

**City Council
Staff Agenda Report**

Agenda Item: 9b.

Agenda Subject: Provide feedback regarding a proposed development for Block 1, Lot 6, Gardens Town Center.

<p>Meeting Date:</p> <p>April 21, 2022</p>	<p>Financial Considerations:</p> <p>Budgeted:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability</p> <p><input type="checkbox"/> Appearance of City</p> <p><input checked="" type="checkbox"/> Operations Excellence</p> <p><input type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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Background Information: A development will be proposed for Block 1, Lot 6, Gardens Town Center. The purpose is to gain council feedback in advance of the applicant paying permit fees and going through the legal process for approval. This is one way staff aims to be more business friendly.

Recommended Action/Motion: No official action allowed but feedback requested.

Attachments: Lot Identification
Drawings

**City Council
Staff Agenda Report**

Agenda Item: 9c.

Agenda Subject: Discussion and possible action regarding a status update from the city engineer on the Orchid Court project as well as various other capital improvement projects.

<p>Meeting Date:</p> <p>April 21, 2022</p>	<p>Financial Considerations:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence</p>
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Background Information: As requested by City Council, the city engineer will present to provide an update on the Orchid Court project to be bid for repair as well as any other outstanding projects council desires.

Recommended Action/Motion: no action needed at this time.

Attachments: Street Fund Analysis

143-STREET SALES TAX FUND

Fund Sources for Street Repairs	Amount	Cash Flow Availability
Logic Street Sales Tax Account Balance	206,150.15	

Estimated Funds available for Street Repairs @ 3/31/22	206,150.15
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	22-Apr	11,926.02	218,076.17
	22-May	14,942.62	233,018.79
	22-Jun	11,306.37	244,325.16
	22-Jul	12,164.75	256,489.91
	22-Aug	11,250.00	267,739.91
	22-Sep	10,499.98	278,239.89
	FY 21/22 Budget Sales Tax Revenue	72,089.74	278,239.89

Estimated Funds available for Street Repairs @ 3/31/22	278,239.89
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Crack Sealing maintenance budget		(40,000.00)	
CIP Project - Street Plan		(26,300.00)	
Elkins Drive Pavement project		(102,907.70)	
Project Estimated Totals		(169,207.70)	

Projected Funds remaining @ 9/30/22	109,032.19
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**City Council
Staff Agenda Report**

Agenda Item: 9d.

Agenda Subject: Discussion and possible action regarding contracting with the City of Pantego for mutual aid for fire services, and also possible action to authorize the Mayor to formally waive the conflict of interest for the city’s legal firm, TOASE.

<p>Meeting Date: April 21, 2022</p>	<p>Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information: The city of Pantego is seeking to create a contract with the city in order for them to provide mutual aid fire services to DWG. Because both cities are represented by the same law firm, the first step is to waive the conflict of interest for the city’s legal firm, TOASE.

Recommended Action/Motion: Motion to authorize the Mayor to formally waive the conflict of interest for the city’s legal firm, TOASE.

Attachments: TOASE Letter

**City Council
Staff Agenda Report**

Agenda Item: 9e.

Agenda Subject: Discussion and possible action to consider a change to the City of Dalworthington Gardens Code of Ordinances, Chapter 14, Zoning, changing the authority to hear special exception cases.

<p>Meeting Date: April 21, 2022</p>	<p>Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information: The current process for special exceptions is to go before the Planning and Zoning Commission, and then is sent to the Zoning Board of Adjustments for final decision. Staff is asking to change to a more common practice for these requests. The first option would be to go before the Planning and Zoning Commission and then to City Council for final decision which is a typical process for zoning matters. The second option would be to go before the Zoning Board of Adjustment for final decision, no other board or council involvement would be had. This second option is used in some other cities for special exceptions.

Because this language is in the zoning ordinance, to finally adopt a new process, the ordinance is required to go before Planning and Zoning before council can make changes to the ordinance.

Recommended Action/Motion: Motion to direct staff to begin the legal process to make changes to the authority for hearing special exception cases as follows: [state desired body to hear cases]

Attachments: Special Exception Ordinance Section

Sec. 14.02.092 Defined terms

Board. The board of adjustment of the city.

Commission. The planning and zoning commission of the city.

Council. The city council of the city.

Division 8. Special Exceptions and Other Permits

Sec. 14.02.321 Special exceptions

(a) Purpose. Certain uses are classified as special exceptions, and may be permitted in designated districts when specifically authorized by this division after approval **by the board**. Such exceptions may be granted in order that the city may develop in accordance with the intent and purpose of this article, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.

(b) Criteria for granting a special exception. In reaching a decision on any application for a special exception, **the board** shall determine:

- (1) That the requested exception will establish only those uses permitted under this division;
- (2) That the location of proposed activities and improvements are clearly defined on a site plan filed by the applicant; and
- (3) That the exception will be wholly compatible with the use and permitted development of adjacent properties, either as filed or subject to such requirements as the board may find necessary to protect and maintain the stability of adjacent properties.

(c) Authorized special exceptions. The following uses may be allowed as special exceptions in the districts specified, subject to full and complete compliance with all conditions herein provided, together with such other conditions **as the board may impose**. The conduct of any of the uses described in this subsection (c) shall be illegal in the city unless on property bearing a valid special exception therefor issued in accordance with the terms of this division.

<u>Special Exception</u>	<u>District Requiring Board Approval</u>
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- (1) Construction field office and storage yard (other than on jobsite). All districts

Conditions: Temporary, for time fixed by the board.

- (2) Amusement or entertainment, commercial commercial [sic], B-2 - LI indoor or outdoor.

- (3) Child care facilities. MF - LI
- (4) Residential recreation facilities. SF - MF
- (5) Parking, under division 9 conditions. All districts
- (6) Development sign of more than one year duration. SF - MF
- (7) Screening devices, over height or in required front yard. All districts

(2005 Code, sec. 17.8.01)

- (8) Except for brewpubs and wineries, service of alcoholic beverages for on-premises consumption; for brewpubs and wineries, service of alcoholic beverages for on-premises and off-premises consumption may be permitted B-2 - LI

(Ordinance 2019-05, sec. 6, adopted 7/18/19)

- (9) Light industrial or manufacturing uses, other than storage, to be conducted outside buildings. LI
- (10) Real estate sales office: A temporary real estate sales office. SF - MF
- (11) Retail gasoline service stations, pumps and facilities, storage tanks underground. B-3 - LI
- (12) A private stable under the following conditions: SF
 - (A) The use must be one that would in all respects qualify as an incidental use under the terms of [section 14.02.172\(6\)](#) of this article if located on the same property as a primary residential use;
 - (B) The property on which the use is to be conducted must be adjacent to or within 500 feet of the primary residence to

which it would be incidental if located on the same property;

- (C) The owner of the primary residence and the private stable must be the same; and
- (D) The private stable shall not be used for commercial purposes.

This special exception may be revoked by the board upon notice and after hearing in the event of a violation of any of the conditions described above.

- (13) Private school. B-2 - LI
- (14) Motor vehicle sales. LI
- (15) Retail specialty and novelty establishment. B-3 - LI

Definitions: For the purpose of this subsection:

- (A) "Retail specialty and novelty establishment" is a place of business which derives more than 50% of its monthly revenues from the retail sale of specialty and novelty items.
- (B) "Specialty and novelty items" means any of the following:
 - (i) Drug paraphernalia, as that term is defined in 481.002 of the Texas Health and Safety Code;
 - (ii) Wearing apparel containing obscene pictures or words, such as T-shirts, belt buckles, jewelry or any other wearing apparel;
 - (iii) Salves, ointments, gels, creams, jellies, lotions and oils advertised and designed as a sexual stimulus;

- (iv) Magazines, books, records, videocassettes, pictures, drawings and other similar material depicting and describing sexual conduct in a manner that is designed for adult use and consumption;
- (v) Incense.

(16) Billiard table establishment. B-3 - LI

Definitions: For the purposes of this subsection:

- (A) “Billiard table establishment” means any business containing a billiard table for commercial use and not merely for sale.
- (B) “Billiard table” means a table surrounded by a ledge or cushion with or without pockets on which balls are impelled by a stick or cue, but not including a coin-operated billiard table.

(17) Skill or pleasure coin-operated machines, commercial use of eight (8) or more per occupancy. B-3 - LI

Definitions: For the purposes of this subsection, the term “skill or pleasure coin-operated machine” shall have the meaning ascribed thereto by article 8801, V.T.C.S. [V.T.C.A., Occupations Code, chapter 2153]

(18) Sexually oriented business. LI

Definition: For the purpose of this subsection, “Sexually oriented business” shall have the meaning ascribed thereto by chapter 243 of the Texas Local Government Code.

Condition: No such use may be permitted at a location within one thousand (1,000) feet of a church, school, public park, boundary of a residential district or property line of a lot devoted to residential use.

(19) Motor vehicle parking, commercial. B-3 - LI

- (20) Long-term personal care facility. SF - MF

Definition: For the purposes of this subsection, a “long-term personal care facility” is a residence used as an assisted living residence for not more than four (4) unrelated persons.

Conditions: No such use shall be permitted unless:

- (A) The State of Texas has issued a license for the location under chapter 142 of the Texas Health and Safety Code; and
- (B) The owner of the facility resides in the residence.

The special exception shall continue for so long as a valid state license, as described in subsection (A), shall be in effect, unless the special exception should otherwise be terminated for violation of its terms or applicable laws.

- (21) Schools, clubs or centers for gymnastics, exercise or physical fitness. B-1 - B-2

Condition: The use shall comply with all regulatory provisions of the district in which it is located.

(2005 Code, sec. 17.8.01)

- (22) Mobile food establishment. B-2 and B-3

(Ordinance 2018-01, sec. 6, adopted 2/15/18)

- (23) HUD-code manufactured home as primary dwelling MF

(Ordinance 2018-05, sec. 4, adopted 3/27/18)

- (24) Credit access business under the following conditions: L-I

(A) No such use may be permitted at a location within one thousand (1,000) feet of a school, designated place of worship, public park, boundary of a residential district, or property line of a lot devoted to residential use.

(Ordinance 2020-12 adopted 12/17/20)

(d) Application for special exception.

(1) Qualification of applicant. Application for a special exception may be made by the owner of, or other person having a contractual or possessory interest in, the subject property. Any application filed by a person who is not the owner of the property for which the special exception is sought shall be accompanied by evidence of the consent of the owner.

(2) Contents of application. An application for a special exception shall be filed with the zoning administrator. The application shall contain the following information as well as such additional information as may be prescribed by rule of or reasonably requested by the commission or the zoning administrator:

(A) The applicant's name, address and interest in the subject property;

(B) The owner's name and address, if different from that of the applicant, and the owner's signed consent to the filing of the application;

(C) The street address and legal description of the property;

(D) The zoning classification and present use of the subject property;

(E) A description of the proposed special exception;

(F) A site plan sketch, showing the location of the use on the property;

(G) A statement as to why the proposed special exception will not cause substantial injury to the value, use or enjoyment of other property in the neighborhood;

(H) A statement as to how the proposed special exception is to be designed, arranged and operated in order to ensure that development and use of neighboring property in accordance with the applicable district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected; and

(I) An identification of any potentially adverse effects that may be associated with the proposed special exception and the means proposed by the applicant to avoid, minimize or mitigate such effects.

(3) Processing of application. Upon receipt of an application for a special exception, it shall be referred to the commission for investigation as to the manner in which the proposed character and location of the special exception will affect the master plan of the city. The commission shall report the results of its study to the board, and thereafter the board may, after

public notice and hearing, grant the permit, including the imposition of conditions of use which the board may deem essential to insure that the special exception is consistent with the spirit, purpose and intent of this article, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

(2005 Code, sec. 17.8.01)

Sec. 14.02.322 Temporary uses

(a) Purpose. Certain temporary uses of land are essential to the full development and utilization of the land for its lawful purpose. The temporary uses hereinafter enumerated shall not be deemed violations of this article when made under the conditions herein provided.

(b) Permitted uses. The permissible temporary uses, the conditions of use and the zoning districts wherein the same shall be permitted are:

<u>Use</u>	<u>Districts</u>
(1) Construction office.	All districts

Temporary field or construction offices and building material storage areas to be used solely in support of construction on the property where the same is located may be permitted for specific periods of time when approved by the zoning administrator, but such uses shall not continue beyond completion of construction and may be terminated sooner on the order of the zoning administrator.

(2) Real estate sales office.	SF - MF
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Temporary real estate sales offices may be authorized by the zoning administrator when such use is located in a permanent residential structure or “model home”; provided, that: (i) sales activities conducted therein shall related only to the sale of property within such subdivision; (ii) such use may be terminated on the order of the zoning administrator; and (iii) in no event shall such use continue after the substantial development and sale of the subdivision.

(3) Holiday plant sales.	B-3 - LI
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The temporary sales of Christmas trees and other forms of decorative plant materials associated with the celebration of religious events shall be permitted for a period of thirty (30) days prior to the day of religious celebration. The zoning administrator shall issue a permit for such sale when he finds:

- (A) That there is available on the property an off-street parking area, either improved or unimproved, equal to the size of the plant material display and sales area; and

- (B) That the location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets.

Trees, stands, equipment, trash, signs and lighting shall be removed from the property by the permit holder within seven (7) days after final termination of sales activities.

(2005 Code, sec. 17.8.02)

Sec. 14.02.662 Appeals to the board of adjustment

(a) Method of appeal; record. Appeals to the board can be taken by any person aggrieved or by any officer, board or department of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days' time after the decision has been rendered by the administrative officer by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(b) Fees. All such appeals shall be accompanied by a fee payable to the city in the amount prescribed therefor in the fee schedule in [appendix A](#) of this code, no part of which shall be returnable, regardless of the disposition of any such appeal; provided, however, that no fee shall be required of any officer, department or board of the municipality acting officially.

(c) Staying of proceedings. An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on notice to the officer from whom the appeal is taken and on due cause shown.

(d) Hearing and notice thereof. The board shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. During the hearing, any party may appear in person or by attorney or agent. The hearing shall be set so that at least one council meeting occurs between the time of appeal and the public hearing.

(e) Rehearing of appeals. No appeal to the board for a special exception or a related variance on the same piece of property shall be allowed prior to the expiration of six (6) months from a previous ruling by the board on any appeal to such body unless other property in the immediate vicinity has, within the said six (6) months period, been changed or acted on by the board or council so as to alter the facts and conditions on which the previous board action was based. Such change of circumstances shall permit the rehearing of an appeal by the board prior to the expiration of a six (6) month period, but such conditions shall in no wise have any force in law to compel the board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(2005 Code, sec. 17.15.02)

Sec. 14.02.663 Powers of board

(a) The board shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article, or any of the matters set forth in [section 14.02.661\(a\)](#).

(Ordinance 16-10, sec. 4, adopted 9/15/16)

(2) To hear and decide special exceptions to the terms of this article upon which the board is required to pass under this article.

(3) To authorize upon appeal in special cases such variances from the terms of this article as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of this article will result in unnecessary hardship, and so that the spirit of this article shall be observed and substantial justice done.

(4) To interpret the intent of the zoning map where uncertainty exists and none of the rules set forth in section 14.02.004 [[14.02.003](#)] apply.

(5) To approve the use of a lot for off-street parking of vehicles when said lot is in one district and the principal use served by the parking facility is located in another district.

(6) To initiate, on its motion or otherwise, action to bring about the discontinuance of a nonconforming use in accordance with subsection (7) below.

(7) To require the discontinuance of a nonconforming use under any plan whereby full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this article.

(8) To permit such variance of the front yard, side yard, rear yard, lot width, lot depth, minimum setback standards, off-street parking or off-street loading regulations where the literal enforcement of the provisions of this article would result in an unnecessary hardship, and where such variance is necessary to permit a specific lot which differs from other lots in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other lots in the same district. A modification of the standards established by this article shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this article to other parcels of land in the same district.

(b) In exercising its powers the board may, in conformity with the provisions of chapter 211 of the Texas Local Government Code, revise or reform wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken. (2005 Code, sec. 17.15.03)

Sec. 14.02.664 Vote required for board decisions

The concurring vote of four (4) members of the board shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this article or to effect any variance under this article. (2005 Code, sec. 17.15.04)

Sec. 14.02.665 Appeals from board decisions

Any person or persons, jointly or severally, aggrieved by any decision of the board, or any taxpayer or any officer, department or board of the city may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the board. (2005 Code, sec. 17.15.05)

**City Council
Staff Agenda Report**

Agenda Item: 9f.

Agenda Subject: Discussion and possible action to direct staff to create a right-of-way management ordinance.

<p>Meeting Date: April 21, 2022</p>	<p>Financial Considerations: Attorney time to draft ordinance</p> <p>Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence</p>
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Background Information: Currently, the city does not have a right-of-way (ROW) management ordinance. The city has been fortunate that the majority of contractors contact the city and pull a permit for work in the city ROW, but an ordinance would make the permitting process easier and also would better allow penalizing those who do not pull the proper permits. This type of ordinance was recommended by the city attorney after some questions arose on a ROW permit. A sample ordinance is being provided from the city of Pantego. The city attorney would craft an ordinance similar to this one for DWG.

Recommended Action/Motion: Motion to direct staff to create a right-of-way management ordinance.

Attachments: Pantego ROW Management Ordinance

CITY OF PANTEGO ROW MANAGEMENT ORDINANCE

CHAPTER 13 UTILITIES

ARTICLE 13.08 RIGHT-OF-WAY MANAGEMENT

Division 2. General Right-of-Way Management

Sec. 13.08.010 Administration

The city manager shall appoint a right-of-way manager, who is the principal town official responsible for the administration of the right-of-way, right-of-way permits, the regulation of same and ordinances related thereto. The right-of-way manager may delegate any or all of the duties hereunder. The right-of-way manager shall have the duties, responsibilities and authority as specified for the right-of-way manager stated herein.

Sec. 13.08.011 Field utility coordination

- (a) The right-of-way user shall notify the department at each of the following times during a project:
- (1) Forty-eight hours before the start of construction;
 - (2) Upon completion of the initial backfill; and
 - (3) Upon completion of the project.
- (b) The use of markers, stakes, poles, barricades or other devices shall be used in such a way to avoid damage to adjoining property. A person shall only use a water-based paint in the public right-of-way to mark the location of existing underground utilities. A person commits an offense if the person makes a marking in the public right-of-way for the purpose of identifying the location of existing underground utility facilities and such marking remains visible longer than sixty (60) days after being applied.
- (c) Compliance with the Texas Utilities Code, as amended, is required at all times.
- (d) All barricades, plates, cones, traffic directional equipment and all other traffic-control devices owned, leased or used by the right-of-way user and used on or near any excavation shall be clearly and visibly marked with the name of the permittee and/or right-of-way user or subcontractor, as applicable, at all times such equipment is used on or near the right-of-way. An exception to the marking requirement may be made in the sole discretion of the right-of-way manager in the event the traffic-control equipment is not owned by the permittee or right-of-way user.
- (e) Location of facilities.
- (1) A permit does not relieve a right-of-way user of the responsibility to coordinate with other utilities and to protect existing facilities. A right-of-way user working in the right-of-way shall obtain line locates from all affected utilities or others with facilities in the right-of-way prior to any excavation. Use of the geographic information system or the plans of record does not satisfy this requirement.
 - (2) In performing location of facilities in the public rights-of-way in preparation for construction under a permit, the right-of-way user is responsible for compiling all information obtained regarding its or any other facilities in the public rights-of-way related to a particular permit and shall make that information available to the city in a written and verified format acceptable to the right-of-way manager.
- (f) Protection of facilities.
- (1) Before beginning excavation in any public right-of-way, a right-of-way user shall:
 - (A) Make a request with the Texas One-Call System for facility locates and any possible conflicts in compliance with the Underground Facility Damage Prevention and Safety Act (chapter 251 of the Texas Utilities Code, as amended, and 16 Tex. Admin. Code chapter 18, as amended);
 - (B) Make a request with the department for facility locates and any possible conflicts; and
 - (C) Make inquiries of all utility companies, districts, other local government entities and all other agencies that might have facilities in the area of work to determine the location of such facilities and any possible conflicts.
 - (2) Facility locations shall be marked prior to commencing work. The right-of-way user shall support and protect all pipes, conduits, poles, wires or other apparatus that may be affected by the work from damage during construction or settlement of trenches subsequent to construction.
 - (3) It shall be unlawful for a right-of-way user to work in the public right-of-way without having a valid and unexpired line locate confirmation number issued by the department. Information provided by the department regarding facility locations shall be valid for 14 business days or the expiration date that the department's assigned

line locator indicates on the department-issued line locate request form, whichever period is greater.

(4) No facility may be placed within four feet (4') horizontally, of or within any distance above, an existing or proposed city facility without a city-approved encroachment agreement, unless otherwise approved by the director of the department.

(g) Work in the public right-of-way shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents.

(h) If the right-of-way user's work in the right-of-way involves more than five hundred (500) feet of continuous trenching or boring or the installation of more than three (3) new node support poles or more than three (3) electrical meter pedestals or ground boxes, then the right-of-way-user shall submit to the town daily work location information, on the form provided by the town, each day before work can begin.

Sec. 13.08.012 Maps and records of registrants

(a) Within 6 months of passage of this article, each right-of-way user shall provide the town an accurate map locating their facilities in town right-of-way. As to any newly installed items, each right-of-way user shall provide the town an accurate map locating their facilities in town right-of-way within 30 days of installation. The map may be in electronic format overlaid over the North Central Texas Council of Government base digital map. In dual coverage areas, the town may request additional information to enable identification of right-of-way users.

(b) Each right-of-way user must maintain accurate maps and records of its facilities. The map should include true bearings and distances to the nearest established street lines and official monuments, which shall be accurately described on the map. The right-of-way user will provide the town with digital information within 90 days of a request for maps from the town for any user with less than 50 miles of utilities within the town. Thereafter, the data is to be provided to the town on an annual basis by January 1st.

(c) If the maps and records submitted in response to any request by or requirement of the town include information expressly designated by the right-of-way user as a trade secret or other confidential information protected from disclosure by state law, the town and its agents, employees, or other representatives may not disclose that information to the public without the consent of the right-of-way user, unless otherwise compelled by an opinion of the attorney general pursuant to the Texas Public Information Act, as amended, or by a court having jurisdiction of the matter pursuant to applicable law. This subsection may not be construed to authorize a right-of-way user to designate all matters in its maps and records as confidential or as trade secrets.

Sec. 13.08.013 Notice

Notice for purposes of this article shall be made to the town via electronic message (e-mail), overnight courier (generally used carrier with tracing available) or hand delivery with signed receipt, facsimile to the department or United States mail return receipt required.

Sec. 13.08.014 Registration

(a) Nothing in this section relieves a person from obtaining a permit under this article to perform work in the right-of-way.

(b) In order to protect the public health, safety, and welfare, each right-of-way user must register with the right-of-way manager in accordance with the following requirements:

(1) The right-of-way user must apply for registration on a form furnished by the right-of-way manager; the application must be made in the name of the right-of-way user.

(2) The registrations of right-of-way users that are utilities shall expire on December 31st of each year. The registrations of all other right-of-way users shall expire one year from the date of registration. For utilities that fail to renew registration within 30 calendar days after the date the town sends the utility a notice of noncompliance, the utility's facilities will be deemed to have been legally abandoned.

(3) If information provided by the right-of-way user as part of the registration application changes, then the right-of-way user must inform the right-of-way manager, in writing, within 30 days of the change.

(4) Each right-of-way user shall submit the following to the right-of-way manager at the time it submits its registration application:

(A) The complete name, mailing address and telephone number of the person making the application; if the applicant is a firm, corporation or business entity, the applicant must provide the name and private mailing address of a principal of the firm, corporation or business entity who is authorized to bind the firm, corporation or business entity in legal agreements. Each applicant must also provide the names of all employees authorized to obtain permits to work in the right-of-way;

(B) The names, addresses and telephone numbers of at least two persons who will be general, day-to-day contacts for the right-of-way user. At least one of the addresses must be within the Dallas/Fort Worth metropolitan area;

(C) The name and mailing address of the person(s) authorized to receive service on behalf of the

right-of-way user;

(D) The names and telephone numbers of at least two persons serving as emergency contacts for the right-of-way user who can be reached by telephone 24 hours a day, seven days a week. The telephone numbers should be accessible without the city having to pay long-distance telephone or toll charge;

(E) Proof of existing insurance that complies with [division 6](#) (indemnification, insurance, bonding and liability) of this article; and

(F) Any other information deemed necessary by the right-of-way manager.

(G) Each right-of-way user that is a utility also shall submit the following to the right-of-way manager at the time it submits its registration application:

(i) The name of the utility using the right-of-way, including any business name, assumed name, or trade name the utility operates under or has operated under in the city within the past five years;

(ii) If the utility is a CTP, the certificate number issued by the Texas Public Utility Commission;

(iii) The ordinance number of any franchise or license issued by the town that authorizes the utility to use the right-of-way; and

(iv) The name, address and telephone number of any contractor or subcontractor who will be working in the right-of-way on behalf of the utility. This list may be amended as needed by the utility; however, no work shall be performed in the right-of-way by a contractor or subcontractor that is not on the list, regardless of whether a permit is required.

(c) In extending the rights and privileges of such registration, the town makes no statement regarding the competency of those so registered, and no manner of license is proffered.

(d) No permit to perform work in the right-of-way shall be issued to any right-of-way user unless the right-of-way user holds a valid registration with the town under this article.

(e) No right-of-way user who obtains registration from the town under this article shall permit the use of such registration by any person, other than the right-of-way user's employees, for the purpose of doing any work within the right-of-way, nor shall the right-of-way user subcontract to any other person any work for which a registration is issued to such right-of-way user.

Sec. 13.08.015 Traffic handling training

The right-of-way user is responsible for work zone safety including, but not limited to, traffic control through the designated traffic-control representative. The representative is responsible for compliance with the TMUTCD and the traffic-control plan (if required) at all work zone sites. The traffic-control representative shall ensure employees on the jobsite have adequate training.

Sec. 13.08.016 Reporting obligations

All right-of-way users shall, upon request, provide proof of any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any governmental entity, including, but not limited to, the city, state, or federal government, or railroad or pipeline company, including a description of the right-of-way user's intended use of the right-of-way, information sufficient to determine whether the right-of-way user is subject to franchising or licensing by the city, and information to determine whether the right-of-way user has applied for and received any certificate of authority required by the PUCT. The information provided shall be sufficient enough to determine whether the right-of-way user has applied for and received any permit or other approvals required by the FCC. Right-of-way user shall provide all such other information as may be reasonably required by the city to complete the registration statement.

Sec. 13.08.017 Surface mounted markers

Where surface mounted markers are needed, curb mounted medallions shall be used whenever possible.

Sec. 13.08.018 Relocation of facilities for city projects and public improvements

(a) In the exercise of governmental functions, the town has first priority over all uses of the right-of-way. The town reserves the right to, among other things, lay water, sewer, drainage, and other pipelines or cables and conduits, and to do underground and overhead work, and attachments, restructuring, or changes in street facilities in across, along, over, or under a public street, alley or right-of-way occupied by an agency or right-of-way user, and to change the curb, sidewalks, or the grade of streets.

(b) The right-of-way user must relocate its facilities, at its own expense and in accordance with [sections 13.08.112, 13.08.113](#) and [13.08.114](#), prior to the start of construction of a town project. Failure to comply with this provision shall subject the right-of-way user to the enforcement provisions contained herein.

(c) A permit will be required when making facility adjustments in preparation for city projects.

Sec. 13.08.019 Permit required

It is unlawful for any person, its agents, servants or employees to dig, plow, blast, make cuts, openings, bore tunnel, excavate

or close lanes on a thoroughfare or collector without first having made application and obtained a permit therefor except for as allowed by this section. It is unlawful for any person, its agents, servants or employees to make or cause to be made any excavation in or under the surface of any right-of-way for the installation, repair or removal of any facilities, or for any other purpose without first obtaining from the right-of-way manager a permit in compliance with this article.

- (1) Before issuing a permit, the right-of-way manager shall have been provided a written application, on a form furnished by the right-of-way manager, setting forth the name and residence or business address of the applicant; the location and approximate area of the excavation, including its approximate length and width, and, if the excavation is in a street, whether it is parallel or transverse to the direction of the travel lanes; and, the purpose of the excavation. The application form shall include plans prepared in accordance with city specifications. Plans shall be drawn at a reasonable scale that legibly and accurately show all existing improvements and proposed work. All proposed work must be shown in heavy or bold type lines and fonts. If proposed work is in phases or part of another overall drawing, show all existing and future work in lighter or faded out lines and fonts. If right-of-way user cannot show distinctive line weights, the plans shall clearly label the above information using text. When required by the Texas Engineering Practice Act, as amended, the plans must be sealed by a professional engineer licensed to practice in the state.
- (2) At the time the permit issued, the applicant shall pay a nonrefundable permit application fee in an amount as provided for in [division 5](#).
- (3) The proposed location, depth and other characteristics of any facilities for which the permit is issued shall be subject to approval of the right-of-way manager, and all backfilling, compaction and pavement restoration performed for any excavation shall comply with the requirements of this article.
- (4) No fee or requirement authorized or imposed pursuant to this article shall be construed to affect or alter in any way any obligation of public and/or private utilities with facilities installed in any right-of-way to relocate the facilities, at no cost to the city, subject to state law, if applicable, in the event that relocation is required by the city to accommodate a proper governmental use of the right-of-way.
- (5) Combinations of permits shall be permitted at the sole discretion of the right-of-way manager. Fees shall be assessed based on the excavations permitted.
- (6) Subdivision monuments, historical markers, and any other signs or structures with foundations in the right-of-way, excluding billboards, are subject to this article.

Sec. 13.08.020 Exceptions to required permit

(a) The right-of-way manager reserves the right in his discretion to require a right-of-way permit on service connections. Unless otherwise required by the right-of-way manager, service connections do not require a permit if all of the following conditions are met:

- (1) The service connection excavation shall not exceed four feet inside the right-of-way to property line;
- (2) All excavation shall be in accordance with service connection drawings;
- (3) The address for the service connection is on the city provided form, which is submitted to the right-of-way manager via e-mail. Work shall not begin until the electronic form is transmitted to the right-of-way manager;
- (4) The excavation required is less than 24 inches in depth;
- (5) The excavation is no wider than two inches or is hand dug; and
- (6) The service connection does not require boring.

(b) Irrigation and backflow system installation does not require a right-of-way permit if all of the following conditions are met:

- (1) The work is performed with an existing valid irrigation or backflow permit issued by the town for the installation of an irrigation or backflow system, as applicable;
- (2) The excavation does not exceed 16 inches in depth and 24 inches in width;
- (3) The address for the site of the work is listed on the irrigation or backflow permit; and
- (4) Line locates from the city are not required provided that the right-of-way user performing the work accepts full responsibility for any damages to or interference with town facilities caused by such work.

(c) New construction of single-family residential driveways, sidewalks, mailboxes and minor earthwork grading of single-family residential lots (less than 24 inches in depth) does not require a permit if all of the following conditions are met:

- (1) The work is performed with an existing valid residential building permit issued by the town for the residential building;
- (2) The excavation does not exceed 24 inches in depth;
- (3) The address for the new residential construction is listed on the residential building permit and the building permit has not expired or been closed or terminated; and

- (4) Line locates from the town are not required provided that the right-of-way user performing the work accepts full responsibility for any damages to or interference with town facilities caused by such work.

Sec. 13.08.021 Permit application

- (a) Application for a permit shall be addressed to the right-of-way manager and made on a form furnished for that purpose, stating the extent, dimensions, character and purpose of the cut or excavation to be made, the location, by street and number if possible, where the work is to be done, and the time in which it is to be completed. The application form shall be accompanied by maps of the existing facilities in the area, to the extent available, and the location of the proposed facilities, methodology of construction, and proposed start and completion dates. When the work includes excavating, which will exceed five feet in depth, a trench safety design sealed by a licensed professional engineer shall also accompany the application, unless otherwise provided by law.
- (b) A permit shall only be valid for the area of the right-of-way specified within the permit. No permittee may cause any work to be done outside the area specified in the permit, except as provided herein. Any permittee who determines that an area is greater than that which is specified in the permit must apply for and receive a new right-of-way permit.
- (c) Applicants may apply jointly for permits to excavate the right-of-way at the same time and place. Applicants who apply jointly for a right-of-way permit may share in the payment of the permit fee. Applicants must agree among themselves as to the portion each shall pay. The town will recognize only one point of contact.
- (d) Permits will be issued or denied within five business days of the town receiving a complete application. Permits shall be valid for the dates specified in the permit. The applicant may request but is not guaranteed the permit be valid for such longer period as may be necessary in the circumstances, in advance, as part of the application. The town may approve or deny the application for such extended permit period. No permittee may commence work before the permit start date and, except as provided herein, no permittee may continue working after the end date. If a permittee does not complete the work by the permit end date, the permittee must apply for and may receive a new right-of-way permit or a permit extension for additional time. This supplementary application must be submitted to the town prior to the permit end date. Applicants are encouraged to request a pre-submission meeting for large projects.
- (e) An expedited permit may be requested, and shall be issued or denied within two days of application upon a showing of good cause, as solely determined by the right-of-way manager.

Sec. 13.08.022 Issuance of permit

Every person making application for a permit in accordance with the provisions of this article, and having complied with such provisions, shall be entitled thereto, and, upon filing such application with the right-of-way manager, it shall be his duty to issue the permit, when the provisions of this article have been complied with.

- (1) Upon receiving a written application for a permit and a plan prepared in accordance with the city specifications, the right-of-way manager's designee shall set forth all requirements, approve or disapprove the application, sign and return it to applicant. Excepting only emergency excavations, at least one working day prior to the start of work, the applicant shall notify the right-of-way manager the date the work will commence when traffic-control devices are necessary on a thoroughfare.
- (2) No permit shall be transferable. A permit shall be void unless the excavation to be made pursuant thereto is commenced within the time stated therein and the work diligently completed.
- (3) Each permit shall state a time period for completion of all the work to be done hereunder. The right-of-way manager may in his sole discretion, grant extensions of time.
- (4) No person in violation of any requirement of this article shall be issued an excavation permit, nor shall any contractor or agent apply for or be issued a permit on the person's behalf, until the outstanding violation is/are corrected or a plan for correction is approved by the right-of-way manager. The foregoing requirement is in addition to any penalty or remedy for violation that may be imposed or sought by the town at law or equity.
- (5) No work shall be done under any permit issued under this article except as stated in the permit. If the permit is allowed to expire, the right-of-way user shall procure a new permit, paying the applicable fee, prior to proceeding with any such work.

Sec. 13.08.023 Posting of signs

The right-of-way user and contractor (if used) shall be identified by three feet by three feet information signs on all work requiring a permit. The signs shall state the name and phone number of the right-of-way user and contractor (if used). The signs shall be placed in the right-of-way on each approach to the location where construction is occurring from the time of the beginning of work in the right-of-way and shall continue to be posted at the location during the entire time the work is occurring.

Sec. 13.08.024 Excavation to be under supervision of the right-of-way manager

- (a) Any right-of-way user engaged in making or backfilling any excavation in any right-of-way shall, at all times while such work is in progress, keep at the job location the permit, or a copy thereof, and shall provide of the same, when requested by any authorized city employee. At all times while the work is in progress, the right-of-way user shall also maintain, at the job

location, a sign, barricade or other device bearing the right-of-way user's name.

(b) The right-of-way user shall protect from damage, utility conduits, sewer conduits, water conduits, lawns, shrubbery, trees, fences, structures, irrigation, sidewalks, streets, signs, street lights, or other property at, near or encountered in its work. The right-of-way user shall determine the boundary of the right-of-way.

(c) All excavations and other construction in the streets shall be conducted so as to interfere as little as practicable with the use of right-of-way and with the use of private property, in accordance with any lawful and reasonable direction given by or under the authority of the governing body of the town pursuant to the policy and regulatory powers of the town necessary to provide for public convenience. The right-of-way user shall not trespass upon private property. The right-of-way user shall determine the boundary between right-of-way and private property.

(d) The town reserves the right to among others, lay, and allow to be laid, electricity, sewer, gas, water and other pipe lines or cables and facilities, as well as drainage pipes, and channels and streets, and to perform, and allow to be performed, any underground and overhead installation or improvement that may be deemed necessary or proper by the governing body of the town, in, across, along, over or under any right-of-way or public place occupied by a right-of-way user and to change any curb or sidewalk or the grade of any street and to maintain all of the town's facilities. In allowing such work to be performed by others, the town shall not be liable to a right-of-way user for any damage caused by those persons or entities. Nothing herein shall relieve any third party from responsibility for damages caused to a right-of-way user by such third party.

(e) All transmission and distribution structures, lines, equipment and facilities erected by a right-of-way user within the city shall be so located as to cause minimum interference with the proper use of the right-of-way, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of said streets. No pole may be placed in an area prohibited by another section of this article.

(f) If the town requires a right-of-way user to adapt or conform its facilities, or in any way or manner to alter, relocate or change its property to enable any other corporation or person, except the town, to use, or to use with greater convenience, any right-of-way or public place, the right-of-way user shall not be required to make any such changes until such other corporation or person shall have undertaken, with solvent bond, to reimburse a right-of-way user for any loss and expense which will be caused by, or arise out of such removal, change, adaptation, alteration, conformance or relocation of a right-of-way user's facilities; provided, however, that the town shall never be liable for such reimbursement.

Sec. 13.08.025 Registration certificate required; suspension or revocation of registration

(a) It is unlawful for any right-of-way user to perform construction in the right-of-way unless the right-of-way user is the holder of a valid registration under [section 13.08.014](#).

(b) The right-of-way manager is entitled to suspend or revoke, temporarily or permanently, a right-of-way user's privilege to work in the right-of-way on any of the following grounds: providing false or misleading information; failing to provide updated information to the right-of-way manager within 30 days of the date such information changes as required by [section 13.08.014](#) of this article; allowing another person, other than the right-of-way user's employees, to use the right-of-way user's registration for the purpose of doing any work within the right-of-way; subcontracting to any person any work for which a registration is issued to the right-of-way user; failing to maintain insurance that complies with [division 6](#) (indemnification, insurance, bonding and liability) of this chapter; failing to make a request for or an inquiry regarding facilities locates in compliance with [section 13.08.011](#) of this article and/or working in the public right-of-way without having a valid and unexpired line locate confirmation number issued by the department; or being convicted of, or acknowledging, three or more violations of this article, [divisions 2, 3 or 4](#) or any other ordinance of the town within a 12-month period.

Sec. 13.08.026 Hours of operation for nonemergency work

(a) Excavation and boring shall be conducted between the hours of 7:00 a.m. to 4:00 p.m. on Monday through Friday, except on holidays. No excavation or boring shall be performed on holidays.

(b) All other work requiring an inspection shall be done between the hours of 7:00 a.m. to 4:00 p.m. on Monday through Friday, except on holidays. No work shall be performed on holidays. A right-of-way user may work on Saturday subject to the approval of the right-of-way manager and a notification no later than noon on Thursday before the Saturday in which the work is to be performed. The Saturday inspection fee must be paid prior to noon on Thursday prior to the Saturday in which the work is to be performed.

Sec. 13.08.027 Denial of permit

A permit may be denied or suspended for any of the following reasons:

- (1) Failure to provide proof of a surety bond or liability insurance reasonably acceptable to the town in accordance with [division 6](#) of this article or notice of termination of the same.
- (2) Failure to secure an applicable contractor's license or other required license.
- (3) Failure to perform in accordance with the requirements of this article.
- (4) The excavation would be in a street and not otherwise permitted by this article.
- (5) The proposed warning or other traffic-control procedures or equipment do not comply with the requirements of

the TMUTCD or the requirements of the right-of-way manager.

- (6) The proposed activity would violate any town ordinance or state or federal law, rule, regulation or statute.
- (7) The permit application contains false or misleading information.
- (8) The activity would cause a public health or safety hazard.
- (9) The right-of-way user is not authorized within the city.
- (10) The right-of-way user is in violation of this article relative to work in progress.
- (11) The right-of-way user has not compensated the town, or is not legally obligated to compensate the town by contract, by agreement or by law, for using the public property; or the right-of-way user has failed to timely make required payments.

Sec. 13.08.028 Appeal

A right-of-way user that (i) has been denied registration or a permit; (ii) has had its registration or a permit suspended or revoked; or (iii) believes that fees imposed are invalid, may appeal such denial, suspension, revocation or fee imposition as follows:

- (1) The right-of-way user shall file a written notice of appeal with the right-of-way manager within five business days of the date the decision was rendered or the action occurred. If the city manager has designated the public works director as the right-of-way manager, then any appeal of such matters shall proceed directly to the city manager. The notice must state the grounds for the appeal and, if applicable, the alternatives available and routes explored, hardship encountered, cost comparison of other alternatives and a statement of any other significant factors. The right-of-way manager shall provide a written decision on the appeal within five business days. Failure to render a decision within five business days shall constitute a denial.
- (2) If the right-of-way user's appeal to the right-of-way manager is denied, the right-of-way user may file a written notice of appeal to the public works director within five business days of receipt of the right-of-way manager's written decision. The public works director shall provide a written decision within five business days of receipt of an appeal in accordance with this section. Failure to render a decision within five business days shall constitute a denial.
- (3) If the right-of-way user's appeal to the public works director is denied, the right-of-way user may file a written notice of appeal to the city manager within five business days of receipt of the public works director's written decision. The city manager shall provide a written decision within five business days of receipt of an appeal in accordance with this section. Failure to render a decision within five business days shall constitute a denial. The city manager's decision shall be final.

Secs. 13.08.029–13.08.050 Reserved

**City Council
Staff Agenda Report**

Agenda Item: 9g.

Agenda Subject: Discussion and possible action regarding changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 9, Personnel, making various changes to this chapter.

<p>Meeting Date: April 21, 2022</p>	<p>Financial Considerations: Attorney cost to craft ordinance</p> <p>Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information: City council has discussed making changes to Chapter 9, Personnel, of the City’s ordinances. The ordinance is being presented for council’s direction on changes.

Recommended Action/Motion: Motion to make changes to the City of Dalworthington Gardens Code of Ordinances, Chapter 9, Personnel, as follows: [list changes]

Attachments: Chapter 9, Personnel

CHAPTER 9 PERSONNEL

ARTICLE 9.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 9.02 OFFICERS AND EMPLOYEES

Division 1. Generally

Sec. 9.02.001 Bonds

(a) The secretary and such other officers and employees of the city as may, as part of their duties, sign checks or otherwise handle funds of the city, shall post a bond in the sum of \$10,000.00 payable to the city and conditioned that they will well and faithfully perform the duties of their office of the city and that they will truly account to the city for all of its funds coming into their hands.

(b) Fees and premiums for bonds of said persons shall be paid by the city.

(2005 Code, secs. 2.1.36, 2.1.37)

State law reference—Official bonds, V.T.C.A., Government Code, ch. 604.

Sec. 9.02.002 Authority to purchase

The mayor and city administrator have the authority to make purchases for budgeted goods and services costing five thousand dollars (\$5,000.00) or less without seeking prior approval of the city council. The mayor and city administrator have the authority to make purchases for goods and services necessary to alleviate an imminent threat to public health and safety costing ten thousand dollars (\$10,000.00) or less without seeking prior approval of the city council. In making any purchases, the mayor or city administrator shall act in a fiscally responsible manner. (Ordinance 17-08 adopted 4/20/17)

Secs. 9.02.003–9.02.030 Reserved

Division 2. City Administrator

Sec. 9.02.031 Appointment, term of office and removal

The administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the city council. For the purposes of appointing or terminating the administrator, each alderman shall cast one vote. The administrator shall hold office for an indefinite term subject to removal at any time by a 2/3 vote of the city council. This section, however, shall not preclude the city council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the municipal code of the city.

Sec. 9.02.032 Functions and duties of the administrator

The administrator, subject to the limitations defined in resolutions and ordinances of the city and state statutes, shall be the chief administrative officer of the city, responsible to the city council and mayor for the proper administration of the business affairs of the city, pursuant to the statutes of the state, the ordinances of the city, and the resolutions and directives of the council, with power and duties as follows:

(1) General duties.

(A) Carry out directives of the city council and mayor which require administrative implementation. Coordinate with the mayor regularly on the status of the implementation of such directives and, report promptly to the city council and mayor any difficulties encountered herein;

(B) Be responsible for the administration of all day-to-day operations of the city government including the monitoring of all city ordinances, resolutions, council meeting minutes and state statutes;

(C) Coordinate with the mayor and prepare a plan of administration, including an organization chart, which defines authority and responsibility for all nonstatutory positions of the city; and submit it to the city council for adoption as the official organization and administrative procedure plan for the city;

(D) Coordinate with the mayor and establish when necessary administrative procedures to increase the effectiveness and efficiency of city government according to current practices in local government, not inconsistent with subsection (C) above or directives of the mayor and city council; and submit such procedures to the city council for adoption;

(E) Serve as ex-officio nonvoting member of all boards, commissions and committees of the city, except as specified by the city council or state statutes;

(F) Keep informed concerning current federal, state, and county legislation and administrative rules affecting the city and submit appropriate reports and recommendations thereon to the council;

(G) Maintain awareness concerning the availability of federal, state and county funds for local programs. Assist department heads and the city council in obtaining these funds under the direction of the mayor and city council.

(H) Represent the city in matters involving legislative and intergovernmental affairs as authorized and directed as to that representation by the mayor and city council;

(I) Act as a spokesperson for the city with the responsibility of assuring that the news media are kept informed about the operations of the city. The administrator shall get written approval from the mayor before any press releases are issued on behalf of the city;

(J) Establish and maintain procedures to facilitate communications between citizens and city government to assure that complaints, grievances, recommendations and other matters receive prompt attention by the responsible official, and to assure that all such matters are expeditiously resolved;

(K) Promote the economic well-being and growth of the city through public and private sector cooperation.

(2) Responsibilities to the city council.

(A) Attend all meetings of the city council, assisting the mayor and the council as required in the performance of their duties;

(B) In coordination with the mayor, the city council, and the city secretary, ensure that appropriate agendas are prepared for all meetings of the council, all council committees, and all other appropriate committees and commissions of the city, together with such supporting material as may be required; with nothing herein being construed as to give the administrator authority to limit or in any way prevent matters from being considered by the council, or any of its committees and commissions;

(C) Assist in the preparation of ordinances and resolutions as requested by the mayor or aldermen, or as needed;

(D) Keep the city council and mayor regularly informed about the activities of the administrator's office by oral or written report at regular and special meetings of the city council. Further, the administrator will timely notify the city council and mayor of any matters materially affecting the performance of his duties and the well-being of the city;

(E) In the event that action normally requiring council approval is critical at a time when the council cannot meet, the administrator shall receive directives from the mayor.

(3) Personnel.

(A) Be responsible for the administrative direction and coordination of all employees of the city according to the established organization procedures;

(B) Recommend to the city council and mayor the appointment, promotion, and when necessary for the good of the city, the suspension or termination of department heads;

(C) In consultation with the mayor and appropriate department head, be responsible for the appointment, promotion, and when necessary for the good of the city, the suspension or termination of employees below the department head level;

(D) Serve as personnel officer for the city with responsibilities to see that complete and current personnel records, including specific job descriptions, for all city employees are kept; evaluate in conjunction with department heads the performance of all employees on a regular basis; recommend salary and wage scales for city employees not covered by collective bargaining agreements; develop and enforce high standards of performance by city employees; assure that city employees have proper working conditions; work closely with department heads to promptly resolve personnel problems or grievances;

(E) Work closely with department heads to assure that employees receive adequate opportunities for training to maintain and improve their job-related knowledge and skills and act as the approving authority for requests by employees to attend conferences, meetings, training schools, etc., provided that funds have been budgeted for these activities.

(4) Budgeting and purchasing.

(A) Work with the mayor to prepare a draft annual city budget, in accordance with guidelines as may be provided by the city council and in coordination with department heads, and pursuant to state statutes, for review and approval by the city council;

(B) Administer the budget as adopted by the city council;

(C) Work closely with the city council and mayor to maintain a positive fiscal position and surplus. Further, the administrator will report regularly to the city council and mayor on the current fiscal position of the city;

(D) Supervise the accounting system of the city and insure that the system employs methods in accordance with current professional accounting practices;

(E) Serve as the purchasing agent for the city, supervising all purchasing and contracting for supplies and services, subject to the purchasing procedures established by the council and any limitation contained in the state statutes.

(F) The administrator shall inform the mayor in advance of any periods of absence during regular working hours. The administrator shall obtain written approval for any days off for vacation or training in which the administrator would be unavailable.

(Ordinance 17-13 adopted 5/18/17)

Sec. 9.02.033 Compensation

The city administrator shall be compensated as provided by the city council. (2005 Code, sec. 2.1.22)

Secs. 9.02.034–9.02.060 Reserved

Division 3. City Secretary

Sec. 9.02.061 Appointment; term

(a) The city secretary shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the city council with advice from the mayor and city administrator. For the purposes of appointing or terminating the city secretary, each alderman shall cast one vote. The city secretary shall hold office for an indefinite term subject to removal at any time by a 2/3 vote of the city council. This section, however, shall not preclude the city council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the municipal code of the city.

(b) The city secretary shall:

- (1) Attend all meetings of the city council and keep accurate records of all actions taken by the council;
- (2) Maintain the official records and files of the city;
- (3) Keep and affix the seal of the corporation to documents as required by law or custom;
- (4) Attest contracts, assessment certificates and other legal instruments when executed by the authorized officers of the city;
- (5) Serve as the election official for all city elections; and
- (6) Perform such other duties as may be required of him or her by this ordinance, the city council, or state law.

(Ordinance 17-13 adopted 5/18/17)

Sec. 9.02.062 Compensation

The compensation for the secretary shall be fixed by the city council as it may deem proper. (2005 Code, sec. 2.1.13)

Sec. 9.02.063 Term

The secretary shall hold office as such at and during the pleasure of the city council. (2005 Code, sec. 2.1.14)

Secs. 9.02.064–9.02.090 Reserved

Division 4. Public Works Director

Sec. 9.02.091 Appointment; compensation; term

The public works director shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the city council with advice from the mayor and city administrator. For the purposes of appointing or terminating the public works director, each alderman shall cast one vote. The public works director shall hold office for an indefinite term subject to removal at any time by a majority vote of the city council. This section, however, shall not preclude the city council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the municipal code of the city. The public works director shall not be considered a municipal officer under section 22.071, Texas Local Government Code.

Sec. 9.02.092 Duties

The duties of the public works director shall be in general the operating of the water and sewer system of the city, including the maintenance thereof, maintenance of city streets, grounds and facilities, maintenance of city parks, and such other duties as may be prescribed by the city council or the city administrator.

Secs. 9.02.093–9.02.100 Reserved

Division 5. Finance Director

Sec. 9.02.101 Appointment; compensation; term

The finance director shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the city council with advice from the mayor and city administrator. For the purposes of appointing or terminating the finance director, each alderman shall cast one vote. The finance director shall hold office for an indefinite term subject to removal at any time by a majority vote of the city council. This section, however, shall not preclude the city council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the municipal code of the city. The finance director shall not be considered a municipal officer under section 22.071, Texas Local Government Code.

Sec. 9.02.102 Duties

The duties of the finance director shall be, in general, the maintenance of city finances including accounts receivable, accounts payable, payroll, municipal court, customer service, purchasing, and such other duties as may be prescribed by the city council or the city administrator.

Secs. 9.02.103–9.02.110 Reserved

Division. 6. Human Resources Director

Sec. 9.02.111 Appointment; compensation; term

The human resources director shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the city council with advice from the mayor and city administrator. For the purposes of appointing or terminating the human resources director, each alderman shall cast one vote. The human resources director shall hold office for an indefinite term subject to removal at any time by a majority vote of the city council. This section, however, shall not preclude the council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the municipal code of the city. The human resources director shall not be considered a municipal officer under section 22.071, Texas Local Government Code.

Sec. 9.02.112 Duties

The human resources director shall be responsible for developing, maintaining and monitoring human resource programs and functions including employee benefits, employee relations, position classification, recruitment, training, personnel records management, and policy development. The human resources director shall have such other duties as may be prescribed by the city council or the city administrator.

Secs. 9.02.113–9.02.120 Reserved

Division. 7. Planning and Zoning Administrator

Sec. 9.02.121 Appointment; compensation; term

The planning and zoning administrator shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the city council with advice from the mayor and city administrator. For the purposes of appointing or terminating the planning and zoning administrator, each alderman shall cast one vote. The planning and zoning administrator shall hold office for an indefinite term subject to removal at any time by a majority vote of the city council. This section, however, shall not preclude the council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the municipal code of the city. The planning and zoning administrator shall not be considered a municipal officer under section 22.071, Texas Local Government Code.

Sec. 9.02.122 Duties

The planning and zoning administrator shall be responsible for providing development related services including zoning, platting, land use, building permits, sign permits, inspections and code enforcement. The planning and zoning administrator shall have such other duties as may be prescribed by the city council or the city administrator.

(Ordinance 17-13 adopted 5/18/17)

ARTICLE 9.03 TEXAS MUNICIPAL RETIREMENT SYSTEM

Sec. 9.03.001 On file

The specific ordinances providing for participation in the Texas Municipal Retirement System, as adopted by the city in accordance with V.T.C.A., Government Code, chapter 851 et seq., are not included in this article, but they are hereby specifically saved from repeal and shall be maintained on file in the office of the city secretary. (Ordinance adopting Code)

ARTICLE 9.04 POLICE

Division 1. Generally

Secs. 9.04.001–9.04.030 Reserved

Division 2. Police Department

Sec. 9.04.031 Appointment; term

The director of public safety shall be appointed on the basis of merit with due regard to training, experience, administrative ability and general fitness for the office, by a majority vote of the city council with advice from the mayor and city administrator. For the purposes of appointing or terminating the director of public safety, each alderman shall cast one vote. The director of public safety shall hold office for an indefinite term subject to removal at any time by a 2/3 vote of the city council. This section, however, shall not preclude the council from establishing other employment terms and conditions not inconsistent with the provisions of this ordinance or the municipal code of the city. (Ordinance 17-13 adopted 5/18/17)

Sec. 9.04.032 Composition

The police department of the city shall consist of the director of public safety, and such members of the police department, either regular or reserve, as the council shall from time to time determine. (2005 Code, sec. 2.3.02)

Sec. 9.04.033 Qualifications of police officers; oath

All police officers shall possess the qualifications therefor prescribed by state law. Upon the appointment of any policeman by the city council, the mayor shall issue to him a commission as such policeman, and upon the receipt of such commission the person so appointed shall, before entering upon the duties of his office, take and subscribe to the oath of office prescribed therefor by the constitution and laws of the state. (2005 Code, sec. 2.3.03)

Sec. 9.04.034 General duties

It shall be the duty of the police to keep a faithful watch in the area assigned them and to arrest, and detain without warrant, all offenders against the public peace, and all persons who may obstruct, hinder or endanger them, or either of them, in the discharge of their duty, or who shall be guilty of disorderly conduct or engage in riot, unlawful assembly, outcries, noises or other disturbances or other violations of state law or city ordinance. (2005 Code, sec. 2.3.04)

Sec. 9.04.035 Compensation of police officers and director of public safety

The director of public safety and officers of the department shall receive such compensation and expenses as may be authorized by the city council. (2005 Code, sec. 2.3.08)

Sec. 9.04.036 Duties of director of public safety

(a) The director of public safety shall be the city marshal and see that the law and ordinances are enforced as far as possible by those under his command, and shall see that police officers are on duty during the whole time of their watch. The director of public safety shall inform the mayor in advance of any periods of absence during working hours. The public safety director shall obtain written approval from the mayor for any days off for vacation or training which would make the director of public safety unavailable. The director of public safety shall from time-to-time, and as often as may be required by the city administrator or the mayor, make a report in writing of the activities of the police department. The director of public safety shall work with the city administrator regarding the following: (1) to form a draft budget for the department of public safety; (2) to prepare reports and agendas for city council meetings; (3) purchasing and contracting for supplies and services; (4) issues related to human resources; and (5) any other matter needing administrative direction. The director of public safety will be responsible to the city council and mayor for the department's operations and the efficient and effective utilization of the department's financial and human resources. The director of public safety will inform the mayor and council in a timely manner of all matters affecting the performance of the department of public safety and the well-being of the city.

(b) The director of public safety shall get written approval from the mayor before any press releases are issued on behalf of the department of public safety. In the event that action normally requiring council approval is necessary at a time when the council cannot meet, the director of public safety shall receive directives from the mayor.

(Ordinance 17-13 adopted 5/18/17)

Sec. 9.04.037 Direction by council; duty to enforce ordinances and report violations

The chief of police and all policemen shall obey the orders of the mayor or of the council and shall to the best of their ability preserve order, quiet and peace throughout the city, and enforce all ordinances of the city. Every policeman shall report to the director of public safety all known violations of state law or city ordinances, in order that a proper complaint can be made and evidence procured for the prosecution of the offender. (2005 Code, sec. 2.3.10)

Sec. 9.04.038 Members must be prepared to act

All members of the force must be prepared to act whenever their services are demanded by a superior officer, or in view of a violation of an ordinance or law at all times. (2005 Code, sec. 2.3.11)

Sec. 9.04.039 Prohibited conduct

(a) Policemen to be courteous. Members of the department shall be civil and respectful to the public and shall not while on duty make use of violent or intemperate language.

(b) Collecting money from arrested person before conviction. It shall be unlawful for the director of public safety or any policeman of the city to receive or accept money from any person arrested by such officer for any offense against or violation of any of the ordinances of the city for the purpose of payment of a fine or fines that may hereafter be imposed against such persons for said offense or violation, and none of said officers shall receive or accept any money from such person so arraigned for such purpose until a complaint has been made and filed and such person has been convicted of such offense or

violation in the municipal court.

(c) Violations. Any person who shall violate any provision of this section may be removed from office by the city council. (2005 Code, secs. 2.3.14–2.3.16)

Secs. 9.04.040–9.04.080 Reserved

Division 3. Police Reserve

Sec. 9.04.081 Established

There is hereby established the police reserve of the police department, which shall be a voluntary force of reserve policemen, hereafter referred to as the “police reserve unit.” (2005 Code, sec. 2.3.20)

Sec. 9.04.082 Supervision

The police reserve shall function under the general direction and control of the director of public safety, subject to such rules, regulations, and orders as may be promulgated from time to time by the director of public safety in accordance with the authority vested in the director of public safety by the city council or the ordinances of the city. (2005 Code, sec. 2.3.21)

Sec. 9.04.083 Composition

The police reserve shall be an auxiliary police force composed of volunteers. The director of public safety shall establish the size, composition, and organization of the police reserve unit. (2005 Code, sec. 2.3.22)

Sec. 9.04.084 Training of applicants

Prior to performing any duties as a reserve police officer, each police reserve applicant shall receive training in accordance with the requirements of the state commission on law enforcement officer standards and education and shall apply for certification by said commission as a reserve police officer. The names of reserve police applicants who have received certification from the state commission on law enforcement officer standards and education shall be submitted to the city council by resolution. Upon approval by the city council, a reserve police officer commission may be issued to each approved police reserve applicant. The council acknowledges and approves, for the purpose of the issuance of a reserve police officer commission, all reserve police officers who, as of the date of the enactment of this division, are members of the reserve police unit of the city and who have been certified by the state commission on law enforcement officer standards and education and approved by the director of public safety. (2005 Code, sec. 2.3.23)

State law reference—Commission on law enforcement officer standards and education, V.T.C.A., Occupations Code, ch. 1701.

Sec. 9.04.085 Call to active service

Members of the police reserve shall serve at the discretion of the director of public safety and may be called into active service at any time the director of public safety considers it necessary to have additional police officers to preserve the peace and enforce the law. (2005 Code, sec. 2.3.24)

Sec. 9.04.086 Carrying weapons

No person appointed to the police reserve may carry a weapon while serving as a reserve police officer except pursuant to operating procedures established by the director of public safety. (2005 Code, sec. 2.3.25)

Sec. 9.04.087 Reserve officers to serve in supplementary capacity

Reserve police officers of the police reserve unit shall act only in a supplementary capacity to the regular police force and shall not assume the full-time duties of regular police officers without first complying with all requirements for such regular police officers. (2005 Code, sec. 2.3.26)

Sec. 9.04.088 Uniforms

The director of public safety may provide uniforms and equipment for the reserve unit from existing supplies, and may cause to be purchased special items of identification as necessary. (2005 Code, sec. 2.3.27)

Sec. 9.04.089 Compensation of reserve officers

No reserve police officer appointed pursuant to this division shall be entitled to compensation for service, except as authorized by the city council. (2005 Code, sec. 2.3.28)

State law reference—Compensation of police reserve in type A general-law municipality, V.T.C.A., Local Government Code, sec. 141.007.

Sec. 9.04.090 Status as peace officers

Reserve officers of the police reserve shall serve as peace officers during the actual discharge of official duties, subject at all times to the direction, control, and supervisory authority of the director of public safety. (2005 Code, sec. 2.3.29)

**City Council
Staff Agenda Report**

Agenda Item: 9h.

Agenda Subject: Discussion and possible action on Project #2022-01, DPS Building Renovations, to approve a quote for engineering design services from AME Engineering in the amount of \$25,697.00, approval to start the competitive bid process, and approval to begin phase “A” of the project which includes the fire bay area at this time.

<p>Meeting Date: April 21, 2022</p>	<p>Financial Considerations: \$25,697</p> <p>Budgeted: <input checked="" type="checkbox"/> X Yes <input type="checkbox"/> No NA</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability <input checked="" type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence</p>
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Background information: DPS is requesting approval for the following:

1. Approval of a quote for engineering design services from AME Engineering in the amount of \$25,697.00
2. Approval to start the competitive bid process
3. Approval to begin phase “A” of the project which includes the fire bay area at this time.

Recommended Action/Motion: Motion to approve the following for DPS Building Renovations: a quote for engineering design services from AME Engineering in the amount of \$25,697.00, approval to start the competitive bid process, and approval to begin phase “A” of the project which includes the fire bay area at this time.

Attachments:

AME Engineering quote
DPS Building Diagram

PROJECT NAME: 2017 BOND CITY HALL PROJECT

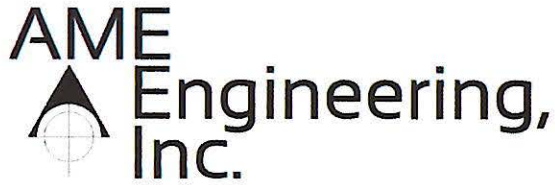
Vendor Description of Work	Estimate, EA, LS, SF	Qty	Unit Cost	Total Cost	Paid Qty or Percent	Paid \$	Remaining Qty	Unpaid Balance	Engineer	Construction	Other	Legal
STEELE & FREEMAN												
Architectural Eng Fees	Lump Sum-Fixed			197,360.00		197,360.00	0	-	197,360.00			
Out of Scope				4,990.00		4,990.00		-	4,990.00			
OWT CONTRACT												
Architect Construction Docs	Lump Sum-Fixed			14,790.00		14,790.00		-	14,790.00			
Architect Bidding & Negotiation	Lump Sum-Fixed			9,180.00		9,180.00		-	9,180.00			
Architect Construction Admin	Lump Sum-Fixed			27,030.00		27,030.00		-	27,030.00			
Reimbursable Expenses				292.99		292.99		-	292.99			
WESTRA ENGINEERS												
Consulting Charges		21.5	140.00	3,010.00	21.50	3,010.00	0	-	3,010.00			
Perkins, Engineer												
Consulting Charges		3	105.00	315.00	3	315.00	0	-	315.00			
Topographics												
Engineering Services				575.00		575.00	0	-	575.00			
Di-Sciullo-Terry, Stanton & Associates												
				2,700.00		2,700.00		-	2,700.00			
K Plus K Associates LLP												
				1,092.00		1,092.00		-	1,092.00			
CMJ Engineering												
Geotech Services				3,500.00		3,500.00	0	-	3,500.00			
Testing Services				9,470.26		9,470.26	0	-	9,470.26			
DCG Environmental, LLC												
Asbestos Study				2,945.00		2,945.00		-	2,945.00			
Taylor, Olson, Adkins, Sralla & Elam												
Legal Consulting Services		30.5		12,645.00	30.5	12,645.00		-				12,645.00
RJM Construction												
see sub-schedule for detail				1,320,787.69		1,320,787.69		(0.00)		1,320,787.69		
Miscellaneous												
CivCast-Publication				99.99		99.99		-			99.99	
Commercial Recorder - Publication				12.80		12.80		-			12.80	
Council Contingency Expenses												
Crane Operator			43,570.57	43,570.57				43,570.57				
Teague,Nall & Perkins-Platting			(5,200.00)			5,200.00		(5,200.00)	5,200.00			
Topographic-Final plat fees			(10,000.00)			10,000.00		(10,000.00)	10,000.00			
OWT-Downstream Study			(525.00)			525.00		(525.00)	525.00			
OWT-Removal of Sally Port			(5,000.00)			5,000.00		(5,000.00)	5,000.00			
Door Hardware/Electronic Access (Martin Locksmith)			(3,500.00)			3,500.00		(3,500.00)			3,500.00	
New Meter 2"			(14,150.00)			14,150.00		(14,150.00)			14,150.00	
New Meter - Irrigation 1"			(755.00)			755.00		(755.00)			755.00	
Bronze recessed mounted mail drop			(385.00)			385.00		(385.00)			385.00	
Wall cabinet			(147.26)			147.26		(147.26)			147.26	
Hideaway rack -sewer cleanout			(127.69)			127.69		(127.69)			127.69	
Key Cabinet Lock Box			(73.05)			73.05		(73.05)			73.05	
Knoxbox			(44.28)			44.28		(44.28)			44.28	
keys for office			(552.00)			552.00		(552.00)			552.00	
Outdoor Enclosed Bulletin Board			(95.00)			95.00		(95.00)			95.00	
Radio Dialer convert VOIP Fire Alarm to Wireless			(559.44)			559.44		(559.44)			559.44	
AED Device			(800.00)					-				
			(1,656.85)			1,656.85		(1,656.85)			1,656.85	
Bowman Landscaping			7,000.00	7,000.00		7,000.00		-		7,000.00		
Re-keying city hall doors			7,100.00	7,100.00		7,100.00		-			7,100.00	
Cameras - 5 yr life			10,773.00	10,773.00		10,773.00		-			10,773.00	
Meter FW Impact Fees			18,462.00	18,462.00		18,462.00		-			18,462.00	
Furniture			35,928.00	35,928.00		35,928.00		-			35,928.00	
Training tables			698.00	698.00		698.00		-			698.00	
(4) desk chairs (1) guest chair			932.00	932.00		932.00		-			932.00	
Signage - 20yr life			13,220.00	13,220.00		13,220.00		-			13,220.00	
Marque			60,000.00	60,000.00				60,000.00				
Conference Room insulation-estimate (RJ Const)			5,800.00	5,800.00		2,900.00		2,900.00			2,900.00	
Run (2) AV Lines for security			418.50	418.50		418.50		-			418.50	
Side entrance camera & monitor (Inovative)			1,010.00	1,010.00		1,010.00		-			1,010.00	
Camera server for both buildings (Inovative)			3,647.03	3,647.03		3,647.03		-			3,647.03	
TV setup for conference room (Netgenious)			1,355.94	1,355.94				1,355.94				
Replace office light switches			827.00	827.00		827.00		-			827.00	
Install radio dialer for fire alarm system			800.00	800.00		800.00		-			800.00	
Kitchen Appliances			3,825.00	3,825.00		3,825.00		-			3,825.00	
Networking-NetGenius			4,339.95	4,339.95		4,339.95		-			4,339.95	
Blinds			2,684.84	2,684.84		2,684.84		-			2,684.84	
			1,833,187.56			1,768,131.62		65,055.94	297,975.25	1,327,787.69	129,723.68	12,645.00

Cash Balance @ 3/31/22
 Pending transfer
 Projected Interest

254,191.78
 (579.03)
 -
253,612.75

Projected Cash Balance remaining

188,556.81



3825 W Green Oaks Blvd., Ste 200
Arlington, Texas 76016
mail@ameengineer.com
Office (817) 653-4122
Fax (817) 754-6615

April 13, 2022

Dalworthington Gardens Police & Fire
Attn: Greg Petty
2600 Roosevelt Drive
Arlington, Texas 76016

Re: As-Built Building Design Plans & Building/M.E.P. Remodel Design Plans for Dalworthington Gardens Police & Fire Facility at 2600 Roosevelt Drive Arlington, Texas 76016

Dear Mr. Greg Petty:

We are pleased to submit a proposal on the above referenced project. Before going further into this project, it is thought to be in the best interest of both parties to agree on the scope of work and corresponding fees. This proposal has been based on our previous site inspections, meeting and contractor floor plan received on 04/04/2022 (sectioned floor plan enclosed for proposal coordination). The approximate As-Built area is a 11,070 sf 1-story building and an approximate 8,651 sf general remodel area (less section 'F' maintenance storage area). This proposal is between AME Engineering, Inc. ("AME" or "Engineer") and Dalworthington Gardens or Mr. Greg Petty ("Client").

SCOPE OF WORK:

Engineer's scope of work is to provide As-Built Building Floor Plans, Building Remodel Design Plans and Partial Remodel M.E.P. Design Plans for the City of DWG's Building Permit Approval. Prior to the design portions of the project, client/contractor must provide a proposed remodel sketch, allow AME Engineering access for site inspection to collect existing building data & be provided any proposed specialized equipment specifications/schedule utilizing power or plumbing.

AME's scope of work is more specifically detailed below:

As-Built Building Floor Plans= (11,070 sf) = \$8,395.00

- Site Inspection to collect needed existing Building Data
- As-Built Building Plan 11,070 sf
 - Existing Dimensioned Floor Plan
 - Existing Door & Window Schedules
 - Existing Wall, Floor & Ceiling Finishes

Building Remodel Design Plans= (8,651 sf) = \$12,976.50

- Architectural Cover Sheet
- Demo Plan
- Interior Floor Plan Design
- Finish Door/Window Schedules & ADA Details
- Egress Plan (if required by City)
- Interior Remodel Sections (as applicable)
- Roof Design Plan
- Building Envelope COMcheck

**Re: As-Built Building Design Plans & Building/M.E.P. Remodel Design Plans for
Dalworthington Gardens Police & Fire Facility at
2600 Roosevelt Drive
Arlington, Texas 76016**

Partial Remodel M.E.P. Design Plans (8,651 sf)

\$4,325.00

- Mechanical, Electrical & Plumbing Remodel Design Plans to include: HVAC Layout, Outside Air Calcs, Mechanical Details, Specifications and Mechanical COMcheck, Interior Lighting & Power Layouts, Switching & Circuiting, One-Line Diagram & Panel Layout, Electrical Specification Notes, Interior Lighting COMchecks, Cold water/Hot water/Sanitary Sewer Layouts, Grease Interceptor Sizing (as applicable), Gas Layout/Sizing (as applicable), 3-Dimensional Riser Diagram (as required), Plumbing Specification Notes (No Septic System design included), & all associated details and notes.
- Scanning, Plotting & Printing: per requirements of Client/City submittal process. (One set of final scanned PDF files included)

Total associated fees for the proposed work are as follows:

\$25,697.00

Services not included in this proposal are as follows:

1. Major revisions made to design plans by the owner after acceptance (per Fee Schedule).
2. Any revisions requested by city not included in the above scope of work.
3. Additional total building square-footage, to be billed at same rate per square-foot as equated above.
4. Specification Book/Binder
5. Additional requested site Inspections &/or Off-Site Meetings
6. **Civil Design Plans (can be quoted upon scope of work determination &/or request)**
7. Landscaping & Irrigation Design Plans
8. Site Electrical Design Plans
9. Site Lighting Photometric Plan
10. **Structural Design Plans or Reports (this could be required but cannot be determined until remodel design starts (typically \$150.00 per calculation) (billed as accrued).**
11. Maintenance Storage square footage Area not included in Remodel Design Plans
12. TDLR
13. Asbestos Testing/Report
14. VRF/VRV/VAV HVAC Design
15. Generator/UPS System Design
16. Manufacturing/Processes Design
17. Communication/Low Voltage/Security Design
18. Fire Suppression System Design
19. Medical/Specialized Gas Design
20. Septic/Well Water System Design
21. Boiler/Chiller Design
22. Final Energy/Green Review/Manual J
23. Construction Inspection/Material Testing/Evaluations
24. HVAC Balancing Report & Inspection
25. Franchise Review/State Certification Review/HUD Review
26. Plotting and Printing Expenses
27. Permitting Fees &/or Plan Submittal
28. Projects that go on hold for extended period of time exceeding 90 days, additional fees may apply.
29. Construction Administration: Submittal Reviews, RFI's, Plan revisions, Value Engineering and final As-Built Plans, as requested in the future. Fees assessed at an hourly rate of \$90.00 per hour for technician & \$150.00 per hour for Engineer. Typical projects do not exceed 10% - 30% of the original design fees. (Value Engineering &/or Construction Phase Service request typically require at least 5-7 business day for turnaround time).
30. Engineer shall not at any time supervise, direct, control, or have authority over any contractor work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Site, nor for any.

**Re: As-Built Building Design Plans & Building/M.E.P. Remodel Design Plans for
Dalworthington Gardens Police & Fire Facility at
2600 Roosevelt Drive
Arlington, Texas 76016**

Any City requested revisions that are a part of the normal review process for the specified scope of work, will be revised for re-submittal in a timely manner by this office. Any additional printing associated with re-submittals is considered additional services and will be required prior to release of such plans.

STANDARD OF CARE:

The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services.

TIMELINE & CLIENT PROVIDED DATA:

Currently, we are approximately 2 weeks out before starting new projects. It is estimated to take approximately 25-30 business days to prepare the As-Built Building Floor Plans and approximately 25-30 business days to prepare the Building & M.E.P. Remodel Design Plans & coordinate with DWG Building Inspections Department once the following are received or conducted:

- Executed proposal/agreement
- Executed retainer payment
- Site Inspection scheduled for Building As-Built data collection, this most likely will take multiple visits to verify.
- Needed data is received: Coordination with City staff to obtain all existing or new equipment specifications that are utilizing power or plumbing, and contractor proposed floor plan sketch.

Please note the estimated timeline is based on client provided information. Throughout design process we may need additional information not stated above. It will be client/owner's responsibility to provide this information in a timely manner to keep project on estimated completion time. If all initial required information above is not provided prior to start time your project may be delayed due to AME Engineering's project workload.

It is the client's responsibility to provide all needed data for project coordination. All revisions after client review, construction phase services &/or construction red tags due to lack of coordination are considered additional services and will be billed at an hourly rate (see fee schedule).

LIMITATION OF LIABILITY:

To the fullest extent permitted by law, the total liability, in the aggregate, of Engineer to Client, and anyone claiming by, through, or under Client for any claims, losses, costs, or damages whatsoever arising out of, resulting from or in any way related to this Project or Agreement from any cause or causes, including but not limited to negligence, professional errors and omissions, strict liability, breach of Agreement, or breach of warranty, shall not exceed the total compensation received by Consultant.

To the fullest extent permitted by law, Consultant and Client further agree to waive any and all claims of indirect, consequential, incidental, or special damages arising out of, resulting from or in any way related to this Project or Agreement.

**Re: As-Built Building Design Plans & Building/M.E.P. Remodel Design Plans for
Dalworthington Gardens Police & Fire Facility at
2600 Roosevelt Drive
Arlington, Texas 76016**

FEE AGREEMENT:

Client agrees to pay AME for the services outlined in the scope of work fees as estimated to be \$25,697.00 for the As-Built Building Floor Plans, Building Remodel Design Plans and Partial Remodel M.E.P. Design Plans as described above, not including any plotting and printing and additional services accrued. Payment will be made as follows:

An initial retainer of \$8,480.01 (approx. 33%) shall be invoiced at the time of acceptance of this proposal/contact agreement. Future invoices shall be based upon the work performed and for any additional services provided by Engineer beyond the preliminary scope of work for the project. Future billing will typically take place at the plan completion points of 50% (\$4,368.49), 75% (\$6,424.25) and 100% (\$6,424.25) as work progresses. All unpaid sums invoiced to Client shall be paid to Engineer within (Net 30 days) calendar days from invoice date. Client agrees to pay Engineer a charge equal to 1.5% per month on any unpaid sums invoiced to Client not received by Engineer within thirty (Net 30 days) calendar days from invoice date. Failure of Client to promptly remit full payment of any invoice will allow Engineer to cease all further work. Project timeline is based on client/owner participation as stated above. Final determination of acceptability is up to the governmental municipal body. We do not guarantee approval of plans. AME participation in this project does not guarantee approval of plans or that the City will make final acceptance of this project in its existing or a modified form.

I am preparing this letter in two original copies. If this in general meets with your approval for this work, please keep one copy and sign and return the second copy to me. Acceptance may be made by transmittal of facsimile or email copies.

My work can start upon your authorization and acceptance of the terms outlined above & in the enclosed fee schedule.

Sincerely yours,

AME Engineering, Inc.

Jessica J. Kilgore, P.E.
President
Licensed Professional Engineer
State of Texas #106106

Accepted By

Title

Enclosed: AME Fee Schedule

Date

**City Council
Staff Agenda Report**

Agenda Item: 9i.

Agenda Subject: Discussion and possible action regarding the SCADA system for monitoring the City water system.

<p>Meeting Date: April 21, 2022</p>	<p>Financial Considerations: \$12,000.00</p> <p>Budgeted: \$31,357.00</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <p><input type="checkbox"/> Financial Stability</p> <p><input checked="" type="checkbox"/> Appearance of City</p> <p><input checked="" type="checkbox"/> Operations Excellence</p> <p><input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade</p> <p><input type="checkbox"/> Building Positive Image</p> <p><input type="checkbox"/> Economic Development</p> <p><input type="checkbox"/> Educational Excellence</p>
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Background Information: With the former proposal from RLC Controls, Inc, the plan for SCADA improvements included completely new software and hardware with the newest radios and components installed at each site. This proposal originally came in at \$39,500.00 but did not include any relocation of the equipment as expected.

After reviewing this information, the upgrades included in this proposal were beyond the necessity for such a small system and Staff has began to look at other options. The primary issues that need to be addressed with the SCADA system are as follows:

- Programming to automate the SCADA system with parameters that will alternate primary entry points based on available ground storage quantities.
- Programming to include appropriate historical data including storage elevations, relative pressures, and pump run times.
- Programming to allow Win911 to perform active alerts and notifications through text message and/or email.
- Relocating the SCADA system into the Public Works Shop

Staff has received a proposal from Prime Controls, LLC that fulfills this scope at the cost of \$9,490.00. Additional work will need to be completed to enclose and climate control the Public Works shop area. Staff is recommending approval to move forward with this proposal for SCADA improvements along with the future relocation of the equipment.

Recommended Action/Motion: Motion to approve a quote along with contingency in the amount of \$12,000 for improvements to the SCADA system.

Attachments: Prime Controls Quote No. Q2257001-47



1725 LAKEPOINTE DRIVE • LEWISVILLE, TX 75057
 PHONE 972-221-4849 • FAX 972-420-4842

April 9, 2022

To: City of Dalworthington Gardens

Attn: Kyle Sugg

Ref: PLC Control Narrative Changes and Winn911 Alarming Functionality
 Prime Controls Quote No. Q2257001-47

PRIME CONTROLS PROPOSAL

Prime Controls is pleased to offer this proposal for programming efforts associated with the EST fill sequence and HMI alarming.

Services to be provided by Prime Controls include the following major items:

ITEM	SERVICE
1.	PLC/ HMI /SCADA System Software Development and Programming to accommodate the fill sequence of the existing EST. Control narrative changes to add additional functionality listed below. <ul style="list-style-type: none"> Above 15’ in the GST (user settable) the system will run the local pumps at the GST site to maintain EST level (pumps to turn on at 144’ EST level). Below 15’ in the GST the system will operate the Arlington fill valve to maintain the EST level. If the EST ever falls below 142’ both systems shall operate simultaneously to maintain the EST level. Add trends to the HMI for the pump run statuses.
2.	Relocate existing HMI workstation, DATA concentrator, UPS to the new location in the same building (<i>into the sign shop</i>)

PROPOSAL CLARIFICATIONS

ITEM	CLARIFICATION
1.	Pricing does not include Sales Taxes or Bonding costs.
2.	Pricing shall be valid for 30 days from proposal date.
3.	This proposal is for the programming associated with the EST filling sequence and HMI alarm call out/email/text. (<i>Customer’s existing Winn911 software will be utilized.</i>)
4.	Relocate and setup the existing HMI workstation to the new location in the same building
5.	Relocate the existing DATA Concentrator to the new location in the same building, run new LMR600 coax from the existing antenna to the new location of the DATA Concentrator
6.	Reroute or pull new any electrical circuits that will not reach the new location for power of the HMI workstation and DATA Concentrator panel.
7.	Reroute or pull new any ethernet connections that will not reach the new location of the HMI workstation and DATA Concentrator
8.	Acceptance of an order shall be subject to the attached General Terms & Conditions. These General Terms and Conditions are superseded by current Master Service Agreements (MSAs), Contracts, Subcontracts and/or Blanket Purchase Orders that authorize this work.
9.	<i>This proposal is based off the assumption that all PLC hardware/software will accommodate above referenced control narratives and alarming changes, if additional cost is deemed necessary, it will be billed separately.</i>

PROPOSAL PRICING

BID ITEM	BASE BID	PRICING
1	PLC Control Narrative Changes and Winn911 Alarming Functionality	\$5,760.00
2	Relocation of the HMI workstation and DATA Concentrator	\$3,730.00
	TOTAL COST	\$9,490.00

We sincerely appreciate this opportunity and look forward to being of service for this work.
Thanks again and please feel free to call if there are any questions.

Sincerely,

Prime Controls, LP



Colby Cobb
Service Manager
O:972-221-4849
C:214-475-4713
Cj.cobb@prime-controls.com

GENERAL TERMS AND CONDITIONS

1. **Applicable Terms:** These General Terms and Conditions shall govern the purchase and sale of equipment and related services referred to in Prime Controls' quotation, proposal or similar document defining equipment, material and/or services to be provided by Prime Controls.
2. **Validity:** Terms and conditions previously agreed to by Prime Controls via executed and currently valid Master Service Agreements (MSAs), Contracts, Subcontracts and/or Blanket Purchase Orders utilized to authorize subject work shall supersede these General Terms and Conditions.
3. **Firm Offer:** Unless otherwise stated in quotation/proposal, all pricing shall be firm for a period of one hundred twenty (120) days from proposal date. Prime Controls reserves the right to revise pricing after the 120 day period to allow for any anticipated or actual increased material/supplier costs.
4. **Sales Tax, Tariffs, Duties:** Unless otherwise stated in quotation/proposal, costs for sales taxes, tariffs, and /or duties are not included in proposal pricing. If applicable, Prime Controls shall invoice for same as an additional, separate line item unless Prime Controls is provided with the applicable sales tax exemption certificate which properly relieves Prime Controls' obligation to collect and/or pay subject taxes.
5. **Bonding:** Unless otherwise stated in quotation/proposal, costs for performance and payment (P&P) and/or maintenance bonds are not included in our proposal pricing. Requested bonds can be provided at industry standard rates and will be invoiced as an additional, separate line item.
6. **Payment:** Unless otherwise stated in quotation/proposal, invoicing shall be progressive and include payment for properly stored material. A proposed schedule of values (SOV) shall be submitted for approval prior to first invoice to establish progressive values. Payment terms to be net thirty (30) days. Pricing is in US Dollars.
7. **Warranty:** Warranty shall include repair or replacement of products furnished by Prime Controls found to be defective due to a manufacturing defect and/or improper workmanship. Unless otherwise stated in proposal/quotation, warranty shall be for a period of twelve (12) months from "Substantial Completion" (date when products are utilized for intended purposes) or eighteen (18) months from delivery, whichever occurs first. Damages as a result of acts of God (lightning, etc.), theft, vandalism or improper care and/or maintenance by Buyer/Customer are not covered by this warranty.
8. **Ownership of Materials and Intellectual Property:** All devices, designs (including drawings, plans, specifications, etc.) estimates, prices, notes, electronic data and other documents or information prepared or disclosed by Prime Controls, and all related intellectual property (software, etc.) shall remain Prime Controls' property. Prime Controls shall grant Buyer/Customer a perpetual non-exclusive, non-transferrable license to use application software for its intended purposes. Buyer/Customer shall not disclose such material to third parties without Prime Controls' written consent.
9. **Non-Solicitation of Employees:** It is mutually agreed that neither Seller or Buyer shall directly or indirectly employ, solicit for employment, advise or recommend to any other persons that such other person employ or solicit for employment any person employed by either party during the term of this contract and for a period of one (1) year thereafter.
10. **Cancellation:** If work/order is cancelled or suspended following Prime Controls' receipt of an order, Buyer/Customer shall promptly pay Prime Controls for work performed prior to cancellation or suspension and any other incurred direct costs as a result of such cancellation or suspension.
11. **Force Majeure:** Prime Controls shall not be liable for any loss, damages or delays due to causes beyond our reasonable control, including without limitations, acts of God, extreme weather events, fire, delays by others, etc..

**City Council
Staff Agenda Report**

Agenda Item: 9j.

Agenda Subject: Discussion and possible action regarding Project #2021-02, the Tarrant County Community Development Block Grant program for Ambassador Row, to include but not limited to any change order approval.

<p>Meeting Date: April 21, 2022</p>	<p>Financial Considerations: Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input checked="" type="checkbox"/> Infrastructure Improvements/Upgrade <input checked="" type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information: This will be a recurring item for Project #2021-02, the 47th Year CDBG project for Ambassador Row.

There is nothing to report at this time.

Recommended Action/Motion: No action needed at this time.

Attachments: None

**City Council
Staff Agenda Report**

Agenda Item: 9k.

Agenda Subject: Discuss and possible action regarding amendments to the FY 2022 budget in amounts not to exceed \$10,000.00.

<p>Meeting Date: April 21, 2022</p>	<p>Financial Considerations: Unknown but won't exceed \$10,000</p> <p>Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	<p>Strategic Vision Pillar:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Financial Stability <input type="checkbox"/> Appearance of City <input checked="" type="checkbox"/> Operations Excellence <input type="checkbox"/> Infrastructure Improvements/Upgrade <input type="checkbox"/> Building Positive Image <input type="checkbox"/> Economic Development <input type="checkbox"/> Educational Excellence
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Background Information: This is a standing agenda item that will appear on all future agendas. The idea is to provide an item whereby staff can discuss needs that come up after the agenda posting deadline. These would only be items that, without council approval, would otherwise put operations on hold.

Recommended Action/Motion: If action needed: Motion to approve an amendment to the FY 2022 budget in an amount not to exceed [state dollar amount] for the purpose of [state specific purpose].

Attachments: None