

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING AGENDA
MAY 8, 2023
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 – 6:30 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. Richland Hills Police Department 2022 Crime Review
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. Recognition of outgoing Mayor Pro Tem Curtis Bergthold
- B. Recognition and proclamation for Earl Whitley
- C. Fire Department Badge Pinning
- D. National Police Week Proclamation
- E. Citizen Appearances/Public Comments

Citizen comments emailed to Lindsay Rawlinson (lrawlinson@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 April 24, 2023 City Council Regular Meeting
- B. Reapprove award of bid to Excel 4 Construction, LLC for sewer system improvements in the 2800 to 3000 blocks of Elm Park Drive as part of the 48th Year Community Development Block Grant Program

3. PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS

- A. Consider Ordinance 1471-23 adopting the 2023 Standards of Care for youth programs provided by The Link Event & Recreation Center **PUBLIC HEARING**

4. ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

- A. Consider Resolution 573-23 recognizing World Migratory Bird Day and local efforts to pursue the Bird City Texas designation by Texas Parks and Wildlife
- B. Consider Resolution 575-23 an Advanced Funding Agreement with TxDOT for the 2023 Baker Boulevard Green Ribbon Project

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

- A. None

6. OTHER ITEMS FOR CONSIDERATION

- A. None

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 4th day of May 2023 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 Rawlinson

Lindsay Rawlinson
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: Kimberly Sylvester, Chief of Police

Date: May 8, 2023

Subject: Richland Hills Police Department 2022 Crime Review

Agenda Item:

Richland Hills Police Department 2022 Crime Review

Background Information:

Chief of Police Kimberly Sylvester will present the 2022 crime review to City Council. The Police Department is hosting a Town Hall Meeting at The Link on Thursday, May 11th at 6:00 p.m. to present this information to the community.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action

Memorandum

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

From: Candice Edmondson, City Manager

Date: May 8, 2023

Subject: Recognition of Mayor Pro Tem Curtis Bergthold

Agenda Item:

Recognition of outgoing Mayor Pro Tem Curtis Bergthold

Background Information:

Mayor Lopez and the Richland Hills City Council will recognize the contributions and service of outgoing Mayor Pro Tem Curtis Bergthold.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

No Council Action

Memorandum

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

From: Lindsay Rawlinson, City Secretary

Date: May 8, 2023

Subject: Recognition and Proclamation for Earl Whitley

Agenda Item:

Recognition and Proclamation for Earl Whitley

Background Information:

After retiring from the United States Army after 25 years of service, Earl Whitley settled in Richland Hills with his wife and children in 1973. In the intervening 50 years since, Mr. Whitley has had quite a colorful life.

Mayor Lopez will present a proclamation to Earl Whitley declaring May 8, 2023 as “Earl Whitley Day” in Richland Hills.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

Earl Whitley Proclamation

Council Action Requested:

Presentation of Earl Whitley Proclamation

Proclamation



WHEREAS, 93-year-old Earl Whitley has a truly great life story; and

WHEREAS, Mr. Whitley honorably served in the United States Army from 1947 to 1973 or as he lovingly put it: “25 years, 6 months, and 2 days” serving four tours in Korea and two tours in Vietnam, among other places; and

WHEREAS, upon his retirement from the US Army, he settled down in Richland Hills in 1973 with his wife and eventually six children; and

WHEREAS, in 1981, Mr. Whitley joined the Richland Hills Police Department as a Reserve Officer; and

WHEREAS, Mr. Whitley took classes at what is now Tarrant County College to get his police certifications and retired from the Richland Hills Police Department as a full time Patrolman in 1991; and

WHEREAS, he even ran for City Council in 1986 against seven other candidates and eight write-in candidates; and

WHEREAS, I am proud to celebrate and honor a truly wonderful citizen and all around great man.

NOW, THEREFORE, BE IT RESOLVED, that I, Edward Lopez, Mayor of the City of Richland Hills, Texas do hereby proclaim May 8, 2023 as:

EARL WHITLEY DAY

in Richland Hills, Texas, and wish him health and happiness.

Mayor Edward Lopez
City of Richland Hills

Memorandum

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

From: C. Russell Shelley, Fire Chief

Date: May 8, 2023

Subject: Badge Pinning for Firefighter/EMT Anthony Dryer

Agenda Item:

Badge Pinning for Firefighter/EMT Anthony Dryer

Background Information:

Firefighter/EMT Anthony “Tony” Dryer joined the Richland Hills Fire Department as a full-time employee in January 2022. Tony was born in Tuskegee, AL and he is a lifelong Alabama Crimson Tide fan. He moved to the Ft. Worth area from Austin in 2011. Prior to joining the fire service, Tony worked in Security Services for the Gaylord Texan Resort. He attended EMT school at TCC in 2015 and the Training Division Fire Academy in 2019. He began his career as a Firefighter with the City of River Oaks in October 2019. He is currently completing Paramedic school at TCC while also wrapping up his associate degree in EMS. In his spare time Tony enjoys going to the gun range and going home to Austin to visit with family.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

N/A

Council Action Requested:

Presentation Only

Memorandum

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

From: Lindsay Rawlinson, City Secretary

Date: May 8, 2023

Subject: Presentation of National Police Week Proclamation

Agenda Item:

National Police Week Proclamation

Background Information:

In recognition of “National Police Week”, Mayor Lopez will present a Proclamation to Richland Hills Chief of Police Kimberly Sylvester.

National Police Week occurs every May, and in 2023 the National Law Enforcement Memorial and Museum will hold ceremonies, including the 35th Annual Candlelight Vigil, to honor the fallen officers whose names have recently been added to the Memorial.

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

National Police Week Proclamation

Council Action Requested:

Presentation of National Police Week Proclamation

Proclamation



WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Richland Hills Police Department; and

WHEREAS, since the first recorded death in 1786, more than 24,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, 556 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 224 officers killed in 2022 and 332 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 35th Candlelight Vigil, on the evening of May 13, 2023; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which will be observed this year May 14 – 20; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

NOW, THEREFORE, BE IT RESOLVED, that I, Edward Lopez, Mayor of the City of Richland Hills, Texas do hereby proclaim May 14 – 20, 2023 as:

NATIONAL POLICE WEEK

in Richland Hills, Texas, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

Mayor Edward Lopez
City of Richland Hills

Memorandum

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

From: Lindsay Rawlinson, City Secretary

Date: May 8, 2023

Subject: Minutes from the April 24, 2023 Regular City Council Meeting

Agenda Item:

Approval of minutes from the April 24, 2023 Regular City Council Meeting

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

April 24, 2023 Draft Minutes

Council Action Requested:

Motion to approve the minutes from the April 24, 2023 Regular City Council Meeting

**RICHLAND HILLS CITY COUNCIL
REGULAR MEETING
APRIL 24, 2023
MINUTES**

Roll Call:

Council present

Edward Lopez, Mayor
Curtis A. Bergthold, Mayor Pro Tem
Douglas Knowlton, Place 1
Travis Malone, Place 2
Javier Alvarez, Place 4
G.W. Estep, Place 5

Council absent

Staff present

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

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.

1. Section 551.071: Consultation with Attorney
 - a. Auto Repair Businesses

Motion: Motion was made by Councilmember Knowlton and seconded by Councilmember Estep to adjourn into Executive Session at 6:01 p.m.

Motion carried by a vote of 5-0.

Mayor Lopez reconvened into open session at 6:42 p.m. with no action taken.

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

- 6A. ***Consider acceptance of Annual Comprehensive Financial Report for Fiscal Year ended September 30, 2022***

City Manager Candice Edmondson introduced Daniel Hungerford, representing the accounting firm, George, Morgan & Sneed, P.C., who advised that the auditors issued an unmodified, or clean, opinion, and the auditor was able to perform the required work on

the statements provided by management, and has no reservations with respect to these financial statements.

Mayor Lopez adjourned the work session at 6:59 p.m.

REGULAR SESSION – Mayor Lopez Called to Order – Time 7:04 p.m.

INVOCATION AND PLEDGES OF ALLEGIANCE – Councilmember Malone

Motion: Motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Knowlton to move consideration of Agenda Item 6A to the beginning of the Regular Session.

Motion carried by a vote of 5-0.

6A. Accepted of Annual Comprehensive Financial Report for Fiscal Year ended September 30, 2022

Item was discussed during the work session.

Daniel Hungerford, representing the accounting firm, George, Morgan & Sneed, P.C., expressed his appreciation to the City Council for their time and attention and briefly reiterated what he reported during the Work Session.

The City Council thanked Mr. Hungerford and his accounting firm for their work.

Motion: Motion was made by Councilmember Knowlton and seconded by Mayor Pro Tem Bergthold to approve and accept the Annual Comprehensive Financial Report for Fiscal Year ended September 30, 2022.

Motion carried by a vote of 5-0.

PRESENTATIONS

1A. Business Spotlight: Austin Bridge & Road

Assistant to the City Manager Logan Thatcher provided a brief introduction for Austin Bridge & Road located at 7477 Airport Freeway.

1B. National Crime Victims Week Proclamation

Mayor Lopez read a proclamation declaring April 23 – 29, 2023, as “National Crime Victims Week” in Richland Hills and presented the proclamation to Victim Assistance Coordinator Teresa Koontz, and Victim Assistance Specialists Dennise Espeleta and Valerie Farrell with the North Richland Hills Police Department.

1C. National Corrections Officer Week Proclamation

Mayor Lopez read a proclamation declaring May 7 – 13, 2023, as “National Corrections Officer Week” in Richland Hills and presented the proclamation to Detention Facility Manager Justin Smith, Detention Lead Penny Campbell, and Detention Officer Steven DeMora with the North Richland Hills Police Department.

1D. Municipal Clerks Week Proclamation

Mayor Lopez read a proclamation declaring April 30 – May 6, 2023, as “Professional Municipal Clerks Week” in Richland Hills and presented the proclamation to City Secretary Lindsay Rawlinson.

1E. National Drinking Water Week Proclamation

Mayor Lopez read a proclamation declaring May 7 – 13, 2023, as “National Drinking Water Week” in Richland Hills and presented the proclamation to Director of Public Works and Capital Projects Kip Dernovich.

Mr. Dernovich expressed his appreciation to the City Council for the proclamation and spoke briefly about a coloring contest that will be held in conjunction with National Drinking Water Week.

1F. Citizen Appearances/Public Comments

None.

CONSENT AGENDA

2A. Approved minutes from the March 24, 2023 Strategic Planning Workshop, March 25, 2023 Strategic Planning Workshop, March 27, 2023 City Council Regular Meeting, and April 10, 2023 City Council Budget Workshop.

2B. Approved professional services agreement with Parkhill, Inc. for landscape, architectural and engineering services for the design of improvements to Creek Trail Park and Kate Baker Park

2C. Approved contract renewal with Yellowstone Landscaping, LLC for citywide landscape services and authorize City Manager to sign contract

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

Motion carried by a vote of 5-0.

PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS**3A. Denied Ordinance 1470-23 a Specific Use Permit (2023-0127) to permit a Guesthouse for the property described as Block D Lot 2 Richland Hills Addition, Richland Hills, Texas, otherwise known as 3415 Crites Street, Richland Hills, Texas 76118. PUBLIC HEARING**

Assistant to the City Manager Logan Thatcher presented the item to the City Council and advised that applicant Brandon Elias of Cavadian Properties has applied for a Specific Use Permit for a guesthouse. This property located at 3415 Crites Street is in the Single-Family Zoning District (SF-10). In the Future Land Use map, the property is placed in the Mixed-Use Zone. The property is 11,587 square feet and the guesthouse structure is 2,048 square feet. When plans were first sent to City staff for review, the plans included a kitchen. Staff advised the applicant that a guesthouse could not include a kitchen per City Ordinance. The applicant revised the plans and removed the kitchen.

Staff identified additional items that do not meet the Guesthouse Ordinance. The guesthouse must *"Meet the setback requirements for accessory structures as stated in section 4.02.01 Residential Accessory Structures" (3.02.01 (19))*. The side setback is five feet as stated in 4.02.01, *"Side. The side setback shall be five feet from the property line or out of easement, whichever establishes a greater setback, for interior lots, and 15 feet from the property line where a lot is adjacent to a side street."* The structure is currently 4'1" from the side yard property line. The structure also exceeds 40 percent of the livable floor area, which is in violation of Ordinance 3.02.01 (C,3). Additionally, the Guesthouse Ordinance states that structures *"Not be separately rented or leased from the main dwelling, whether compensation is direct or indirect"*(C,6).

The Planning and Zoning Commission considered the item at their March 28, 2023 meeting and voted 4-0 to deny Specific Use Permit 2023-0127.

Discussion ensued regarding the current use of the proposed guesthouse structure on the property.

Mr. Thatcher advised that the structure was previously a garage but is currently not used.

Juanita Harris, representing Cavadian Properties, inquired about alternatives available to the property owner if the request for the Specific Use Permit is denied.

Mayor Lopez advised that staff would work with her to discuss potential alternatives.

Mayor Lopez opened the public hearing at 7:44 p.m. and asked to hear from any proponents of the case followed by opponents.

Joyce Fiaccone, 3800 Labadie Drive, Richland Hills, inquired if the structure could be utilized partially for storage and partially as a guesthouse.

City Attorney James Donovan advised that he would have to do further research on that question.

Mayor Lopez closed the public hearing at 7:46 p.m.

Motion: Motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Knowlton to deny Ordinance 1470-23, Specific Use Permit 2023-0127 to permit a Guesthouse for the property described as Block D Lot 2 Richland Hills Addition, Richland Hills, Texas, otherwise known as 3415 Crites Street, Richland Hills, Texas 76118.

Motion carried by a vote of 5-0.

ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS

4A. Approved Resolution 574-23 stating the primary intended uses of the City of Richland Hills' second distribution of local fiscal recovery funds through the American Rescue Plan Act

City Manager Candice Edmondson presented the item to the City Council and advised that Richland Hills has received \$1,972,588.93 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 \$985,320.80 on August 23, 2021 and a second payment in the amount of \$987,268.13 on September 26, 2022.

On January 24, 2022, City Council adopted Resolution 549-22 expending the first tranche of funds for water system improvements and premium pay for essential workers (first half). Resolution 574-23 outlines City Council's intent to expend the second tranche of funds for additional water system improvements, premium pay for essential workers (second half) and expansion of broadband infrastructure.

Motion: Motion was made by Mayor Pro Tem Bergthold and seconded by Councilmember Estep to approve Resolution 574-23 stating the primary intended uses of the City of Richland Hills' second distribution of local fiscal recovery funds through the American Rescue Plan Act.

Motion carried by a vote of 5-0.

CONTRACTS, AGREEMENTS, BID AWARDS AND OTHER RELATED ITEMS

5. None.

OTHER ITEMS FOR CONSIDERATION

- 6B. Approved a minor PD amendment to the P Planned Development for the property described as Block L Lots 7 and 8A Richland Hills Addition, otherwise known as 7145 Baker Boulevard, Richland Hills, Texas 76118 and Block L Lot 6 Richland Hills Addition, otherwise known as 7151 Baker Boulevard, Richland Hills, Texas 76118 (Ordinance 1454-22)**

City Manager Candice Edmondson advised that on July 25, 2022, City Council approved Ordinance 1454-22, a Planned Development (PD) to construct townhomes at 7145 and 7151 Baker Boulevard. The project is wrapping up the civil engineering phase, and the developer, MetroCom Properties, Inc., is preparing to break ground on the public infrastructure improvements soon. The development will be called Richland Crossing.

On January 26, 2023, MetroCom Properties, Inc. submitted several minor amendments to the Planned Development as a result of detaching the single-family townhomes. The proposed amendments satisfied all the conditions of a minor PD amendment as outlined in Article 6, Section 6.07.04 of the City Ordinance and were administratively approved by the City Manager.

Recently the developer requested that the minimum building size be reduced from 1,500 square feet to 1,350 square feet to allow for a differentiating product mix within Richland Crossing. DR Horton is preparing to purchase the lots to build the townhomes and would like to reduce the minimum building size to 1,350 square feet to allow DR Horton to build three to four different floor plans, ranging in size, to capture the market and optimize success.

Since the change would not decrease the floor area by more than ten percent, the amendment satisfies the request of a minor PD amendment allowing the City Manager to administratively approve the request per City Ordinance. However, the decision to bring the request for Council consideration is because the minimum building size was originally set at 1,200 square feet when the project was first presented to the City and, based on feedback during stakeholder meetings, the minimum building size was increased to 1,500 square feet.

Discussion ensued regarding the mix of floor plans being considered for the development and the overall potential cost of each townhome.

Motion: Motion was made by Councilmember Estep and seconded by Mayor Pro Tem Bergthold to approve minor PD amendment to the Planned Development for the property described as Block L Lots 7 and 8A Richland Hills Addition, otherwise known as 7145 Baker Boulevard, Richland Hills, Texas 76118 and Block L Lot 6 Richland Hills Addition, otherwise known as 7151 Baker Boulevard, Richland Hills, Texas 76118 (Ordinance 1454-22).

Motion carried by a vote of 5-0.

REPORTS & DISCUSSIONS**7A. Street Improvement Projects**

Director of Public Works and Capital Projects Kip Dernovich presented the Street Improvement Projects update and provided details regarding Dover Lane, Magnolia Park, and Norton Drive. He advised that street sweeping began today, Monday, April 24, 2023 and is scheduled to perform 40 hours of street sweeping work throughout the week.

7B. 2nd Quarter Investment Report

Finance Director Patricia Albrecht presented the 2nd Quarter Investment Report and advised that the City is in a favorable financial position.

7C. Clean, Green, and Lean Event

Director of Parks and Recreation Jason Brown presented information regarding the upcoming Clean, Green, and Lean event to be held Saturday, April 29, 2023, from 8:00 to 10:00 a.m. at the Hike and Bike Trail and from 10:00 a.m. to 2:00 p.m. at The Link Event & Recreation Center.

7D. Charter Amendment Election

City Manager Candice Edmondson advised that early voting for a Special Charter Election to consider 27 propositions amending the City Charter began Monday, April 24, 2023 through Tuesday, May 2, 2023. The Election Day polling place will be Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas 76118. Polling sites will be open from 7:00 a.m. – 7:00 p.m. on Election Day.

Voters can learn more about the proposed Charter amendments and view the sample ballot at <https://www.richlandhills.com/421/Proposed-City-Charter-Amendments>.

7E. March Department Reports

Police Chief Kimberly Sylvester presented the Police Department and Animal Services update and advised that Captain Scott Russell will graduate from the Institute for Law Enforcement Administration on April 28, 2023 and the Vax Shack surgeries on March 23, 2023 was a success.

Discussion ensued regarding red tagging abandoned vehicles and what constitutes an abandoned vehicle.

Director of Parks and Recreation Jason Brown provided the Parks Department update and advised of issues related to mowing public areas and announced that Assistant to the City Manager Logan Thatcher will present information regarding Development Services during the Second Saturday Seminar on Saturday, May 13, 2023.

COMMUNITY INTEREST ITEMS

8. Mayor Pro Tem Bergthold advised of several upcoming events:

- Monday, April 24, 2023 through Tuesday, May 2, 2023, Early Voting for the Charter Amendment Election;
- Thursday, April 27, 2023, Vax Shack, Animal Services Center, 10:00 to 1:00 p.m.
- Saturday, April 29, 2023, Clean Green & Lean, City Parks and The Link, 8:00 to 10:00 a.m.;
- April 15 through May 15, Pick a Perk Link Membership Sale;
- Saturday, May 6, 2023, Election Day, City Hall, 7:00 a.m to 7:00 p.m.;
- Tuesday, May 9, 2023, Richland Hills Literary Society, Public Library, 6:30 p.m.;
- Thursday, May 11, 2023,
 - o Senior Lunch Bunch and Bingo, The Link, 12:00 to 2:00 p.m.;
 - o Tarrant County Food Pantry, The Link parking lot, 5:30 to 7:00 p.m.;
 - o Police Department Town Hall, The Link, 6:00 p.m.;
- Saturday, May 13, 2023, Push-In Ceremony, Fire Station, 9:00 to 10:30 a.m.;
- Monday, May 14, 2023, Flag Lowering Ceremony, Police Department;
- Tuesday, May 16, 2023, Carnival with the Cops, The Link, 5:00 to 6:30 p.m.;
- Every Thursday, Coffee Talk, Public Library, 10:00 to 11:30 a.m.;
- 1st, 3rd, and 5th Thursday of the month, Storytime at the library, 6:30 p.m.; and
- 2nd and 4th Friday of the month, Arts and Crafts, 6:30 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 Knowlton to adjourn.

Motion carried by a vote of 5-0.

There being no further business to come before the City Council, Mayor Lopez declared the meeting adjourned at 8:51 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Edward Lopez, Mayor

Memorandum

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

From: Candice Edmondson, City Manager

Date: May 8, 2023

Subject: Award of Bid for 48th Year Community Development Block Grant Program

Agenda Item:

Reapprove award of bid to Excel 4 Construction, LLC for sewer system improvements in the 2800 to 3000 blocks of Elm Park Drive as part of the 48th Year Community Development Block Grant Program

Background Information:

On February 27, 2023, City Council approved an award of bid to Excel 4 Construction, LLC for sewer system improvements in the 2800 to 3000 blocks of Elm Park Drive as part of the 48th Year Community Development Block Grant (CDBG) Program offered in partnership with Tarrant County. The project includes replacement of approximately 1400 linear feet of 6" sanitary sewer main pipe with 8" pipe, 4 manholes and approximately 38 service connections.

Upon receiving the City's approval, Tarrant County noticed that the funding allocation and pledge amount specified in the memo were incorrect. The 48th Year CDBG funding allocation for Richland Hills was \$180,266.50, of which \$14,999 is allocated for engineering and \$165,267.50 is allocated for construction. This left the City with a pledge amount of \$80,912.50. The previous memo incorrectly listed the funding allocation as \$175,000 and pledge amount as \$71,180.

Financial Considerations:

Excel 4 Construction submitted a bid in the amount of \$246,180. The CDBG funding allocation for construction is \$165,267.50 leaving an additional \$80,912.50 that the City will have to contribute to the project. Funding for the additional costs is available in the FY 2023 Utility Fund Budget under sewer system repairs and maintenance.

Legal Review:

N/A

Board/Citizen Input:

Application for the project was approved as Resolution No. 550-22 during a Public Hearing on February 28, 2022.

Attachments:

Bid Tabulation Form
Recommendation Letter from Halff

Council Action Requested:

Motion to reapprove award of bid to Excel 4 Construction, LLC in the amount of \$246,180 for sewer system improvements in the 2800 to 3000 blocks of Elm Park Drive as part of the 48th Year Community Development Block Grant Program with a pledge amount from Richland Hills of \$80,912.50

TARRANT COUNTY COMMUNITY DEVELOPMENT CITY OF RICHLAND HILLS SANITARY SEWER IMPROVEMENTS (ELM PARK AND FIR PARK)				COMPANY		COMPANY							
BID OPENS: 10:00 A.M., WEDNESDAY, JANUARY 25, 2023				Excel 4 Construction, LLC P.O. Box 4739 Fort Worth, TX 76164		Horseshoe Construction, Inc. 3309 S. Battleground Rd LaPorte, TX 77571							
ITEM #	DESCRIPTION	U/M	QTY	UNIT \$	TOTAL \$	UNIT \$	TOTAL \$						
Total Bid													
1.01	Preparation of Right-Of-Way	LS	1	8,500.00	8,500.00	25,000.00	25,000.00						
1.02	Control Staking	LS	1	3,100.00	3,100.00	1,000.00	1,000.00						
1.03	Mobilization	LS	1	5,500.00	5,500.00	20,000.00	20,000.00						
1.04	Traffic Control	LS	1	6,500.00	6,500.00	2,500.00	2,500.00						
1.05	Remove and Dispose Existing Sanitary Sewer Manhole	EA	4	500.00	2,000.00	1,000.00	4,000.00						
1.06	Remove and Dispose Asphalt Pavement	SF	128	5.00	640.00	5.00	640.00						
1.07	Remove and Dispose Concrete Pavement and Flatwork	SF	64	8.00	512.00	5.00	320.00						
1.08	Remove and Dispose Concrete Curb and Gutter	LF	10	15.00	150.00	20.00	200.00						
1.09	Remove and Replace Existing Fence (Various Height/Material)	LF	111	40.00	4,440.00	75.00	8,325.00						
1.10	8" HDPE SDR 26 Sanitary Sewer (By Pipe Bursting Method)	LF	1,388	74.00	102,712.00	90.00	124,920.00						
1.11	Pre-Construction Television Inspection	LF	1,388	3.00	4,164.00	5.00	6,940.00						
1.12	Post-Construction Television Inspection	LF	1,388	2.00	2,776.00	3.00	4,164.00						
1.13	Sanitary Sewer Service Connection w/ Clean Out	EA	38	1,250.00	47,500.00	1,000.00	38,000.00						
1.14	Connect to Existing Sanitary Sewer Line	EA	3	700.00	2,100.00	500.00	1,500.00						
1.15	4-Foot Diameter Standard Sanitary Sewer Manhole (0 to 6-Foot Deep)	EA	3	6,700.00	20,100.00	7,500.00	22,500.00						
1.16	4-Foot Diameter Standard Sanitary Sewer Drop Manhole (0 to 6-Foot Deep)	EA	1	7,700.00	7,700.00	8,500.00	8,500.00						
1.17	Extra Depth For 4-Foot Diameter Standard Sanitary Sewer Manhole	VLF	3	180.00	540.00	300.00	900.00						
1.18	Point Repair For Pipe Enlargement Sag Adjustment	LF	50	102.00	5,100.00	200.00	10,000.00						
1.19	Full-Depth Asphalt Pavement Repair	SF	128	18.00	2,304.00	25.00	3,200.00						
1.20	Full-Depth Concrete Driveway Repair	SF	23	142.00	3,266.00	20.00	460.00						
1.21	Separate Curb and Gutter	LF	10	25.00	250.00	50.00	500.00						
1.22	Concrete Sidewalk (4")	SF	41	136.00	5,576.00	18.00	738.00						
1.23	Solid Block Sod with 4-Inches of Topsoil	SY	430	25.00	10,750.00	10.00	4,300.00						
	Total Bid				246,180.00		288,607.00						
	ALL DOCUMENTS RECEIVED?				YES		YES						
	BID BOND RECEIVED?				YES		YES						



4000 Fossil Creek Boulevard
Fort Worth, Texas 76137
(817) 847-1422
Fax (817) 232-9784

January 27, 2023
AVO 47615.002

Mr. Scott Mitchell
Director of Neighborhood Services
City of Richland Hills
3200 Diana Drive
Richland Hills, Texas 76118

Re: **Bids Received for Program Year 2022 - 48th Year CDBG Project**

Dear Mr. Mitchell:

Bids for the subject project were opened on January 25, 2023. A total of two (2) complete bids were received for the project. The detailed bid tabulation sheet for the bids received is enclosed for your use. All Bidders submitted with their respective Bids a complete set of documents as required by the Contract Documents. The lowest base bid was submitted by Excel 4 Construction, LLC, with a total of \$246,180.00. The bids ranged as high as \$288,607.00.

The surety company to be used by Excel 4 Construction, LLC, is SWISS RE CORPORATE SOLUTIONS PREMIER INSURANCE CORPORATION, 1200 Main Street Suite 800, Kansas City, Missouri 64105, which is under the SWISS REINSURANCE AMERICA CORPORATION. We checked the following:

1) SWISS REINSURANCE AMERICA CORPORATION is on the federal Register list of companies holding certificates of authority as acceptable sureties on federal bonds and as acceptable reinsuring companies. 2) The project total amount does not exceed SWISS REINSURANCE AMERICA CORPORATION's bonding capacity as set by the Department of Treasury.

Excel 4 Construction, LLC, provided experience records that included several utility installation construction projects of similar nature and magnitude, and they provided resumes of the key personnel who will be assigned to the project. The projects and key personnel are summarized below:

Similar Project Experience

Owner	Contact	Phone Number	Project
City of Euless	Allen J. Harts	817-685-1647	FY 2020 Sanitary Sewer Rehab Project and other Pipe Bursting Projects with 8" HDPE
Town of Highland Park	Heather Cerda	214-559-9358	2018 Dartmouth Avenue and other Pipe Bursting Projects
City of Burleson	Lance Barton	817-426-9621	2018 Independent Water/Sewer Rehab Project involving 8" Sewer



4000 Fossil Creek Boulevard
Fort Worth, Texas 76137
(817) 847-1422
Fax (817) 232-9784

City of Hurst	Jim Juneau	817-788-7078	2018 8" Sanitary Sewer Pipe Bursting Improvements, and Yearly Sewer Main Rehabilitation (Pipe Bursting)
City of River Oaks	Gordon Smith	817-626-5421	Roberts Cutoff Rd Sewer Emergency Project, and Multiple Water and Wastewater Projects, both Open Cut and Pipe Bursting

Key Personnel

1. Luis Conchas – President

Halff checked the references listed in the experience record provided, as well as additional references provided by Excel 4 Construction, LLC and received responses from the City of Euless, Town of Highland Park, City of Burleson, City of Hurst, and the City of River Oaks. All references' responses were positive, and each said that they would recommend working with Excel 4 Construction, LLC. Excel 4 has had extensive experience working in the City of Richland Hills and current staff have worked with them on multiple projects.

Based on the information above, we do not find grounds to disqualify Excel 4 Construction, LLC from the project based on their experience and prior performance as defined in the project specifications. This evaluation is limited to review of the Federal Register and project experience furnished to Halff by Excel 4 Construction, LLC, and verifying references listed above.

Halff recommends the following actions be taken at the next appropriate council meeting:

1. Approve awarding the contract to Excel 4 Construction, LLC
2. Approve the contract amount of \$246,180.00

We look forward to working with the City of Richland Hills and the Contractor on the next phase of this important project. Please feel free to contact me if you need additional information.

Sincerely,

HALFF ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "K. J. Gronwaldt", written over a horizontal line.

Kevin J. Gronwaldt, P.E.
Project Manager

C: Brad Heame, Program Manager

Attachment

Tarrant County Community Development - City of Richland Hills Sanitary Sewer Improvements (Elm Park and Fir Park)

Bid Opening: January 25, 2023

Tarrant County Community Development Program Manager: Brad Hearne
 City of Richland Hills Director of Neighborhood Services: Scott Mitchell
 City of Richland Hills City Engineer: David Burkett, PE
 Halff Associates, Inc. Project Manager: Kevin Gronwaldt, PE

Low Bidder

BID SUMMARY

	Excel 4 Construction, LLC	Horseshoe Construction, Inc.	
TOTAL BID	\$246,180.00	\$288,607.00	
All Documents	Yes	Yes	
Bid Bond	Yes	Yes	

Bids Certified by:


 Kevin J. Gronwaldt, PE

Memorandum

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

From: Jason Brown, Director of Parks and Recreation

Date: May 8, 2023

Subject: Adoption of 2023 Standards of Care

Agenda Item:

Consider Ordinance No. 1471-23 adopting the 2023 Standards of Care for youth programs provided by The Link Event & Recreation Center **PUBLIC HEARING**

Background Information:

The Link offers youth programs for elementary aged children in the form of day camps and after-school programs. Texas Legislature requires municipal day camp programs for this age group to file for exemption (Section 42.041(b)(14) of the Child Care Standards and Regulations of the Texas Human Resource Code). The code reads, to receive exempt status, a municipality must submit a copy of program standards, a notice of a public hearing for the program and a copy of the ordinance adopting the standards. The public hearing and adoption of the ordinance may occur on the same day.

The Standards of Care will provide basic childcare regulations for day camp and after-school activities that are operated by the City of Richland Hills recreation staff, allowing the department to qualify for an exemption from the requirements of the Texas Child Care Standards and Regulations within the Texas Human Resources Code.

The City of Richland Hills day camp meets, and in some cases exceeds, many of the standards listed in the state's Child Care Standards and Regulations. All the Standards of Care included in the Richland Hills policies are similar to what other municipalities currently use.

The Standards of Care will be provided to the parents of each participant and shall include, at a minimum:

- Minimum requirements for staffing ratios
- Staff qualifications and essential job functions
- Facility, health and safety standards
- Training and procedures for reporting child abuse/neglect allegations
- Written procedures stating that parents and each staff member will be offered access to the set of standards
- Contact information of program supervisors for the purpose of issuing a formal complaint and/or resolution regarding any program governed by the Standards of Care

- Written procedures for staff who will be monitoring the programs and enforcing the standards
- Requirement of criminal background checks on prospective day camp employees
- Service standards for communicating with parents and performance expectations of day camp employees
- Behavior management and discipline procedures
- General rules and regulations

The application for exemption determination and the formal adoption of the Standards of Care is an annual requirement, so that the Standards of Care can be revised as needed to reflect current regulations. For 2023, staff amended some of the language to clarify the ages that The Link can host and age versus grade level distinction. The Standards of Care now clearly identifies that all elementary grades K-5th will have access to Link programs.

Financial Considerations:

Approval of the 2023 Standards of Care will require no additional funding.

Legal Review:

The City Attorney has previously reviewed the Standards of Care.

Board/Citizen Input:

N/A

Attachments:

Ordinance No. 1471-23

Council Action Requested:

Motion to approve Ordinance No. 1471-23 adopting the 2023 Standards of Care for youth programs provided by The Link Event & Recreation Center

ORDINANCE NO. 1471-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, ADOPTING THE 2023 STANDARDS OF CARE FOR YOUTH PROGRAMS PROVIDED AT THE LINK EVENT AND RECREATION CENTER; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills, Texas, 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 Link Event and Recreation Center will be offering youth programs in the form of day camps and after-school programs for children ages 5 years old to 12 years old; and

WHEREAS, state law requires that the City conduct a public hearing and adopt Standards of Care for the operation of the youth programs; and

WHEREAS, on May 8, 2023, the City properly posted and conducted a public hearing to receive public input on the adoption of the 2023 Standards of Care; and

WHEREAS, the City Council deems it appropriate to adopt Standards of Care which are in full compliance with the requirements of Chapter 42 of the Texas Human Resources Code.

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

SECTION 1.

The Standards of Care attached hereto as **Exhibit A** and incorporated herein for all purposes are hereby adopted as the Standards of Care for The Link as well as all after-school programs operated by The Link during the Birdville Independent School District (BISD), International Leadership of Texas (ILT), and IDEA Public School (IDEA) calendars. Parents of each program participant shall be provided with a copy of the Standards of Care and be informed that the program is not licensed by the state. The City may not advertise The Link as a childcare facility.

SECTION 2.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

That all rights and remedies of the City of Richland Hills are expressly saved as to any and all violations of the provisions of the Code of Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

The City Secretary of the City of Richland Hills is hereby directed to publish this Ordinance to the extent required by law.

SECTION 6.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on May 8, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

EXHIBIT A

Standards of Care

City of Richland Hills – The Link – Event and Recreation Center

I. General Information / Administration

Purpose: To provide basic childcare regulations for activities operated by The Link – Event and Recreation Center in Richland Hills (The Link). This will allow The Link to qualify as exempt from requirements of the Texas Human Resources Code.

A. Organization:

- 1) The governing body of The Link is the Richland Hills' City Council.
- 2) Implementation of the Standards of Care (SOC) is the responsibility of the The Link Manager and staff.
- 3) The SOC will apply to several day camp programs which are conducted throughout the year by The Link. The SOC will also apply to the After-School programs that The Link will operate during the Birdville Independent School District (BISD), International Leadership of Texas (ILT), and IDEA Public School (IDEA) calendars.
- 4) The SOC will apply at all locations where The Link hosts a childcare program, including city facilities, fulltime off-site facilities, and while on field trips.
- 5) The Link will have available, for public and staff, a current copy of the SOC upon request.

B. Implementation:

The Link Manager, Recreation & Childcare Coordinator, and Summer Camp Director will be responsible for implementing the SOC for all childcare programs run by The Link.

C. Day Camp Objectives:

- 1) To provide children and youth with opportunity to experience a variety of recreational activities which include sports, games, arts and crafts, education, drama, special events, field trips, tournaments, etc.
- 2) To provide an encouraging atmosphere emphasizing positive development of physical skills, emotional growth, and self-confidence.
- 3) To provide a safe environment; always promoting good health and welfare for all.
- 4) To teach children and youth how to spend their leisure time wisely; in an effort to meet the emotional, physical, and social needs of the child.

D. Exemption Status:

Once an exempt status is established, the Licensing Division will not monitor the recreational program. The Licensing Division will be responsible for investigating complaints of unlicensed childcare and for referring other complaints to the municipal authorities or, in the case of abuse/neglect allegation, to the local police authorities.

E. Standards of Care Review:

Standards will be reviewed annually and brought before the City Council for approval after a public hearing is held to pass an ordinance regarding section 42.041 (b) (14) of the Texas Human Resources Code. Childcare Licensing will not regulate these programs nor be involved in any complaint investigation related to the program.

Any parent, visitor or staff may register a complaint by contacting The Link Manager at (817) 616-3738 or at The Link during program hours.

II. Staffing

A) Recreation Manager – The Recreation Manager directs the children’s program staff and assists with the planning and execution the activities of participants in the childcare programs.

1) Essential Job Functions:

- a) Direct and supervise all Coordinators, Directors and Counselors including hiring and mandatory training.
- b) Develop and train staff with an age-appropriate camp curriculum (elementary ages) in accordance with the philosophy of the program.
- c) Ensure staff is committed to following established guidelines, procedures and standards.
- d) Complete facility reservations and transportation needs for all camp activities.
- e) Schedule, confirm, obtain, and distribute payment for all field trips.
- f) Maintain supplies, equipment, and all necessary documentation for the operation of the camp.
- g) Conduct on-going program evaluations implementing approved recommendations as needed.
- h) Complete and provide reports to The Link Director on a weekly basis to monitor camp activities throughout the program. Reports include: camp schedules, payroll, incident reports, and attendance.

2) Qualifications:

- a) Bachelor’s Degree in Education, Recreation or a similar area of study is preferred but not required.
- b) A minimum of three years’ experience in Recreation or Education industries.
- c) Requires a valid Texas DL with a good driving record over the last three years.
- d) Must pass city criminal background check prior to working with children. Must pass pre-employment drug screen and/or physical.
- e) Must complete First Aid, CPR and AED training prior to camp.

- 3) Requirements of Work:
 - a) Manager must complete all mandatory staff training prior to the start of camp if possible or within 6 months of hire. This training is to include, but not limited to departmental policies, The Link policy, customer service, sexual harassment, behavioral and discipline, preventative sexual abuse and molestation, and practical skills for games, songs, and crafts.
 - b) Ability to be physically active and involved with children all day.
 - c) Ability to lift 55 pounds.
 - d) Knowledge of child development and age-appropriate activities.
 - e) Advanced organizational and communication skills.
 - f) Varied experience in a variety of activities including sports, arts, nature, drama, and cooperative activities.
- B) Recreation & Childcare Coordinator and Summer Camp Director – responsible for the day-to-day operation of after school and day camp programs.
 - 1) Essential Job Functions:
 - a) Directs and supervises the day camp program for children ages 5-12.
 - b) Develop a weekly schedule of activities.
 - c) Leads and instructs all camp counselors. Plans, coordinates, and supervises programs, field trips, and activities of the day camp.
 - d) Works closely with the Recreation Manager to determine work procedures, help prepare work schedules, follow-up on accident/incident reports, and assist with discipline (staff or campers) and any other necessary assistance.
 - e) Maintain an orderly, clean, and safe environment for the children while promoting a non-competitive program directed toward accentuating positive behaviors, physical development and emotional growth.
 - f) Serves as a resource person for camp counselors. Leads the camp counselors in facilitating appropriate behavior among campers and handling inappropriate behavior promptly. Provides direct supervision to campers at all times.
 - g) Maintains positive interpersonal relations among everyone involved in the summer camp program; including children, parents, Link staff, camp staff, Recreation Manager, and Parks & Recreation Director.
 - h) Acts as a role model for children ages 5-12, displays appropriate behavior, and creates a safe, inclusive environment for all campers and staff.
 - i) Monitors the use of recreation equipment and ensures it is used in a capacity that is used in accordance with its intended use.
 - j) Ensures all equipment is returned to its original location and put back in an organized fashion when done using. Follows and enforces staff rules, policies, and procedures outlined in the Summer Camp staff handbook.
 - k) Maintains positive public relations with parents and the general public at all times. Including updating parents about their children's concerns, growth, and corrections.
 - l) Performs administrative duties such as maintaining records, incident reports, etc.
 - m) Performs all other various duties assigned by Recreation Manager.

- 2) Qualifications:
 - a) Bachelor's Degree in Education, Recreation or a similar area of study is preferred but not required.
 - b) A minimum of three years' experience in Recreation or Education industries.
 - c) Requires a valid Texas DL with a good driving record over the last three years.
 - d) Must pass city criminal background check prior to working with children.
 - e) Must pass pre-employment drug screen and/or physical.
 - f) Must complete First Aid, CPR and AED training prior to camp.
 - 3) Requirements of Work:
 - a) Coordinator and Summer Camp Director must complete all mandatory staff training prior to the start of camp if possible or within 6 months of hire. This training is to include, but not limited to departmental policies, Link policies, customer service, sexual harassment, behavioral and discipline, preventative sexual abuse and molestation, and practical skills for games, songs, and crafts.
 - b) Ability to be physically active and involved with children all day.
 - c) Ability to lift 55 pounds.
 - d) Knowledge of child development and age-appropriate activities.
 - e) Advanced organizational and communication skills.
 - f) Varied experience in a variety of activities including sports, arts, nature, drama, and cooperative activities.
- C) Camp Leader and Attendant – The Camp Leaders and Attendants are responsible for direct leadership of youth 3-12 in a variety of activities including, but not limited to games, sports, crafts, special events and field trips. The Leaders and Attendants assist in planning and organizing camp schedules, activities, supplies, equipment, and is also responsible for cleanliness of the areas used by camp participants. The Leaders and Attendants are also responsible for completing necessary forms relating to attendance, check-in/check-out procedures, accidents, and incidents. Childcare Attendants working in the Bird's Nest could interact with children 6 months to 10 years old.
- 1) Essential Job Functions:
 - a) Promote a non-competitive, positive, self-image enhancing environment for each participant through the direction of well-designed activities.
 - b) Directly lead activities using a method that will provide opportunity for the involvement of all children on an equal level.
 - c) Exhibit enthusiasm for the activity to impart a feeling of excitement to all camp participants.
 - d) Follow procedures for camper check-in/check-out. Reporting accidents, incidents, behavioral modifications, and camp schedules.
 - e) Follow guidelines for safety and storage of equipment, including inventory of supplies.
 - f) Ensure safety of all children and staff during transportation while on field trips.

- g) Provide and adhere to established guidelines set forth for the safety, behavior, communication, and discipline of the camp participants.
 - h) Recognize and reward positive, improved, and outstanding behavior and/or accomplishments of participants.
- 2) Minimum Qualifications:
- a) High School diploma and some college preferred.
 - b) One year of formal experience working with children preferred.
 - c) Requires a valid Texas DL with a good driving record over the last three years.
 - d) Must pass city criminal background check prior to working with children.
 - e) Must pass pre-employment drug screen and/or physical.
 - f) Must complete First Aid, CPR and AED training prior to camp.
- 3) Other Requirements:
- a) Leaders and Attendants must complete all mandatory staff training prior to the start of camp if possible or within a month of hire depending on the availability of each training topic. This training is to include, but not limited to departmental policies, The Link policy, customer service, sexual harassment, behavioral and discipline, preventative sexual abuse and molestation, and practical skills for games, songs, and crafts.
 - b) Staff must exhibit competency, good judgment, and self-control throughout the duration of the camp.
 - c) Staff should relate to the children with courtesy, respect, acceptance, and patience.
 - d) Staff will be evaluated at least once per year by the Link Director and Manager. Evaluations will be reviewed to discuss any areas of improvement or suggestions.
- 4) Staffing Ratios: The state required ratio for number of children (5-13) may not exceed 22:1 children to staff. The Link staff ratio will work to have a ratio no greater than 15:1. For field trips and off-site swimming, the ratio will be closer to 10:1.

III. Facility Standards

- A. Emergency evacuation and relocation plans will be posted at The Link. Program employees will inspect sites frequently for any sanitation or safety concerns. Those concerns will be passed on the Recreation & Childcare Coordinator or The Link Manager.
- B. Each camp must have a fully stocked first aid kit. This shall be checked and stocked on a weekly basis by the Recreation Coordinator or "Lead" Attendant. It shall include bandages and/or Band-Aids, rubber gloves, alcohol wipes, hot/cold packs, gauze, tweezers and scissors.

- C. In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location. Program sites will be inspected by the Fire Marshal annually. The Link Manager is responsible for compliance with the Fire Marshal's directives. The recommended number of fire extinguishers shall be inspected annually available and "primed" for use. Fire drills should be conducted once a month during the summer camp.
- D. Medication will only be administered with a parent consent form completed in addition to the program registration form. Prescription medications shall be left in the administration's locked cabinet, in their original container, labeled with the child's name, date, directions and the child's physician's name. Two staff members will be present while medication is given. Medication can only be dispensed only as stated on the bottle unless stated in written form.
- E. All medications will be recorded on the parent consent form.
- F. The Link will have adequate indoor toilets and lavatories located such that children can use them independently and program staff can supervise as needed. There shall be one flush toilet per 30 participants. Sinks will also be at 1 sink to 30 children. It is expected that all camp and afterschool participants will be potty trained. Our staff will not be able to help change children that have had an accident.
- G. All participants must wear tennis shoes daily. Sandals, slip-ons, slippers, or flip-flops will not be allowed, except with appropriate field trips, like swimming.

IV. Service Standards – Camp Staff

- A. This information will be provided to each staff member as a part of the program manual:
 - 1. Appropriate clothing will be worn at all times. City or program shirt will be with appropriate shorts, pants, jeans, or leggings. The only exemption will be bathing suits. Any clothing worn should not have any inappropriate logos, pictures, or messages.
 - 2. Staff will be provided at least two city or program shirts to wear as a uniform top. If a staff member needs to go home to change, it will be without pay.
 - 3. Females will wear one-piece suits while working with the camp or other city programs. If wearing a two-piece suit, the employee, must wear a full length t-shirt and appropriate shorts. Males will wear board shorts that are not form fitting.
 - 4. Name tags/IDs will be worn on the uniform shirt at all times.
 - 5. Participants and parents will be treated with respect at all times.

6. Program staff will take it upon themselves to resolve complaints. Do not refer customer to another staff member outside of camp staff. Elevate to "Lead" attendant, Coordinator or Director if necessary. Beyond that, take a name and phone number for fulltime staff to contact later.
7. Camp staff will keep parents informed of daily activities. General weekly schedule will be available to parents the week before. Daily schedules will be visible each day.
8. Camp staff will monitor the check-in/check-out log at all times.
9. Camp staff will keep each activity area clean and tidy. Cleaning includes floors, walls, furniture, with supplies put away after use.
10. Camp staff will be involved with participants and parents most of the time. Staff will need to check in with the front desk and fulltime staff for updates and messages.

V. Operational Issues

- A. Emergency phone numbers are kept at The Link's front desk, as well as with the camp binder on all field trips.
- B. The Camp Manual is provided to every staff member and outlines the following:
 1. Behavior Management and Discipline Procedures
 2. Rules and Regulations
 3. Forms
 4. Service Standards
 5. Game/Activity Leadership
 6. Guidelines for Communication with children and parents
- C. Check-in/Check-out forms will be used every day. Only adults listed on the camper's release form will be allowed to pick up participants. The authorized adults must enter the building and sign the check-out form in order for staff to release the child.
- D. Emergency evacuation and relocation plans will be posted at The Link.
- E. Transportation Requirements

A Texas state law for child safety seats: specifically booster seats, went into effect on September 1, 2009. This law applies to children under the age of eight and under four foot and nine inches tall. This law will apply to camp participants between the ages of five and seven years old.

The state law states:

- Once a child reaches eight years old, they are not legally required to be in a child safety seat system.

- If the child is younger than eight, but is already taller than four foot and 9 inches tall, that are not legally required to be in a child safety seat system.
- If the child is eight but shorter than the above height, they are not legally required to be in a child safety seat system.
- The law requires that safety and booster seats be installed and used according to the manufacturer's instructions, including age, height and weight requirements and the placement in the vehicle.

In compliance with this law, parents may be required to supply the appropriate booster seat for their child if they fit into the criteria above.

Camp staff will be trained to identify children that are required to be in a booster seat based on birth date. Additionally, staff will be trained by the Richland Hills Police Department on how to properly install a child safety seat.

- F. Parents will be notified of and given additional permission forms, if needed, for field trips. Enrollment information will be maintained on each vehicle while traveling to and from field trips sites.
- G. Enrollment information will be kept on each participant and shall include: Child's name, birth date, home address, guardian's phone number, back-up day-time phone numbers. The registration form will have the name and number of each individual authorized to check-out the participant. Additionally, the form will have signatures for waivers, field trip release, and travel authorization. Lastly, the medication consent will be kept in The Link's administration office.
- H. Staff will immediately notify parent or guardian when a participant is injured or has been involved in any situation that places the child at risk.
- I. The Recreation Manager or Coordinator will communicate with parents if a communicable disease or possible parasitic infestation as required by the County Department of Health.
- J. The children in camp and the afterschool program will be exposed to G and PG movies as well as E and E10 (specifically Lego games) video games. We will not be able to manage whether an individual child sees or hears any part of one of these forms of entertainment. Movies watched could include those seen at The Link or during a field trip. Parents registering their child for Link programs are agreeing to allow their child(ren) to be a part of these entertainment opportunities.
- K. In some cases it may be necessary to evaluate if our programs are the right choice for your family. Completing a registration form is not a guarantee of admission to our program. In some cases, we will need to determine if our program is appropriate for your child. Our programs are not designed for therapeutic or one-on-one care or attention.

VI. Behavior Management and Discipline Procedures

- A. Program employees will implement discipline and guidance in a consistent manner based on an understanding of individual needs and development with the best interests of program participants in mind.
- B. There will be no harsh, cruel, or corporal punishment used as a method of discipline. Discipline will be focused on growth of the individual and encouraging improved behavior management.
- C. Program employees may use brief, supervised separation for the group if necessary. Children will be aware of all camp rules prior to the start of any activity. Their understanding of the rules is an integral part of behavior management. When negative behavior occurs, the participant will know there is a consequence for their chosen action.
- D. Incident reports will be filled out on any disciplinary cases and shared with parents when picking up the child (sooner if an extreme case). Parents will be asked to sign the incident report to indicate that they have been advised about specific problems and/or negative behaviors.
- E. A participant could be suspended based on an extreme case or an aggregated concern of poor behavior choices. If that happens, parents will be contacted immediately and asked to pick up their child.
- F. Immediate removal from the program can happen if a child displays physical harm or threatens another participant. If a participant is removed from the program for behavior issues, there will not be a refund for unused time.

VII. Illness or Injury

- A. Participants shall have and maintain immunizations in accordance with those required by the Texas Department of Health for public school attendance according to age.
- B. Parents shall be notified in cases of illness or injury. If the illness includes the threat of a communicable disease, that child will need to be picked up immediately.
- C. Programs are designs for well children. If a child is suspected of having a temperature and/or shows other signs or symptoms, that child will need to be removed from the program until they can be deemed well by physician. In the case that an injury cannot be remedied with basic first aid, staff shall notify paramedics.
- D. When an injury occurs, an incident report shall be filled out immediately after the incident and given to the Recreation Coordinator and/or Link Manager with a copy kept in the Camp files.

- E. In the event of expected abuse, program employees will immediately report a concern in accordance with the Texas Family Code. In the case where a City employee is involved in an incident with a child that could be construed as child abuse, the incident must also be reported to fulltime recreation staff. Staff will then notify the Police Department and any other appropriate agency as soon as possible.
- F. Texas state law requires that staff of children and youth programs to report any suspected abuse or neglect of a child to the Texas Department of Family and Protective Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

VIII. General Guidelines for Children

- A. As a part of the Camp Manual, parents will be given the following information:
 - 1. A child is not allowed to use the phone unless it is deemed an emergency. In this case, staff should make the call for the child.
 - 2. Children must use furniture correctly, only sitting where designed and no standing on any furniture, counter, or game table.
 - 3. Running is only permitted in the gym and on special occasions in the activity rooms, then only with supervision.
 - 4. Bouncing or throwing balls is only permitted in the gym and on special occasions in the activity rooms, then only with supervision.
 - 5. Active games that could damage, furniture, fixtures, and equipment shall only be played in the appropriate areas.
 - 6. Children must always show respect toward staff and other participants.
 - 7. Children must always have on appropriate attire and athletic, non-marking shoes.
 - 8. Children will always be contained and separated from the general public, except for on field trips, park visits and when swimming. Then staff will be more diligent with their oversight, so as to know where each child is at all times.
- B. The program will provide activities for each group according to the participants' ages, interests, and abilities. The activities should be flexible and promote social and educational advancement.
 - 1. A weekly calendar will be available to parents the week before each camp session starts.
 - 2. While monitoring field trips, staff will;
 - a) Count everyone before leaving The Link and before returning back from the destination.
 - b) Carry all pertinent participant information including medical information.
 - c) Carry a first aid kit and mobile phone in each vehicle that is transporting participants.
 - d) Each participant will wear a Link wrist band on each field trip. The wrist band will have Link information in case a participant gets lost or loses visual contact with the rest of the group.

IX. Monitoring and Enforcement

- A. Standards of Care established by the City of Richland Hills will be monitored and enforced by City Departments responsible for their respective areas. Health and safety standards will be monitored and enforced by the City's Police, Fire, and Code Enforcement departments when applicable.
- B. Staff and program issues will be monitored and enforced by the Recreation Department staff. The Link Manager shall visit the program facilities on a bi-weekly basis. The Recreation Coordinator will be responsible for a visual inspection on a daily basis.
- C. Monthly reporting by The Link Manager will include a comprehensive review of all program details, as well as the operation summaries.

For further information regarding the Standards of Care or any other information about children and youth programs offered by The Link please contact the front desk at 817-616-3738.

Memorandum

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

From: Jason Brown, Director of Parks and Recreation

Date: May 8, 2023

Subject: Resolution 573-23 World Migratory Bird Day

Agenda Item:

Consider Resolution 573-23 recognizing World Migratory Bird Day and local efforts to pursue the Bird City Texas designation by Texas Parks and Wildlife

Background Information:

North American bird populations, specifically migratory birds, have declined steeply since 1970. Migratory bird populations have declined dramatically due to continued urban development, increased light pollution, and other human related actions that challenge the migratory paths and localized inhabitation around urban settings.

By approving Resolution 573-23 the Richland Hills City Council acknowledges the importance of migratory birds and their continued successful breeding and population growth. This statement further acknowledges the City's responsibility to find ways to be a part of the solution through information, education and sustainability.

Financial Considerations:

There will be negligible financial commitment, beyond staff time. Future actions that align with this resolution will be focused on children's programming and community education for those who would like to actively participate.

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

Resolution 573-23

Council Action Requested:

Motion to approve Resolution 573-23 recognizing World Migratory Bird Day and local efforts to pursue the Bird City Texas designation by Texas Parks and Wildlife

RESOLUTION NO. 573-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, RECOGNIZING WORLD MIGRATORY BIRD DAY AND LOCAL EFFORTS TO PURSUE THE BIRD CITY TEXAS DESIGNATION BY TEXAS PARKS AND WILDLIFE.

WHEREAS, migratory birds are some of the most beautiful and easily observed wildlife that share our communities; and

WHEREAS, most citizens recognize and welcome migratory songbirds as symbolic harbingers of spring and fall; and

WHEREAS, bird migration is interconnected with delicate local ecosystems, serving to control insect pest populations, support pollination, and foster seed dispersal; and

WHEREAS, migratory birds face the challenges of diminishing migratory habitats in the Americas and increased dangers on their migration routes; and

WHEREAS, protecting vulnerable species through active conservation efforts is a fundamental strategy for urban resilience and natural resource regeneration; and

WHEREAS, the City of Richland Hills location at the confluence of the Post Oak Savannah, South Texas Plains, Blackland Prairie, and Edwards Plateau ecoregions enables important nesting habitat for migratory birds, including two highly endangered species: the Black-capped Vireo and the Golden-cheeked Warbler; and

WHEREAS, one of the North American migratory flyways cuts through Richland Hills, providing special opportunities for residents and tourists alike to witness and appreciate bird migration, the varied bird species it brings through our community, and the value of conservation efforts; and

WHEREAS, the Smithsonian Migratory Bird Center created World Migratory Bird Day (WMBD) in 1993 as an educational campaign to emphasize migratory bird conservation and raise public awareness of the nearly 350 species that travel between habitats throughout North America and their wintering grounds in South and Central America, Mexico, the Caribbean, and the southern U.S.; and

WHEREAS, educational campaigns and public awareness for migratory birds are essential elements of migratory bird conservation, and it would be impactful for Richland Hills to add its voice to the global conversation surrounding this celebration of and urgent need for migratory bird conservation; and

WHEREAS, migratory bird conservation efforts help protect the birdwatching industry in our community and across the U.S., which generates millions in recreational dollars annually; and

WHEREAS, while WMBD officially is held each year on the second Saturday in May, its observance is not limited to a single day, and community planners are encouraged to schedule activities on the dates best suited to the presence of both migrants and celebrants; and

WHEREAS, WMBD is not only a day to foster appreciation for wild birds and to celebrate and support migratory bird conservation, but also it is a call to action for the community to understand, recognize, and care for our migratory bird life.

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

SECTION 1.

The City of Richland Hills recognizes World Migratory Bird Day annually beginning on Saturday, May 13, 2023.

SECTION 2.

The City of Richland Hills supports local organizations in their efforts to leverage this resolution recognizing World Migratory Bird Day toward acquiring a Bird City Texas designation from the Texas Parks and Wildlife Department.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on May 8, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

THE HONORABLE EDWARD LOPEZ, MAYOR

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

Memorandum

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

From: Jason Brown, Director of Parks and Recreation

Date: May 8, 2023

Subject: 2023 Baker Boulevard Green Ribbon Advanced Funding Agreement

Agenda Item:

Consider Resolution 575-23 an Advanced Funding Agreement with TxDOT for the 2023 Baker Boulevard Green Ribbon Project

Background Information:

The City of Richland Hills has been awarded its fifth Green Ribbon project grant since 2014. The original project included the installation of irrigation and landscaping at the east and west monument signs, as well as along Baker Boulevard.

The following year, the city was awarded another Green Ribbon grant to complete the installation of irrigation and landscaping on all Baker Boulevard medians. Additional funding was needed to complete the project, so the city applied for another grant in 2018.

The 2018 grant was designed to remove or replace most of the vegetation in the medians. The scope of this grant included every median between Rufe Snow and Handley-Ederville Road.

The 2022 grant focused on the medians on the eastern and western ends of Baker Boulevard. A notable change in vegetation was planned with this grant. TxDOT and the city agreed to move away from the xeriscape concept with decomposed granite and low hydration vegetation. A new palette of plants was chosen to offer more color and vibrancy, along with mulch instead of granite. The long-term goal of this change was to improve maintenance and weed control while enhancing the aesthetics of the corridor.

The 2023 grant will continue implementation of the new palette in the medians located from Handley-Ederville to Rufe Snow. Once completed, all medians on Baker Boulevard will consist of the same landscape palette.

Financial Considerations:

The project has been estimated at \$540,153. The city is responsible for \$85,000, which covers design, engineering and mandatory environmental study. Halff Associates will provide those services. The remaining costs will be covered by federal and state funds.

Funding for design, engineering and environmental study is available in the Tax Increment Financing (TIF) Fund and meets the objectives of the approved TIF Financing and Project Plan.

Legal Review:

The City Attorney has reviewed the Advanced Funding Agreement

Board/Citizen Input:

N/A

Attachments:

Resolution 575-23
Draft Advanced Funding Agreement

Council Action Requested:

Motion to approve Resolution 575-23 an Advanced Funding Agreement with TxDOT for the 2023 Baker Boulevard Green Ribbon Project

RESOLUTION NO. 575-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE THE ADVANCED FUNDING AGREEMENT (AFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR A GREEN RIBBON PROJECT ALONG STATE HIGHWAY (SH) 183.

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes; and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision; and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds; and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects; and

WHEREAS, the Texas Transportation Commission passed Minute Order Number 116292 authorizing the State to undertake and complete a highway improvement or other transportation project generally described as Landscape Development. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, Highway 183, also known as Baker Boulevard, is a Texas Department of Transportation (TxDOT) managed road; and

WHEREAS, the medians on Baker Boulevard, are eligible for grants offered by TxDOT; and

WHEREAS, it is the City's responsibility to manage the medians after the completion of any work done on the medians; and

WHEREAS, the City Council of the City of Richland Hills, Texas, has approved entering into this Agreement by resolution dated May 8, 2023.

NOW, THEREFORE, BE IT RESOLVED, BUT THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

SECTION 1.

The City Council authorizes an Advance Funding Agreement with the State of Texas for the construction of the Highway Safety Improvement Program (CSJ # 0094-02-146) grant improvements from Rufe Snow to Handley-Ederville for an estimated total cost of \$540,153, with the City's share of the cost being 20 percent or \$85,000 plus any cost overruns. The City Manager is authorized to execute all documents necessary to complete this transaction.

SECTION 2.

It is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that the public notice of the time, place, and purpose of said meeting was given as required by law.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on May 8, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

ATTEST:

The Honorable Mayor Edward Lopez

Lindsay Rawlinson, City Secretary

TxDOT:				Federal Highway Administration:	
CSJ #	0094-02-146			CFDA No.	20.205
District #	02-FTW	AFA ID	Z00005305	CFDA Title	Highway Planning and Construction
Code Chart 64 #	35300				
Project Name	HWY 183; Landscape Improvements			AFA Not Used For Research & Development	

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT For Green Ribbon Project On-System

THIS AGREEMENT (Agreement) is made by and between the State of Texas, acting by and through the **Texas Department of Transportation** called the “State”, and the **City of Richland Hills**, acting by and through its duly authorized officials, called the “Local Government”. The State and Local Government shall be collectively referred to as “the parties” hereinafter.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the Texas Transportation Commission passed Minute Order Number **116292** authorizing the State to undertake and complete a highway improvement or other transportation project generally described as **Landscape Development**. The portion of the project work covered by this Agreement is identified in the Agreement, Article 3, Scope of Work (Project), and

WHEREAS, the Governing Body of the Local Government has approved entering into this Agreement by resolution, ordinance, or commissioners court order dated _____, which is attached to and made a part of this Agreement as Attachment C, Resolution, Ordinance, or Commissioners Court Order (Attachment C). A map showing the Project location appears in Attachment A, Location Map Showing Project (Attachment A), which is attached to and made a part of this Agreement.

TxDOT:				Federal Highway Administration:	
CSJ #	0094-02-146			CFDA No.	20.205
District #	02-FTW	AFA ID	Z00005305	CFDA Title	Highway Planning and Construction
Code Chart 64 #	35300				
Project Name	HWY 183; Landscape Improvements			AFA Not Used For Research & Development	

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, to be by them respectively kept and performed as set forth in this Agreement, it is agreed as follows:

AGREEMENT

1. Responsible Parties:

For the Project covered by this Agreement, the parties shall be responsible for the following work as stated in the article of the Agreement referenced in the table below:

1.	N/A	Utilities	Article 8
2.	Local Government	Environmental Assessment and Mitigation	Article 9
3.	Local Government	Architectural and Engineering Services	Article 11
4.	State	Construction Responsibilities	Article 12
5.	N/A	Right of Way and Real Property	Article 14

2. Period of the Agreement

This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided below.

3. Scope of Work

The scope of work for the Project consists of landscaping and irrigation improvements within the existing median along SH 183 (Baker Boulevard) from Wehring Road to Handley Ederville Road as shown on Attachment A.

4. Project Sources and Uses of Funds

The total estimated cost of the Project is shown in Attachment B, Project Budget (Attachment B) which is attached to and made a part of this Agreement.

- A. If the Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, the Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

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- B. The expected cash contributions from the federal government, the State, the Local Government, or other parties are shown in Attachment B. The State will pay for only those Project costs that have been approved by the Texas Transportation Commission. For projects with federal funds, the State and the federal government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration (FHWA). After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- C. Attachment B shows, by major cost categories, the cost estimates and the party responsible for performing the work for each category. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.
- E. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government.
- F. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.
- G. When the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from the receipt of the State's written notification of additional funds being due.
- H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.
- I. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment B. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering performed or reviewed by the State for

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Project Name	HWY 183; Landscape Improvements			AFA Not Used For Research & Development	

- the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- J. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this Agreement.
 - K. 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" or may use the State's Automated Clearing House (ACH) system for electronic transfer of funds in accordance with instructions provided by TxDOT's Finance Division. The funds shall be deposited and managed by the State and may only be applied by the State to the Project.
 - L. The State will not pay interest on any funds provided by the Local Government.
 - M. If a waiver for the collection of indirect costs for a service project has been granted under 43 TAC §15.56, the State will not charge the Local Government for the indirect costs the State incurs on the Project, unless this Agreement is terminated at the request of the Local Government prior to completion of the Project.
 - N. If the Local Government is an Economically Disadvantaged County (EDC) and if the State has approved adjustments to the standard financing arrangement, this Agreement reflects those adjustments.
 - O. Where the Local Government is authorized to perform services under this Agreement and be reimbursed by the State, the Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice, in a form and containing all items required by the State, no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
 - P. Upon completion of the Project, the State will perform a final accounting of the Project costs for all items of work with specified percentage funding. Any funds due by the Local Government, the State, or the federal government for these work items will be promptly paid by the owing party.
 - Q. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this Agreement or indirectly through a subcontract under this Agreement. Acceptance of funds directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - R. Payment under this Agreement beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this Agreement shall be terminated immediately with no liability to either party.

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Project Name	HWY 183; Landscape Improvements			AFA Not Used For Research & Development	

5. Termination of This Agreement

This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless:

- A. The Agreement is terminated in writing with the mutual consent of the parties;
- B. The Agreement is terminated by one party because of a breach, in which case any costs incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Agreement is terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination; or
- E. The Project is inactive for thirty-six (36) consecutive months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this Agreement.

6. Amendments

Amendments to this Agreement due to changes in the character of the work, terms of the Agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

7. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

8. Utilities

The party named in Article 1, Responsible Parties, under AGREEMENT shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable state laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or State funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is commenced.

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9. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects. The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. The identification and assessment of any environmental problems associated with the development of a local project governed by this Agreement.
- B. The cost of any environmental problem's mitigation and remediation.
- C. Providing any public meetings or public hearings required for the environmental assessment process. Public hearings will not be held prior to the approval of the Project schematic.
- D. The preparation of the NEPA documents required for the environmental clearance of this Project.

If the Local Government is responsible for the environmental assessment and mitigation, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

10. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

11. Architectural and Engineering Services

The party named in Article 1, Responsible Parties, under AGREEMENT has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the State highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the State highway system, the design shall, at a minimum, conform to applicable American Association of State Highway and Transportation Officials (AASHTO) design standards.

In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the Project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters. If the Local Government is the responsible party, the Local Government shall submit its procurement selection process for prior approval by the State. All professional services contracts must be reviewed and approved by the State prior to execution by the Local Government.

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12. Construction Responsibilities

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the following:

- A. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. If the State is the responsible party, the State will use its approved contract letting and award procedures to let and award the construction contract.
- C. If the Local Government is the responsible party, the Local Government shall submit its contract letting and award procedures to the State for review and approval prior to letting.
- D. If the Local Government is the responsible party, the State must concur with the low bidder selection before the Local Government can enter into a contract with the vendor.
- E. If the Local Government is the responsible party, the State must review and approve change orders.
- F. Upon completion of the Project, the party responsible for constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion and submit certification(s) sealed by a professional engineer(s) licensed in the State of Texas.
- G. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

13. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads and locally owned facilities after completion of the work. The State shall be responsible for maintenance of the State highway system after completion of the work if the work was on the State highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

14. Right of Way and Real Property

The party named in Article 1, Responsible Parties, under AGREEMENT is responsible for the provision and acquisition of any needed right of way or real property.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance

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verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of Richland Hills ATTN: Director of Parks and Recreation 6750 Baker Boulevard Richland Hills, TX 76118	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11 th Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this Agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

17. Legal Construction

If one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

18. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party, and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

19. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data and information prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State, in the format directed by the State, on a monthly basis or as required by the State. The originals shall remain the property of the Local Government.

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20. Compliance with Laws

The parties to this Agreement shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

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.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

- A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including

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procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - 1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
 - 2. cancelling, terminating, or suspending of the Agreement, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

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- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. 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).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. 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.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. 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 or 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).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits 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 Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. 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 parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

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27. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- 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 incorporate into its contracts with subproviders 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 submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each Local Government contract with a subprovider. The Local Government 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.*

28. Debarment Certifications

If federal funds are used, 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

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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 Agreement shall require any party to a subcontract or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

If federal funds are used, in executing this Agreement, each signatory certifies to the best of that signatory’s knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

If federal funds are used, the following requirements apply:

- 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

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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 federal government to track the distribution of federal money. The DUNS 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 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.

31. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- 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 Compliance Division 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 amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

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32. Signatory Warranty

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

Each party is signing this Agreement on the date stated under that party's signature.

THE STATE OF TEXAS

THE LOCAL GOVERNMENT

Signature

Kenneth Stewart

Typed or Printed Name

Director of Contract Services

Typed or Printed Title

Date

Signature

Candice Edmondson

Typed or Printed Name

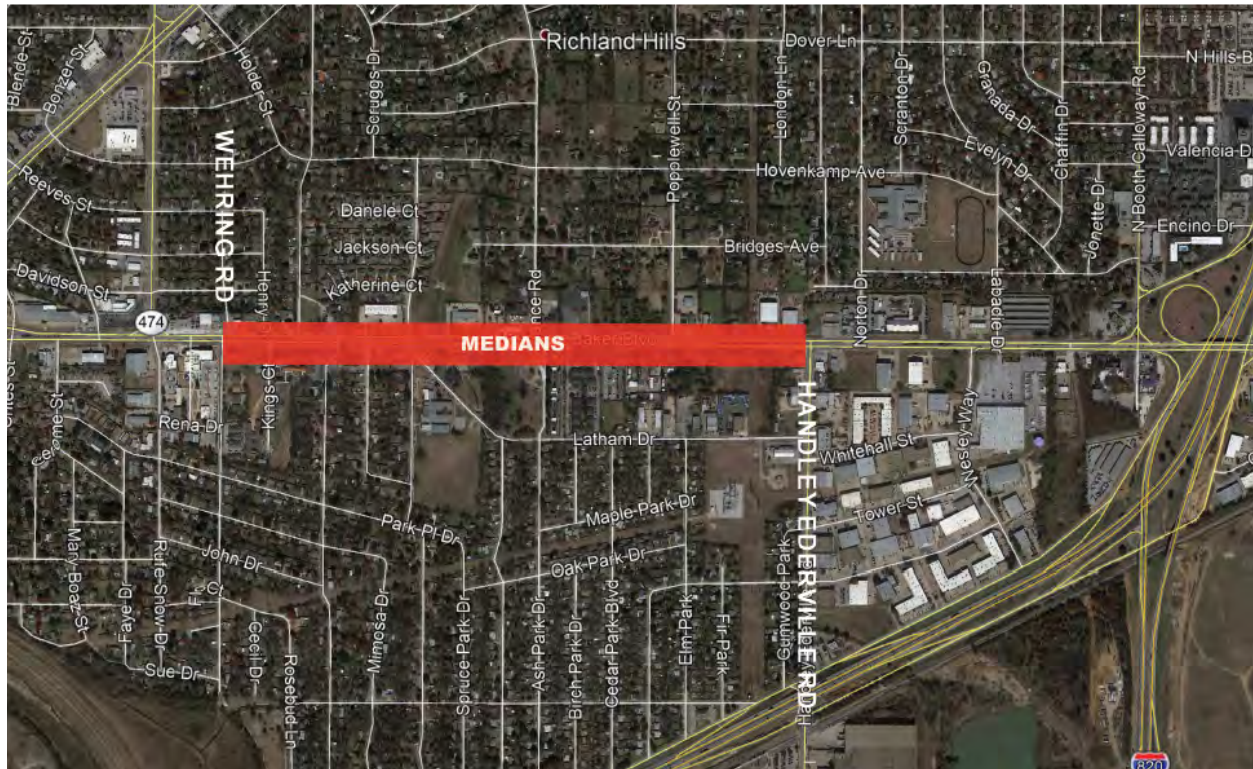
City Manager

Typed or Printed Title

Date

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ATTACHMENT A LOCATION MAP SHOWING PROJECT



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ATTACHMENT B PROJECT BUDGET

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

Construction Costs will be allocated based on 80% Federal funding and 20% State funding until the federal and state funding reaches the maximum obligated amount. The State will then be responsible for 100% of the costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Environmental (by Local Government)	\$5,000	0%	\$0	0%	\$0	100%	\$5,000
Engineering (by Local Government)	\$80,000	0%	\$0	0%	\$0	100%	\$80,000
Construction (by State)	\$400,000	80%	\$320,000	20%	\$80,000	0%	\$0
Subtotal	\$485,000		\$320,000		\$80,000		\$85,000
Environmental Direct State Costs	\$250	0%	\$0	100%	\$250	0%	\$0
Right of Way Direct State Costs	\$1	0%	\$0	100%	\$1	0%	\$0
Engineering Direct State Costs	\$4,000	0%	\$0	100%	\$4,000	0%	\$0
Utility Direct State Costs	\$1	0%	\$0	100%	\$1	0%	\$0
Construction Direct State Costs	\$27,960	0%	\$0	100%	\$27,960	0%	\$0
Indirect State Costs	\$22,941	0%	\$0	100%	\$22,941	0%	\$0
TOTAL	\$540,153		\$320,000		\$135,153		\$85,000

Initial payment by the Local Government to the State: \$0.00

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

Estimated total payment by the Local Government to the State: \$0.00

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

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ATTACHMENT C
RESOLUTION, ORDINANCE, OR COMMISSIONERS COURT ORDER

DRAFT