway Improvement Act of 1982 (49 U.S.C. § 4.71, Section 4.7123), as amended, prohibits discrimination based on race, creed, color, national origin, or sex.
 - b. The Federal Aviation Administration's Nondiscrimination state (4 U.S.C. § 47123) prohibits discrimination on the basis of race, color, national origin, and sex.
 - c. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et. seq.), prohibits discrimination on the basis of sex.
 - d. Title IX of the Education Amendments of 1972, as amended, prohibits discrimination because of sex in education program or activities (20 U.S.C. 1681 et. seq.).
- E. Civil Rights Restoration Act:** The Civil Rights Restoration Act of 1987 (PL 100-209), Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs and activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not.
- F. Minority Populations:** Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority and low-income populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- G. Limited English Proficiency:** Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the Engineer must take reasonable steps to ensure that LEP persons have meaningful access to its programs (70 Fed. Reg. at 74087 to 74100).

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Attachment C, Project Budget Estimate and Source of Funds is deleted in its entirety and replaced with Attachment C-1, Project Budget Estimate and Source of Funds.

All other provisions of the original contract are unchanged and remain in full force and effect.

2. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT



Signature

Eric Strong

Typed or Printed Name

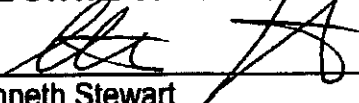
City Manager

Title

May 3, 2016

Date

THE STATE OF TEXAS,



Kenneth Stewart
Director of Contract Services
Texas Department of Transportation

06/09/16

Date

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ATTACHMENT C-1

PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS

Costs will be allocated based on applicable Federal/State funding and Local Government funding until Federal/State funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Engineering (by Local Government)	\$413,900	80%	\$331,120	0%	\$0	20%	\$82,780
Right of Way (by Local Government)	\$96,000	80%	\$76,800	0%	\$0	20%	\$19,200
Construction (by State)	\$3,500,000	80%	\$2,800,000	20%	\$700,000	0%	\$0
Subtotal	\$4,009,900		\$3,207,920		\$700,000		\$101,980
Environmental Direct State Costs	\$5,568.00	80%	\$4,454.00	0%	\$0	20%	\$1,114.00
Right of Way Direct State Costs	\$5,568.00	80%	\$4,454.00	0%	\$0	20%	\$1,114.00
Engineering Direct State Costs	\$5,570.00	80%	\$4,456.00	0%	\$0	20%	\$1,114.00
Utility Direct State Costs	\$5,568.00	80%	\$4,454.00	0%	\$0	20%	\$1,114.00
Construction Direct State Costs	\$350,000	80%	\$280,000	20%	\$70,000	0%	\$0
Indirect State Cost	\$228,884.00	0%	\$0	100%	\$228,884.00	0%	\$0
TOTAL	\$4,611,058.00		\$3,505,738.00		\$998,884.00		\$106,436.00

Initial payment by the Local Government to the State: \$4,456.00

Payment by the Local Government to the State before construction: \$0.00

Estimated total payment by the Local Government to the State \$4,456.00

This is an estimate. The final amount of Local Government participation will be based on actual costs.