



NOTICE OF A PUBLIC MEETING

AN AGENDA OF A REGULAR MEETING OF THE CITY COUNCIL CITY OF WHITE SETTLEMENT, TEXAS

6:30 PM – December 7, 2021

City Hall – Council Chambers

214 Meadow Park Drive, White Settlement, TX 76108

The City of White Settlement City Hall is accessible to persons with disabilities. Specially marked parking spaces are available at both Meadow Park and Hanon Drive. Accessible entry is available at the main entrance, which is located on the north side of the building. If additional assistance is needed to observe or comment, please notify the City Secretary at 817-246-4971 x203 at least 24 hours prior to the meeting. Recordings of Planning and Zoning Commission meetings are available for copies beginning on the Tuesday after each meeting.

As a courtesy to those in attendance, please place your cell phone on "silent" or "vibrate".

Food and drink are not allowed in council chambers.

Thank you!

CALL TO ORDER

INVOCATION / PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

The purpose of this item is to allow citizens an opportunity to address the City Council on items that are not listed on the agenda, as well as any consent agenda, executive session, or workshop items. Any person desiring to make a public comment must first fill out a speaker request form, and be recognized by the presiding officer. Individual citizen comments are limited to three minutes. The City Council has no obligation to respond in any manner to comments or questions from the public. Any response from a member of the City Council to comments on items not listed on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future meeting.

PRESENTATIONS

STAFF PRESENTATIONS:

1. City Manager presentation of items of community interest.

CONSENT AGENDA

All items on the Consent Agenda are routine or previously discussed items and will be approved with one motion; however, should a member of the City Council wish to discuss any item, said item may be removed from the Consent Agenda and considered under Deliberation Agenda.

2. Approval of City Council meeting minutes:

- a. November 2, 2021;
- b. November 10, 2021

OATH OF OFFICE

3. Present Oath of Office to Council Member Place 4 Elect, Eddie Delgado, for the term November 2021 through November 2024.
4. Present Oath of Office to Council Member Place 5 Elect, Gregg Geesa, for the term November 2021 through November 2024.
5. Discuss and take action with respect to the election of Mayor Pro-Tem. For this item, nominations for the position of Mayor Pro-Tem will be considered one at a time.
6. Administer Oath of Office to Mayor Pro-Tem.

A brief recess will be held to allow for photos and new members to take their seat at the dais.

DELIBERATION AGENDA

COMMUNITY SERVICES:

7. Hold a Public Hearing and consider a resolution selecting Veterans Park Improvements at 8901 Clifford Street, White Settlement, Texas, as the Community Development Block Grant - Covid Program Project.
8. Discuss and consider a recommendation from the Park & Recreation Board to name the Senior Center in honor of Mr. Gary Lewis.

PUBLIC WORKS:

9. Discuss and consider a Professional Services Agreement between the City and Freese and Nichols, Inc. (FNI) for Engineering Services related to Emergency Preparedness Plan (EPP) Support Services to comply with Senate Bill 3 of the 87th Texas Legislature.
10. Discuss and consider a change order for RFP 2020-005 - CIP Improvements to Tumbleweed Trail, for an amount not to exceed \$270,000.00.

ADMINISTRATIVE:

11. Discuss and consider a resolution authorizing the casting of the allocated votes for the appointment on the Tarrant Appraisal District Board of Directors.

EXECUTIVE SESSION

12. Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may convene into Executive Session to deliberate regarding the following matters:

Sec. 551.071 Consultation with Attorney: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the city attorney about any matters listed on the agenda and the following:

- a. Gary Ritchie v. City of White Settlement

Sec. 551.072 Deliberation Regarding Real Property: The City Council may deliberate the purchase, exchange, lease or value of real property, including consideration of offers made on such properties, including 7945 White Settlement Road.

RECONVENE IN OPEN SESSION

13. Take action, if any, on items discussed in Executive Session.

ADJOURNMENT

This agenda was posted on the 2nd day of December, 2021, on the City Hall bulletin board at 214 Meadow Park Drive, White Settlement, Texas, by 5:00 p.m.

Amy Arnold, TRMC, CMC
City Secretary



**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
CITY OF WHITE SETTLEMENT, TEXAS**

6:30 P.M. – November 2, 2021

City Hall – Council Chambers

214 Meadow Park Drive, White Settlement, TX 76108

CALL TO ORDER

Mayor White called the meeting to order at 6:30 p.m. with a quorum of members present as follows: Council Member Paul Moore, Mayor Pro Tem Evelyn Spurlock, Council Member Amber Munoz, and Council Member Gregg Geesa. Council Member Christina Grudzinski was absent.

Executive Staff present included City Manager Jeffrey J. James, City Secretary Amy Arnold, and City Attorney Drew Larkin. Other staff present included Community Services Director Rich Tharp, Finance Director Krystal Crump (Foght), Building Official Robert Nunley, Public Works Director Larry Hoover, Police Chief J. Bevering, Fire Chief Brandon Logan, City Marshal Randy Rogers and Communications Manager Aaron Hall.

INVOCATION / PLEDGE OF ALLEGIANCE

Mayor White offered the invocation led the Pledge of Allegiance.

CITIZEN PARTICIPATION

Prior to acknowledging speakers, Mayor White read the citizen participation statement.

Katherine Bastidas of 724 June Drive addressed the City Council regarding the ability to sell ice cream within city parks stating she will return to further address members when she has more information.

Derrek Mulholland of the White Settlement Youth Association addressed the City Council regarding the sale of ice cream within city parks noting his agreement with the former WSYA President citing conflicts including taking away from the youth association fundraising activities.

EXECUTIVE SESSION

Mayor White announced City Council would convene in Executive Session at 6:40 p.m. after first reading the following statement:

Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may convene into Executive Session to deliberate regarding the following matters:

Sec. 551.071 Consultation with Attorney: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the city attorney about any matters listed on the agenda and the following:

- a. Private Card Rooms
- b. Opioid Settlement

Council Members reconvened from Executive Session at 7:02 p.m. No action was taken at this time.

PRESENTATIONS

MAYOR / COUNCIL MEMBER PRESENTATIONS:

Mayor Pro Tem Spurlock update on TML Annual Conference.

Mayor Pro Tem Evelyn Spurlock provided an update of informational sessions attended during the TML Conference, including legislative updates, public notice requirements and community programs.

STAFF PRESENTATIONS:

City Manager Presentation of Items of Community Interest.

City Manager Jeff James provided information to members including the success of the recent National Night Out event, Toys for Tot program to begin in November and provided dates for the neighborhood grease round-up event. Mr. James also provided information about a new donut shop opening and the upcoming holiday parade to be held December 4th.

CONSENT AGENDA

Mayor Pro Tem Spurlock made a motion to approve the consent agenda. Council Member Council Member Geesa seconded the motion which carried unanimously. Approval of the consent agenda included the following items:

1. Approval of City Council meeting minutes:
 - a. October 4, 2021
2. Approval of appointments to the Wholesale Water and Wastewater Customer Advisory Board, appointing Finance Director Krystal Crump as Voting Member and Public Works Director Larry Hoover as Alternate Member.
3. Approval of an ordinance providing for classification and allocation of Police Officers.
4. Approval of an agreement with Tarrant County Emergency District No.1 for fire service provided by the City to the District for the 2021-2022 Fiscal Year.
5. Approval of continued membership in Electric Reliability Council of Texas (ERCOT) for 2022 with an annual fee of \$100.

DELIBERATION AGENDA

PLANNING AND DEVELOPMENT:

6. Hold a Public Hearing and Consider a re-plat for Mc Donnell Parkside Addition, Lot B, Block 1, More commonly known as 9009 Moran St, White Settlement.

Building Official Robert Nunley explained staff had not yet received required documents for this item. Mr. Nunley explained the Public Hearing will still be held as advertised.

Mayor White opened the Public Hearing at 7:19 p.m. Hearing no speakers, Mayor White closed the Public Hearing at 7:20 p.m.

No action was taken.

7. Hold a Public Hearing and Consider a re-plat for Mc Donnell Parkside Addition, Lots A-R, Block 1, More commonly known as 9013 Moran St, White Settlement.

Building Official Robert Nunley explained staff had not yet received required documents for this item. Mr. Nunley explained the Public Hearing will still be held as advertised.

Mayor White opened the Public Hearing at 7:21 p.m. Hearing no speakers, Mayor White closed the Public Hearing at 7:21 p.m.

No action was taken.

8. Hold a Public Hearing and consider an ordinance amending Chapter 111 of the Code of Ordinances, the Zoning Ordinance, by amending Section 111-6(2) "Definitions for uses" to provide a definition for private card clubs; amending section 111-31, "Permitted use table" to include private card clubs; and amending Section 111-31 "Special uses" to require a special use permit for private card clubs.

City Manager Jeff James presented the items stating the item is related to executive session and would allow for members to take action as so desired.

Mayor White opened the Public Hearing at 7:31 p.m. Hearing no speakers, Mayor White closed the Public Hearing at 7:32 p.m.

Mayor Pro Tem Spurlock made a motion to approve an ordinance amending Chapter 111 of the Code of Ordinances, the Zoning Ordinance, by amending Section 111-6(2) "Definitions for uses" to provide a definition for private card clubs; amending section 111-31, "Permitted use table" to include private card clubs; and amending Section 111-31 "Special uses" to require a special use permit for private card clubs. Council Member Geesa seconded the motion which carried unanimously.

FINANCIAL:

9. Consider and take action on an ordinance authorizing the issuance and sale of the City of White Settlement, Texas Combination Tax and Revenue Certificates of Obligation, Series 2021A; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the private placement memorandum; providing an effective date; and enacting other provisions relating to the subject.

Finance Director Krystal Crump presented the item explaining the need and intended use of the funds.

Mayor White questioned section 8 of the document regarding the Mayor's responsibility. Finance Director Krystal Crump confirmed naming of the Mayor is for record purposes only, noting the finance department staff is responsible for handling transactions.

Council Member Moore made a motion to approve an ordinance authorizing the issuance and sale of the City of White Settlement, Texas Combination Tax and Revenue Certificates of Obligation, Series 2021A; levying an annual ad valorem tax and providing for the security for and payment of said certificates; approving the private placement memorandum; providing an effective date; and enacting other provisions relating to the subject. Council Member Geesa seconded the motion which carried unanimously.

10. Consider a contract for fines and fee collection services with Linebarger Goggan Blair & Sampson, LLP.

Finance Director Krystal Crump presented the item explaining the final documents are pending legal review and requests members to authorize the city manager to finalize and sign. Ms. Crump explains the contract will add UB and Finance invoices to the list of services collected on behalf of the city by Linebarger, stating the goal is to have one entity for city collections noting the benefit of a law firm to be able to provide legal advice relating to collection of fees.

Members discussed a difference in fees to use this collector versus current collector. Staff noted no increase in fees charged to the city.

Mayor Pro Tem Spurlock made a motion to approve a contract for fines and fee collection services with Linebarger Goggan Blair & Sampson, LLP. Council Member Moore seconded the motion which carried unanimously.

11. Consider an ordinance amending Chapter 20 “Fees” of the Code of Ordinances, City of White Settlement, Texas in its entirety; providing for the adoption of fees for certain city services; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; providing for publication in the official newspaper; and providing an effective date.

Finance Director Krystal Crump presented the item stating staff along with the city attorney, worked to simplify, reorganize and update city fees, noting changes and additions.

Council Member Moore made a motion to approve an ordinance amending Chapter 20 “Fees” of the Code of Ordinances, City of White Settlement, Texas in its entirety; providing for the adoption of fees for certain city services; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing a penalty clause; providing for publication in the official newspaper; and providing an effective date. Council Member Munoz seconded the motion which carried unanimously.

12. Consider a resolution authorizing the city manager to execute global opioid settlement documents, and adopting the Texas Term Sheet.

City Manager Jeff James presented the item as discussed in executive session noting the settlement agreement would potentially provide for 23,000.00 for programs of the PD and FD specifically for opioid abuse programs.

Council members questioned whether staff will create a list of specific items for use of the funds. City Manager Jeff James stated staff will create a list only after funds are received due to the type of settlement.

Council Member Munoz made a motion to approve a resolution authorizing the city manager to execute global opioid settlement documents, and adopting the Texas Term Sheet. Mayor Pro Tem Spurlock seconded the motion which carried unanimously.

PUBLIC WORKS:

13. Discuss and consider an Interlocal Agreement (ILA) with Tarrant County for Cement Stabilization and Asphalt paving for Down Drive, Mary Kay Lane, Danny Drive and Western Hills Blvd.

Public Works Director Larry Hoover presented the item explaining included roads. Mr. Hoover noted the agreement is the standard form which was reviewed by the City Attorney as well as staff recommendation for approval.

Members discussed potential TxDOT I-30 project interfering with some included streets. Staff explained TxDOT funding for the I-30 project as being 5-10 years out with the noted locations falling within the TIRZ zone therefore needing to be addressed as soon as possible.

Mayor Pro Tem Spurlock made a motion to approve an Interlocal Agreement (ILA) with Tarrant County for Cement Stabilization and Asphalt paving for Down Drive, Mary Kay Lane, Danny Drive and Western Hills Blvd. Council Member Geesa seconded the motion which carried unanimously.

BOARD APPOINTMENTS:

14. Discuss and consider appointment to Parks and Recreation Board Place 3, currently vacant, with a term to expire February 2024.

Community Services Director Rich Tharp presented the item explaining current board member, Marcie Delgado, serves in the alternate position and would like to move to the vacant place 3 position.

Council Member Munoz made a motion to appoint Marcie Delgado to Parks and Recreation Board Place 3, currently vacant, with a term to expire February 2024. Council Member Geesa seconded the motion which carried unanimously.

ADJOURNMENT

With there being no further discussion Mayor White adjourned the meeting at 7:55 p.m.

Approved this 7th day of December, 2021.

Ronald A. White, Mayor

ATTEST:

Amy Arnold, TRMC, CMC
City Secretary



**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
CITY OF WHITE SETTLEMENT, TEXAS**

5:30 PM – November 10, 2021

City Hall – Council Chambers

214 Meadow Park Drive, White Settlement, TX 76108

CALL TO ORDER

Mayor White called the meeting to order at 5:30 p.m. stating two members present constitutes a quorum for the purpose of an official canvass. Mayor White confirmed a quorum of members present as follows: Council Member Paul Moore, Mayor Pro Tem Evelyn Spurlock and Council Member Amber Munoz. Council Member Gregg Geesa and Council Member Christina Grudzinski were not present.

Executive Staff present included City Manager Jeffrey J. James and City Secretary Amy Arnold. Other staff present included Community Services Director Rich Tharp, Police Chief J. Bevering, City Marshal Randy Rogers and Communications Manager Aaron Hall. Council Member Place 4 Elect, Eddie Delgado, was present.

CITIZEN PARTICIPATION There were none.

FINAL CANVASS

1. Discuss and consider a resolution canvassing returns and declaring results of the General Election held on November 2, 2021.

City Secretary Amy Arnold presented results of the official returns of the November election stating Candidate Robert Purcell received 38.91% of the votes cast and Candidate Eddie Delgado received 61.09% of the votes cast for the place 4 ballot item; Candidate Gregg Geesa receiving 100% for the place 5 ballot item.

Mayor Pro Tem Evelyn Spurlock made a motion to approve resolution 2021.11.021 canvassing the returns as presented. Council Member Moore seconded the motion which carried unanimously.

PRESENTATIONS

2. Present Certificate of Election to Council Member Place 4 elect and announce the Oath of Office Ceremony will take place at the next Regular City Council Meeting.

Mayor White presented the Certificate of Election to Council Member Place 4 Elect, Eddie Delgado. Mayor White mentioned photos would be taken at the Oath of Office ceremony on December 7, 2021.

3. Present Certificate of Election to Council Member Place 5 elect and announce the Oath of Office Ceremony will take place at the next Regular City Council Meeting.

Certificate was not presented due to Council Member Geesa's absence. He will be provided his certificate prior to the December meeting.

ADJOURNMENT

With there being no further discussion Mayor White adjourned the meeting at 5:35 p.m.

Approved this 7th day of December, 2021.

ATTEST:

Ronald A. White, Mayor

Amy Arnold, TRMC, CMC
City Secretary

Oath of Office

In the name and by the authority of The State of Texas

I, Eddie Delgado, do solemnly swear, or affirm, that I will faithfully execute the duties of the office of Council Member Place 4 for the City of White Settlement of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer

SWORN TO and subscribed before me on this 7th day of December, 2021.

Amy Arnold, City Secretary



Oath of Office

In the name and by the authority of The State of Texas

I, Gregg Geesa, do solemnly swear, or affirm, that I will faithfully execute the duties of the office of Council Member Place 5 for the City of White Settlement of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer

SWORN TO and subscribed before me on this 7th day of December, 2021.

Amy Arnold, City Secretary





To: City Council

From: Richard Tharp, Community Services Director

Date: December 7, 2021

Staff brings this public hearing item to the Council to discuss and consider the adoption of a resolution to proceed with the CDBG-CV funding application process in the amount of \$250,000.00. James DeOtte Engineering has identified a qualifying park improvement project at Veterans Park to include: a playground, outdoor fitness trail equipment, sidewalks, tables and bench seating improvements. The total requested grant project cost is projected to be \$269,698.00, and the City would pay the remaining difference of \$19,699.00 prior to April 2023. Project construction could begin in late 2022. Note that this grant funding is separate from and not a part of the CDBG funding historically used for public works projects.

Application for the CDBG-CV Grant Veteran's Park Improvements

Prepared for:



City of White Settlement
214 Meadow Park Drive
White Settlement, Texas 76108
www.wstx.us
DUNS # 028362671

Prepared by:



James Deotte Engineering
2201 Dottie Lynn Parkway, Suite 119
Fort Worth, Texas 76120

Contact:

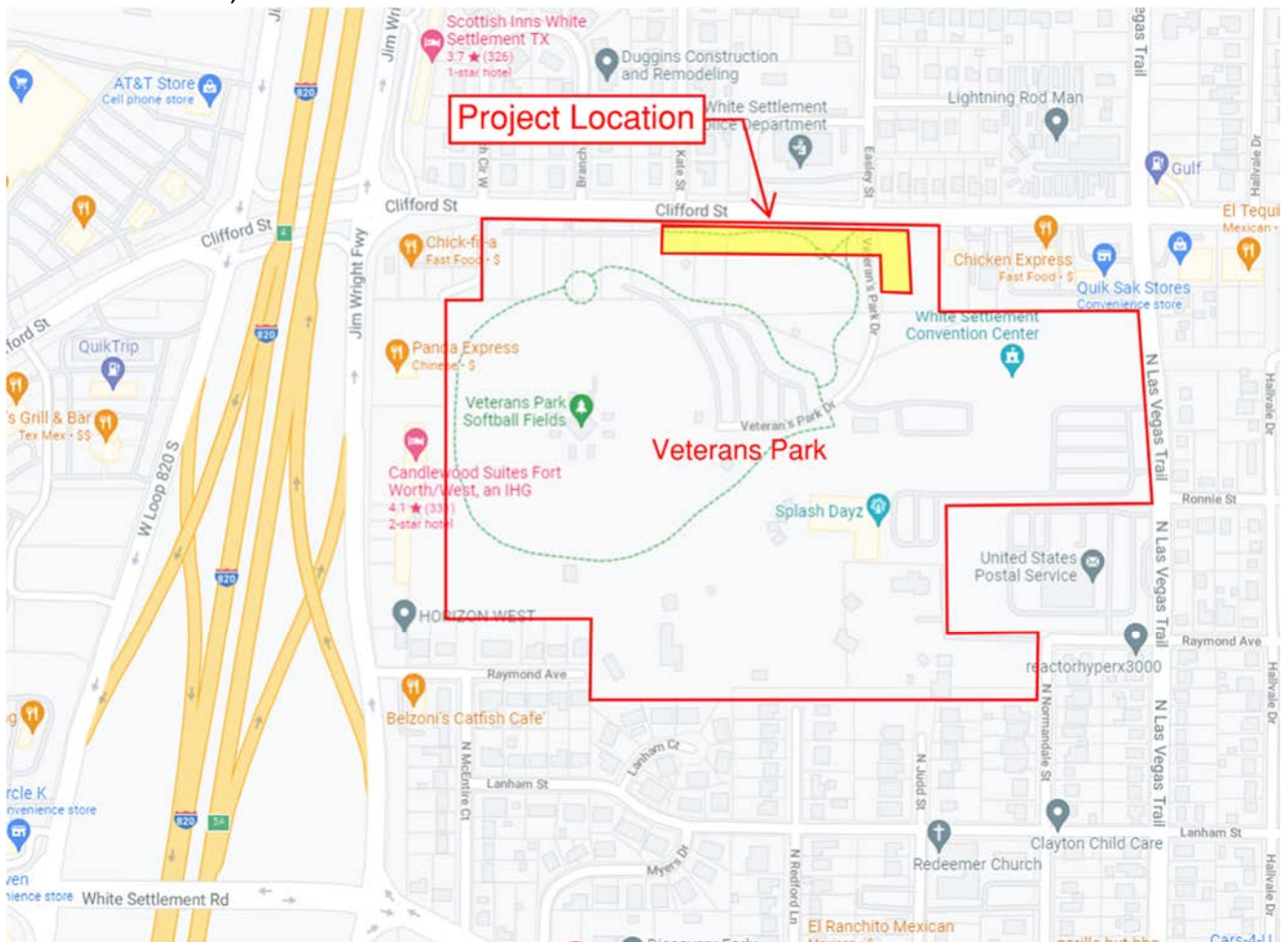
Rich Tharp, CPM
City of White Settlement
Community Services Director
rtharp@wstx.us
817-246-4971

Brian Darby, P.E.
briandarby@deotte-eng.com
817-446-6877

Project Location

The project is located within the City of White Settlement in Veteran's Park near the southeast intersection of Highway 820 and Clifford Street as show on the map below.

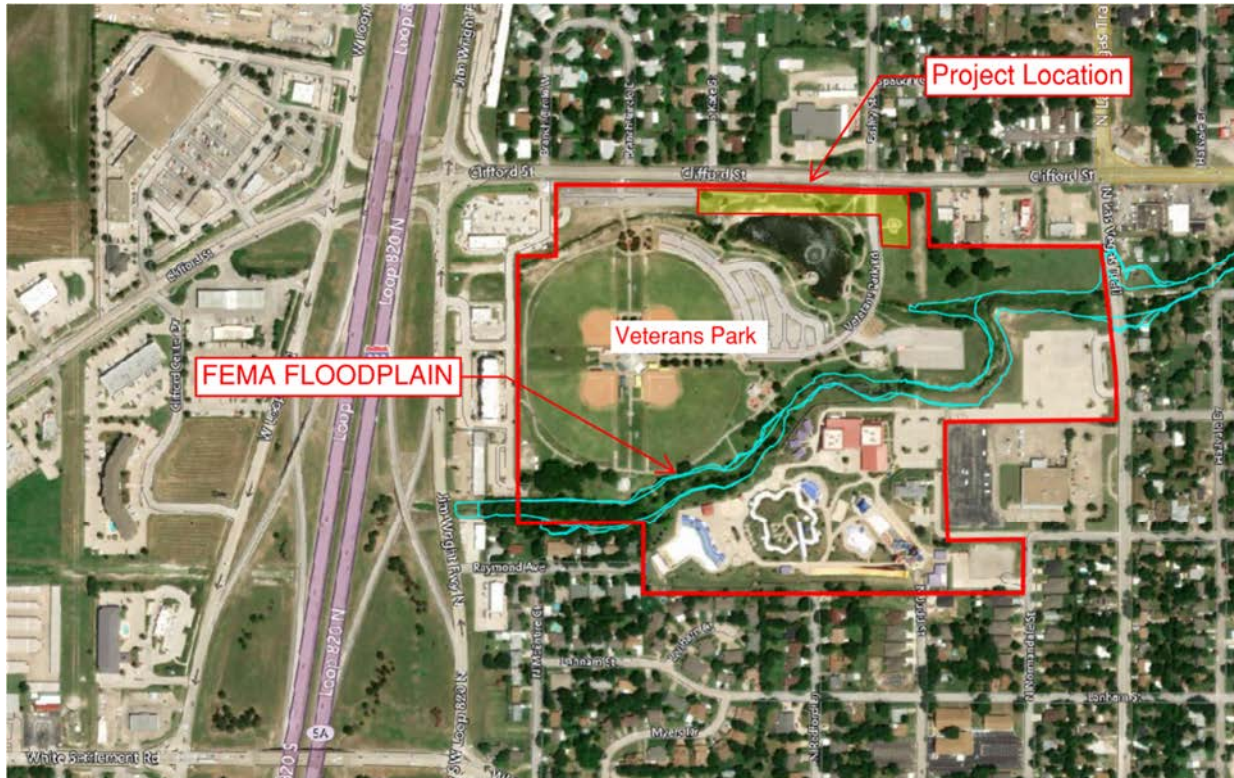
8901 Clifford Street
White Settlement, Texas 76108



Project Type & Description

The project to be an open use **Public Facility** which will improvements to further expand outdoor usage in the existing Veteran's Park. The improvements consist of a two new age appropriate playground structures, tables & benches, trash receptacles, and a series of permanently fixed location exercise stations positioned along the existing hike/bike trail in Veteran's Park along Clifford Street.

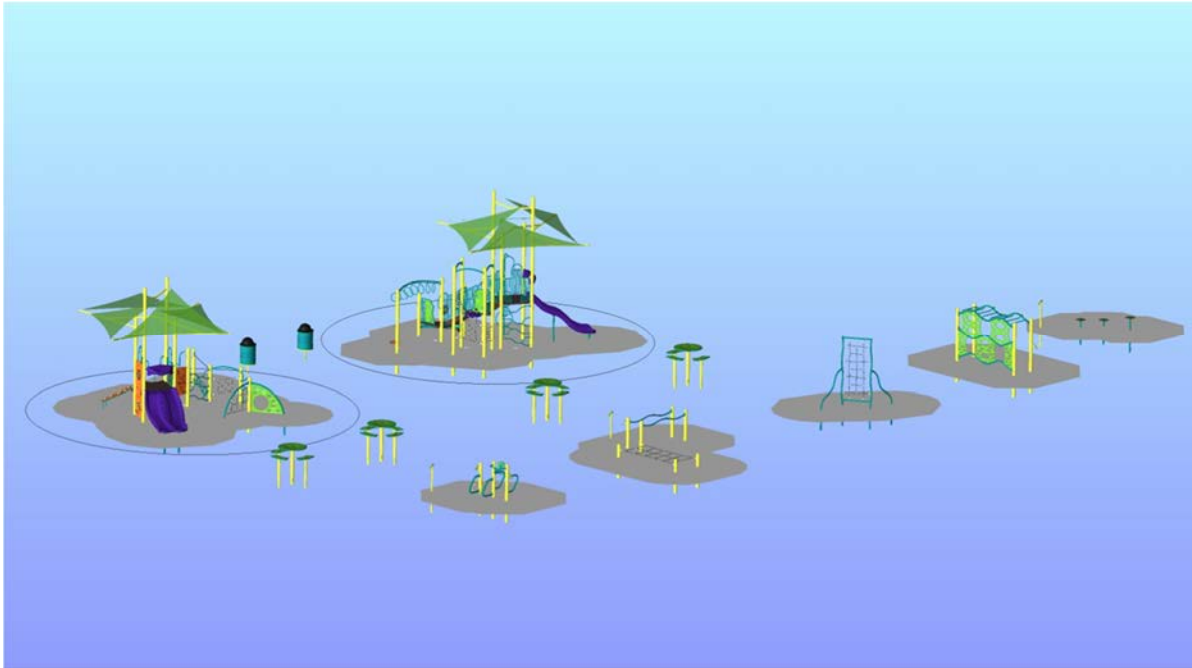
Existing Park:



Proposed Location of Exercise Stations along hike/bike trail:



Example Playgrounds and Exercise Stations:



Requested Amount of CDBG-CV Funding

The City of White Settlement is submitting this application to obtain the CDBG-CV Grant to fund the said described project above. This project will not receive any additional funds from other agencies or entities. The City of White Settlement will fund any additional improvements that fall beyond those that are approved by the grant. White Settlement is seeking the maximum \$250,000 from the COVID-CV Grant.

Total Project Costs

A conceptual opinion of probable construction costs was developed. The City is aware that current recently quoted total will have a price increase for next year and anticipates a contingency amount to address unforeseen needed items once a more detailed design has been completed. This makes the estimated total project cost to be \$269,698. A line-item budget is included later in the application.

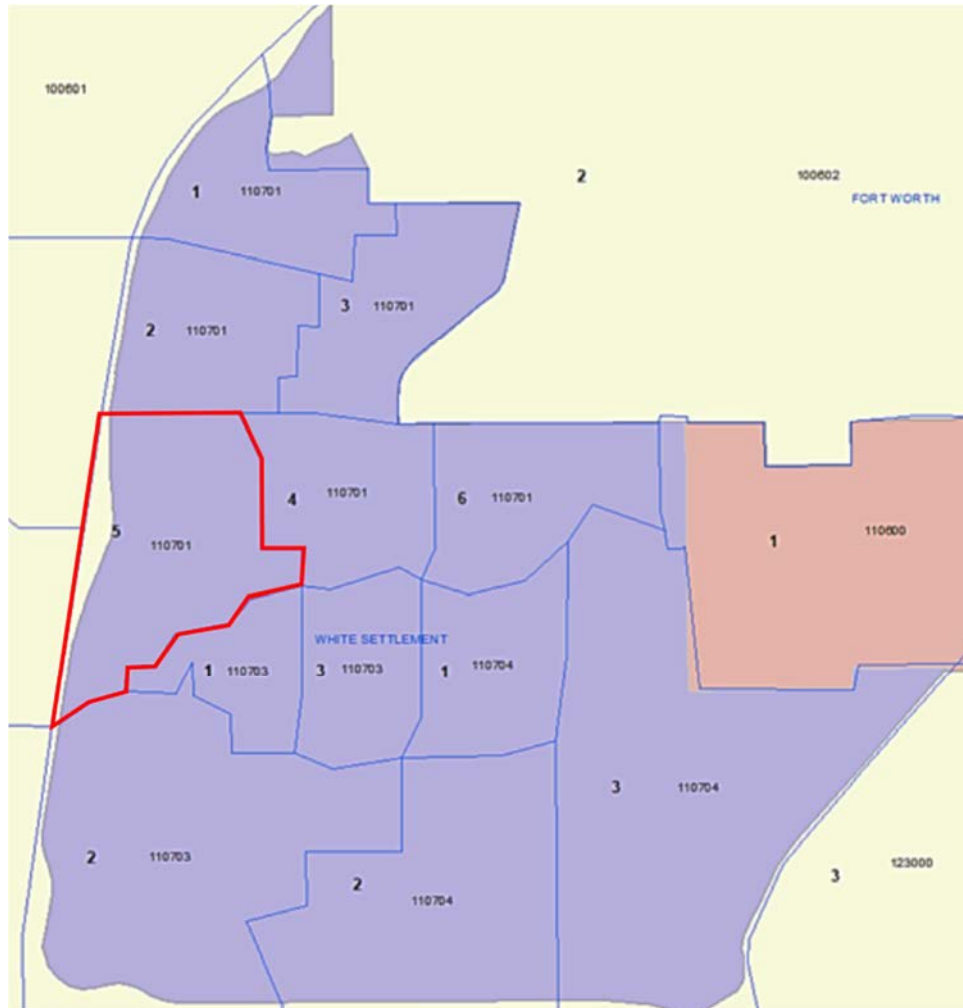
Amount Leveraged

As noted above in the Requested Amount of CDBG-CV Funding description, the City will provide and fund the remaining balance beyond the maximum \$250,000 COVID-CV Grant amount which based on the conceptual estimated total project cost of \$269,699 would be \$19,699.

LMI Requirement

This project will be an **Area Benefit** activity as it will benefit all resident in a particular area that lies within a Census Block Group **1107.01/05** that has been designated as a LMI by HUD with a Census qualified eligible area of **62.89%** (greater than 51%) LMI and 70% of the area considered residential.

2021 HUD LMISD Map:



2021 HUD LMISD (effective July 1, 2021)

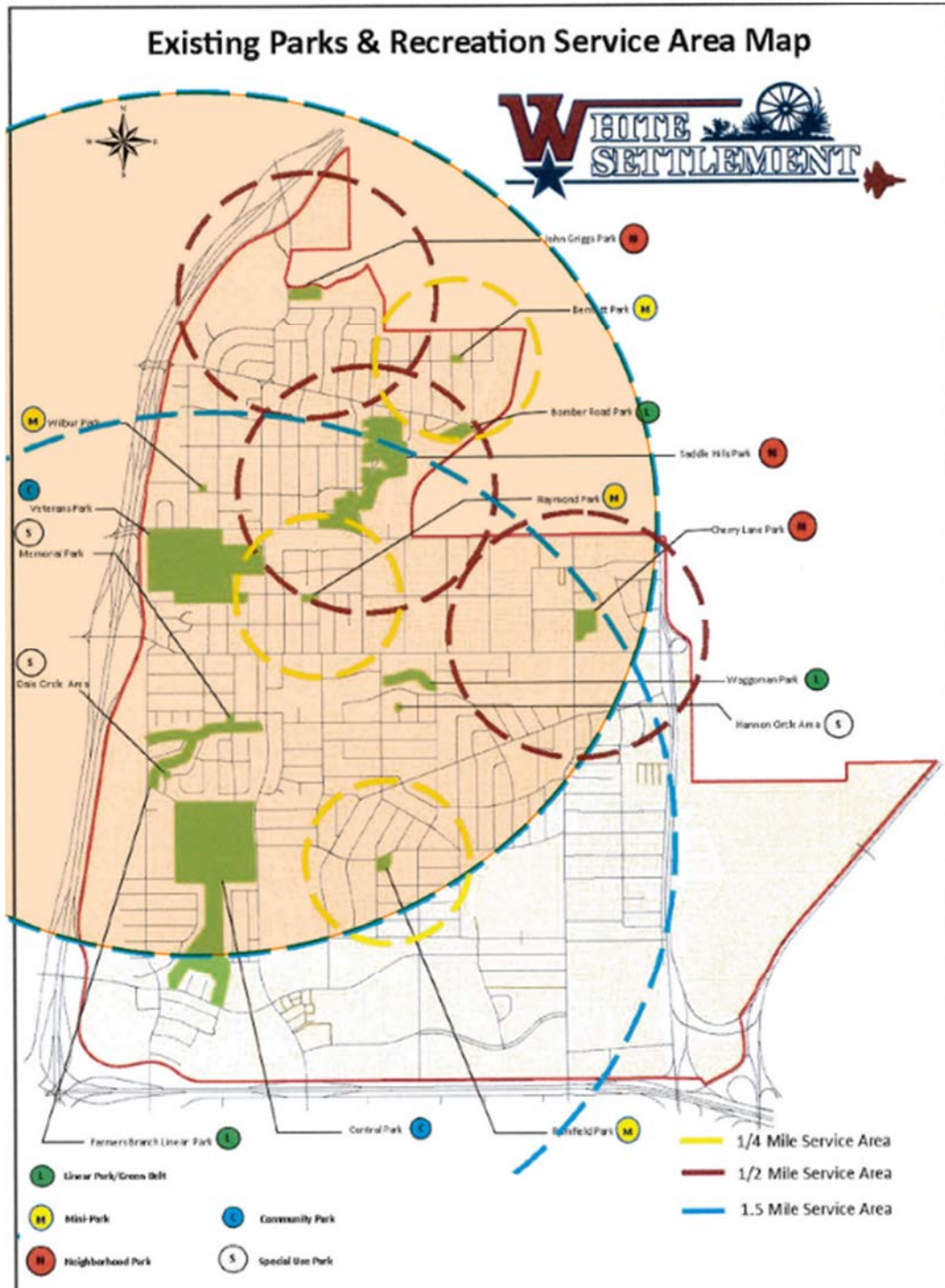
1006.02 / 01	41.05%
1107.01 / 01	57.14%
1107.01 / 02	50.47%
1107.01 / 03	47.08%
1107.01 / 04	47.16%
1107.01 / 05	62.89%
1107.01 / 06	70.54%

1106.00 / 02	42.59%
1107.03 / 01	67.88%
1107.03 / 02	40.80%
1107.03 / 03	64.23%
1107.04 / 01	62.98%
1107.04 / 02	82.94%
1107.04 / 03	37.50%

Who Will Be Served

The City's most recent Parks Recreation and Open Space Master Plan shows an anticipated 1½ mile service area that will be served by these Veteran's Park improvements.

Parks Recreation and Open Space Master Plan – Existing Parks & Recreation Service Area Map:



- **How many people or households will be served by this project?**

The existing households within the service area is currently at approximately 4,900 households just within the City of White Settlement. Per the City's most recent Parks Recreation and Open Space Master Plan the service area would also extent in portions of the City of Fort Worth to the west.

- **Is this a new or existing project? If existing, is this an expansion?**

This project is an expansion to the existing Veteran's Park in dedicated park land area and further utilize open areas that are not currently these type of facilities anywhere else within the City.

- **What challenge will this project address?**

This will utilize existing park land that currently is not being operated for this type of park use and convert it into a more usable space to supplement the existing park facilities into a more wholistic park improvement use.

- **How will clients access the project?**

Residents will be able to access the park from the existing parking lots throughout the park with the main driveway on Clifford Street which is one of the major throughfare roadways as travels the entire length of the City to its east and west limits.

- **How does your project prevent, prepare for, and/or respond to the COVID-19 pandemic?**

The project will serve to provide additional safe outdoor open spaces for the residents of the City of White Settlement. The improvements to this park includes additional playground structures with tables & benches along with installing a series of new socially distanced exercise stations with benches at this existing public park that will encourage neighborhood residents to venture outside and provide them with suitable outdoor fitness opportunities and social gathering space while maintaining safe social distancing.

- **Why is CDBG-CV funding needed?**

The City's budget for the past 2 years that has not been able to designate any funding for Capital Outlay that could be used for park improvements due to the COVID-19 pandemic. These CDBG-CV grant is needed to provide funding that has not existed due to the COVID-19 pandemic.

- **Is this a new or expanded project?**

This project is an expansion to the existing Veteran's Park in dedicated park land area and further utilize open areas that are not currently these type of facilities anywhere else within the City.

Line-Item Budget

A conceptual opinion of probable construction costs was developed based on the locations shown previously in this application.

Child's Play, Inc.

10661 Shady Trail
Dallas, TX 75220
(P) 972-484-0600 (F) 972-484-0333

ADDRESS
City of White Settlement Veterans Park 214 Meadow Park Drive White Settlement, TX 76108

SHIP TO
Rich Tharp Veterans Park 8901 Clifford Street White Settlement, TX 76108

QUOTE #	DATE	EXPIRATION DATE
21-4181	11/11/2021	12/31/2021

PROJECT
Option 2

SALES REP
CW

DESCRIPTION	QTY	PRICE EACH	AMOUNT
BCISNUIN Custom Nucleus/Intensity Series Playground Structure Age 2-5 with integrated shade	1	36,997.00	36,997.00
BCISNUIN Custom Nucleus/Intensity Series Playground Structure Age 5-12 with integrated shade	1	33,890.00	33,890.00
BCIS80-1313 Novo Picnic Table- ADAAG	2	2,910.00	5,820.00
BCIS80-1341 Novo Round Picnic Table	2	3,458.00	6,916.00
BCISFTT Elevate Fitness Course Series 2677	1	30,648.00	30,648.00
Site Work Site Work- Remove wood fiber, Demo and haul off existing playgrounds	1	6,400.00	6,400.00
Wood Fiber Engineered Wood Fiber	100	27.00	2,700.00
Install Wood Installation of Wood Fiber	100	14.00	1,400.00
PIP Rubber Poured-In-Place Rubber Surfacing- 5 pads for the fitness equipment, 11'x15' each	1	19,000.00	19,000.00
Installation Professional Turn-Key Installation of Playground Equipment	1	19,671.00	19,671.00
Installation Professional Turn-Key Installation of Fitness Equipment	1	4,965.00	4,965.00
Freight Freight	1	4,200.00	4,200.00
Buyboard This is a Buyboard Purchasing Cooperative Quote. Pricing reflects Buyboard discounts as listed under Contract #592-19, Vendor #1501	1	0.00	0.00

TOTAL

\$172,607.00

Accepted By

Accepted Date

Current Construction Quote	\$172,607.00
2022 Price Increase	\$43,152.00
Conceptual Contingency	\$53,940.00
Total Project Cost	\$269,699.00

Sources and Uses of Funding

Below is a draft project selection resolution that states that for the budget that is more than the anticipated CDBG-CV grant funds, the City pay the balance. This resolution will be heard and passed at the City's next monthly Council Meeting scheduled on December 7, 2021 and will be reflected in the meeting minutes.

RESOLUTION NO. [REDACTED]

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITE SETTLEMENT, TEXAS SELECTING THE COMMUNITY DEVELOPMENT BLOCK GRANT COVID PROGRAM PROJECT AS VETERAN'S PARK IMPROVEMENTS AT 8901 CLIFFORD STREET.

WHEREAS, the City of White Settlement has expressed interest in participating in the Tarrant County Community Development Block Grant – COVID Program (CDBG-CV); and

WHEREAS, the improvements for Veteran's Park at 8901 Clifford Street is on the Parks and Recreations Master Plan for improvements; and

WHEREAS, the improvements for Veteran's Park at 8901 Clifford Street are estimated for the amount of \$269,699 of which the maximum of \$250,000 is being requested from the CDBG-CV Program and the City of White Settlement would provide the remainder of a total being \$19,699.

WHEREAS, the City of White Settlement City Council has selected Veteran's Park at 8901 Clifford Street as the CDBG-CV Project; and

NOW THEREFORE, BE IT RESOLVED that The City Council of the City of White Settlement that:

I.

The City of White Settlement is hereby requesting participation in the CDBG-CV Program.

II.

It is hereby declared that the City of White Settlement's selected project for the CDBG-CV Program is the improvements of Veteran's Park at 8901 Clifford Street.

Passed and Approved this 7TH day of December 2021.

APPROVED:

Ronald A. White, Mayor

ATTEST:

Amy Arnold, City Secretary

Area Benefit Data Collection

The data from each individual or household that captures key demographic, information, household structure, and special population information is based on the already established 2020 HUD LMISD Map showing that Census Block Group 1107.01/05 has been designated as a LMI by HUD with a Census qualified eligible area of 62.89% (greater than 51%) LMI. This HUD LMISD map is included earlier in this application.

City Public Notice for Public Hearing

The public hearing will be heard at the City's next monthly Council Meeting scheduled on December 7, 2021 and any comments will be reflected in the meeting minutes.

City Public Hearing Minutes

The meeting minutes from the City's next monthly Council Meeting scheduled on December 7, 2021 will accepted at the following monthly Council Meeting scheduled on January 4, 2022. Once approved a copy will be provided.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITE SETTLEMENT, TEXAS SELECTING THE COMMUNITY DEVELOPMENT BLOCK GRANT COVID PROGRAM PROJECT AS VETERAN’S PARK IMPROVEMENTS AT 8901 CLIFFORD STREET.

WHEREAS, the City of White Settlement has expressed interest in participating in the Tarrant County Community Development Block Grant – COVID Program (CDBG-CV); and

WHEREAS, the improvements for Veteran’s Park at 8901 Clifford Street is on the Parks and Recreations Master Plan for improvements; and

WHEREAS, the improvements for Veteran’s Park at 8901 Clifford Street are estimated for the amount of \$269,699 of which the maximum of \$250,000 is being requested from the CDBG-CV Program and the City of White Settlement would provide the remainder of a total being \$19,699.

WHEREAS, the City of White Settlement City Council has selected Veteran’s Park at 8901 Clifford Street as the CDBG-CV Project; and

NOW THEREFORE, BE IT RESOLVED that The City Council of the City of White Settlement that:

I.

The City of White Settlement is hereby requesting participation in the CDBG-CV Program.

II.

It is hereby declared that the City of White Settlement's selected project for the CDBG-CV Program is the improvements of Veteran’s Park at 8901 Clifford Street.

Passed and Approved this 7TH day of December 2021.

APPROVED:

Ronald A. White, Mayor

ATTEST:

Amy Arnold, City Secretary



To: City Council

From: Richard Tharp, Community Services Director

Date: December 7, 2021

Staff brings this item before the Council to discuss and consider approval of a recommendation from the Park & Recreation Board to name the Senior Center in honor of Gary Lewis. Gary was a fourteen year employee of the Senior Center, conducting transportation services for the Center programs and activities; passed away in August. Gary was loved by all and was best known for his friendly smile and "famous" overalls. Probably the most interesting part of the story about the Senior Center was the fact that Gary actually grew up in a house that was on the site where the Senior Center resides today. The Senior Center Council has made a similar recommendation from their 9/15/21 meeting, and asked the Park & Recreation Board to consider a recommendation to the City Council at their request to honor Gary and his family in this manner. Specific details of signage and/or plaques have yet to be determined.

AGENDA MINUTES
PARKS AND RECREATION BOARD
CITY OF WHITE SETTLEMENT
214 MEADOW PARK DRIVE
COUNCIL CHAMBERS – CITY HALL
Thursday, October 14, 2021 @ 7 PM

The members of the Parks and Recreation Board of the City of White Settlement, Texas convened in regular session at City Hall on Thursday, October 14, 2021 at 7 PM.

CALL TO ORDER

Roll Call by Rich Tharp

There was a quorum of members present. Those members in attendance were:
Present:

Aaron James	Position 2
Angela Destro	Position 4
April McKinzie	Position 6
Marcie Delgado	Alternate

Absent:

Kevin Kirkland	Position 1
Vacant	Position 3
Vacant	Position 5
Amy McClain	Position 7

Citizen:

Katherine Bastillos
Joyce Brown
Scott Evans

PRESENTATIONS

- 1) Rich gave the Board a presentation covering Parks & Recreation Board Appointments, to refresh everyone as it has been many months since the last Parks & Recreation Board meeting due to the pandemic. Rich pointed out that positions three and five are currently vacant, position four is to be re-appointed, and the alternate position will be appointed to a vacant seat when this is back on the Council agenda. Everyone will serve as currently listed until that point.

NEW BUSINESS

- 2) April McKinzie was re-elected as Chairperson for the Board.
- 3) Angela Destro was elected as Boad Secretary.

MONTHLY REPORTS

- 4) A review was held of the Parks and Recreation reports and a PowerPoint of accomplishments and upcoming events (Yvette Washington, Recreation Manager, and Mo Barrett, Keep White Settlement Beautiful).

WORKSHOP DISCUSSION

- 5) A discussion was held concerning mobile vending in city parks at the request of a local mobile vendor. Katherine Bastillos, citizen and permitted mobile ice cream vendor, addressed the board regarding the current ordinance (Sec. 10-119. Vendors on public property) that prohibits mobile vendors from occupying public property (e.g. city parks). Her primary request was to ask for an ordinance change that would allow vendors in city parks, or at least allow them access when the concession stands are not in use.

Joyce Brown (citizen) also spoke on Katherine's behalf. Additionally, Scott Evans (citizen), Yvette Washington (Recreation Manager), and Mo Barrett (Keep White Settlement Beautiful) also spoke to the Board. Richard Tharp, community Services Director, spoke to the Board on behalf of Staff regarding their concerns if changes were made to the ordinance.

The Board concluded the discussion and moved on to the deliberation agenda.

DELIBERATION AGENDA

- 6) The Board decided to table any action and/or recommendation from the workshop to the next scheduled meeting of the Parks and Recreation Board. The Board asked that staff provide the following information to be considered at the next meeting:
 - Report on the number of police calls related to the mobile vendor ordinance;
 - List of permitted mobile vendors;
 - The approximate numbers of days each year or the seasons when the parks and their concession areas are in use;
 - Information on the rental process for sports fields, pavilions, etc.
- 7) The Board considered a request from staff to rename the Senior Center to honor long time employee of the center, Gary Lewis. The Board recommended that the center be renamed and that the new name be indicated on a memorial plaque displayed where citizens could see it when entering the building.

FUTURE AGENDA ITEMS

- 8) It was decided that the Board will meet again on Thursday November 18, 2021 at 7:00 PM.

ADJOURNMENT



To: City Council
From: Larry Hoover
Director of Public Works
Date: December 7, 2021

The 87th Texas Legislature amended several sections of the Texas Code requiring Water Utilities to prepare, update and implement an Emergency Preparedness Plan that demonstrates the utilities' ability to provide emergency operations during an extended power outage at a minimum water pressure of 20 pounds per square inch (psi).

TCEQ provides for 14 options that a utility must select and implement at least one to demonstrate the ability to maintain operations during an extended power outage.

The agreement has three phases, each having separate time deadlines that must be met in order to be in compliance with the regulations. Phase deadlines are;

Critical Facilities Notification – by November 1, 2021- Completed

Emergency Preparedness Plan Submission- by March 1, 2022

Emergency Preparedness Plan Implementation—July 1, 2022

The agreement is a lump sum fee of \$42,500.00 and is funded by the Water Sewer Fund. Staff and the City Attorney have reviewed the agreement, finding no concerns.

Staff recommends approval.

PROFESSIONAL SERVICES AGREEMENT

STATE OF TEXAS §

COUNTY OF TARRANT §

This Agreement is entered into by City of White Settlement, hereinafter called "City" and Freese and Nichols, Inc., hereinafter called "FNI." In consideration of the Agreements herein, the parties agree as follows:

- I. **EMPLOYMENT OF FNI:** In accordance with the terms of this Agreement, City agrees to employ and compensate FNI to perform professional services in connection with the Project. The Project is described as **Emergency Preparedness Plan Support Services**.
- II. **SCOPE OF SERVICES:** FNI shall render professional services in connection with Project as set forth in Attachment SC – Scope of Services and Responsibilities of City which is attached to and made a part of this Agreement.
- III. **COMPENSATION:** City agrees to pay FNI for all professional services rendered under this Agreement. FNI shall perform professional services as outlined in the "Scope of Services" for a lump sum fee of Forty-Two Thousand Five Hundred Dollars, \$42,500.00.

If FNI's services are delayed or suspended by City, or if FNI's services are extended for more than 60 days through no fault of FNI, FNI shall be entitled to equitable adjustment of rates and amounts of compensation to reflect reasonable costs incurred by FNI in connection with such delay or suspension and reactivation and the fact that the time for performance under this Agreement has been revised.

- IV. **TERMS AND CONDITIONS OF AGREEMENT:** The Terms and Conditions of Agreement as set forth as Attachment TC – Terms and Conditions of Agreement shall govern the relationship between the City and FNI.

Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than City and FNI, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of City and FNI and not for the benefit of any other party.

This Agreement constitutes the entire Agreement between City and FNI and supersedes all prior written or oral understandings.

This contract is executed in two counterparts. IN TESTIMONY HEREOF, Agreement executed:

Freese and Nichols, Inc.By: Mazen H. Kawasmi

Mazen Kawasmi / Vice President
 Print Name and Title

Date: 11/12/21ATTEST: [Signature]**City of White Settlement**

By: _____

 Print Name and Title

Date: _____

ATTEST: _____

SCOPE OF SERVICES AND RESPONSIBILITIES OF CITY

PROJECT UNDERSTANDING

This project Scope of Services is designed to comply with the new legislative requirements for affected water utilities. The 87th Texas Legislature (2021) passed Senate Bill 3, which amended various sections of the Texas Code, including Texas Water Code Chapter 13 (Water Rates and Services), to include additional provisions for emergency preparedness (Section 13.1394 Standards of Emergency Operations). Affected water utilities, including the City of White Settlement (City), are required to develop/update and implement an emergency preparedness plan that demonstrates the utility's ability to provide emergency operations during an extended power outage at a minimum water pressure of 20 pounds per square inch (psi). TCEQ provides water utilities 14 options, at least one of which must be selected and implemented, to demonstrate the ability to continue operations during an extended power outage. The Basic Services includes consideration of relevant applicable option. Uncommon options are listed in the Additional Services section and can be evaluated upon request for an additional fee.

- **Critical Facilities Notification** - By November 1, 2021, affected water utilities must notify the energy providers and relevant state entities of the location of critical water and wastewater facilities.
- **Emergency Preparedness Plan Submission** - By March 1, 2022, affected water utilities must submit to the Texas Commission on Environmental Quality (TCEQ) a completed Emergency Preparedness Plan in accordance with Texas Water Code 13.1394.
- **Emergency Preparedness Plan Implementation** - By July 1, 2022, affected water utilities must implement the approved Emergency Preparedness Plan measures. The utility can request a 90-day extension to this deadline from TCEQ.

This scope of services includes effort to support the City in the completion of actions necessary to meet the November 1, 2021, Critical Facilities Notification compliance deadline and the March 1, 2022 Emergency Preparedness Plan compliance deadline. The scope below is intended to help the City achieve compliance and allow for the implementation of capital improvements as appropriate for continued water utility operations during extended power outages. FNI will provide support for the Emergency Preparedness Plan Implementation by July 1, 2022, as an Additional Service, as the actions and level of effort required will not be known until the Emergency Preparedness Plan is developed/updated.

In support of the development of the Emergency Preparedness Plan, FNI will develop a summary report that documents the analyses, results and recommendations. Scope of Services will include the following tasks:

ARTICLE I

BASIC SERVICES: FNI shall render the following professional services in connection with the development of the Project:

Emergency Preparedness Plan Development

1. **Prepare Data Request and Project Kickoff:** FNI will develop and present a Data Request Memorandum to the City to gather updated water distribution system information related to water demands and system operations.

2. **Desired Level of Service Meeting, Data Collection and Review:** FNI will conduct a meeting with City staff to discuss the desired level of service and design criteria for which the analysis will be based upon. FNI will develop the demand scenarios and will verify with City staff prior to conducting subsequent analyses.
3. **Critical Facilities Analysis:** FNI will determine the level of criticality for each facility based on its ability maintain the desired level of service during extended emergency operations lasting more than 24 hours.
4. **Emergency Preparedness Workshop:** FNI will present to City emergency preparedness approaches for consideration to demonstrate compliance. FNI will document approaches that are already in place, are viable for further evaluation, and can be removed from consideration.
5. **Emergency Preparedness Options Evaluation:** FNI will conduct an evaluation of the emergency preparedness options, based on input from City Staff from the Emergency Preparedness Workshop. FNI will consider Non Capital Approaches (Options 3, 8, 10, and 13), System-wide Capital Improvement Approaches (Options 9 and 12), and Facility Specific Capital Improvements (Options 1 and 4). FNI will conduct up to 16 hours of site visits to evaluate energy demand, siting options, required infrastructure upgrades, and other relevant considerations for the installation of auxiliary generators or provision of portable generators at critical facilities.
6. **Preparation of Technical Memorandum and Emergency Preparedness Plan:** FNI will prepare a Summary Technical Memorandum documenting the approach, findings, recommendations, projected costs and schedules for the development and implementation of the Emergency Preparedness Plan. FNI will prepare a draft Emergency Preparedness Plan using the current applicable TCEQ-provided template in preparation for submission to TCEQ for review and approval. The Plan and Tech Memo will be provided to the City for review and feedback. FNI will meet with City staff to solicit input and receive comments on the Plan and Tech Memo.
7. **City Council Review Meeting:** If desired by City staff, FNI will prepare a summary presentation to provide City Council for consideration of approval of the Emergency Preparedness Plan. FNI will attend and present to the City Council and answer technical questions.
8. **Submission of Emergency Preparedness Plan to TCEQ, Tech Memo to CITY:** FNI will finalize the Plan and Tech Memo, incorporating final comments from City Staff. FNI will provide the final Plan final Tech Memo in electronic format. Up to five (5) hard copies will be provided upon request. FNI will provide coordination support for the submission of the Plan to TCEQ by the compliance deadline of March 1, 2022. FNI will provide up to 8 hours of coordination support to respond to and address TCEQ review comments and requests. Additional TCEQ coordination will be provided upon the City's request as an Additional Service.

ARTICLE II

SPECIAL SERVICES: FNI shall render the following professional services, which are not included in the Basic Services described above, in connection with the development of the Project: N/A

ARTICLE III

ADDITIONAL SERVICES: Any services performed by FNI that are not included in the Basic Services or Special Services described above are Additional Services. Additional Services to be performed by FNI, if authorized by City, are described as follows:

1. Evaluation of uncommon Emergency Preparedness Planning options
 - Option 2 the sharing of auxiliary generator capacity with one or more affected utilities, including through participation in a statewide mutual aid program
 - Option 5 the use of on-site electrical generation or distributed generation facilities
 - Option 6 hardening the electric transmission and distribution system serving the water system
 - Option 7 for existing facilities, the maintenance of direct engine or right-angle drives
 - Option 11 the ability to provide water through artesian flows
 - Option 14 any other alternative determined by the commission to be acceptable
2. Implementation assistance for selected Emergency Preparedness Planning options
3. Agency coordination assistance in excess of 8 hours
4. Wastewater system emergency preparedness evaluations
5. Water facility site visits in excess of 16 hours
6. Engineering design of selected capital improvements
7. Funding coordination assistance, including State and Federal loans, grants, and other anticipated federal funding appropriations for water utility infrastructure

ARTICLE IV

TIME OF COMPLETION: FNI is authorized to commence work on the Project upon execution of this Agreement and agrees to complete the services according to the following schedule:

- | | |
|---|--------------------------------|
| 1. Kickoff / Level of Service Meeting | 10 Days from Notice to Proceed |
| 2. Tech Memo and Draft EPP | February 2022 |
| 3. Council Presentation (if desired) | February 2022 |
| 4. Submission of Emergency Preparedness Plan to TCEQ | March 1, 2022 |
| 5. EPP Implementation Timeline Support | July 1, 2022 |

Bold items are compliance deadlines

If FNI's services are delayed through no fault of FNI, FNI shall be entitled to adjust contract schedule consistent with the number of days of delay. These delays may include but are not limited to delays in City or regulatory reviews, delays on the flow of information to be provided to FNI, governmental approvals, etc. These delays may result in an adjustment to compensation as outlined on the face of this Agreement and in Attachment CO.

ARTICLE V

RESPONSIBILITIES OF CITY: City shall perform the following in a timely manner so as not to delay the services of FNI:

- A. Designate in writing a person to act as City's representative with respect to the services to be rendered under this Agreement. Such person shall have contract authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to FNI's services for the Project.
- B. Assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to completion of the Project.
- C. Arrange for access to and make all provisions for FNI to enter upon public and private property as required for FNI to perform services under this Agreement.
- D. Examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by FNI, obtain advice of an attorney, insurance counselor and other consultants as City deems appropriate for such examination and render in writing decisions pertaining thereto within a reasonable time so as not to delay, or cause rework in, the services of FNI.
- E. Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.
- F. Give prompt written notice to FNI whenever City observes or otherwise becomes aware of any development that affects the scope or timing of FNI's services.
- G. Furnish, or direct FNI to provide, Additional Services as stipulated in Attachment SC, Article III of this Agreement or other services as required.
- H. Bear all costs incident to compliance with the requirements of this Article V.

ARTICLE VI

DESIGNATED REPRESENTATIVES: FNI and City designate the following representatives:

City's Designated Representative – Larry Hoover

214 Meadow Park Dr.
White Settlement, TX 76108
817-367-1866, ext. 12
lhoover@wstx.us

City's Accounting Representative – Krystal Crump

214 Meadow Park Dr.
White Settlement, TX 76108
817-246-4971, ext. 216
kcrump@wstx.us

FNI's Designated Representative – Andrew Franko, PE
801 Cherry Street, Suite 2800
- Fort Worth, TX 76102
817-735-7515
asf@freese.com

FNI's Accounting Representative – Jana Collier
801 Cherry Street, Suite 2800
Fort Worth, TX 76102
817-735-7354
jvc@freese.com
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TERMS AND CONDITIONS OF AGREEMENT

1. **DEFINITIONS:** The term City as used herein refers to the City of White Settlement. The term FNI as used herein refers to Freese and Nichols, Inc., its employees and agents, and its subcontractors and their employees and agents. As used herein, Services refers to the professional services performed by FNI pursuant to the Agreement.
2. **CHANGES:** City, without invalidating the Agreement, may order changes within the general scope of the work required by the Agreement by altering, adding to and/or deducting from the work to be performed. If any change under this clause causes an increase or decrease in FNI's cost of, or the time required for, the performance of any part of the Services, an equitable adjustment will be made by mutual agreement and the Agreement modified in writing accordingly.
3. **TERMINATION:** The obligation to provide Services under this Agreement may be terminated by either party upon 10 days' written notice. In the event of termination, FNI will be paid for all Services rendered and reimbursable expenses incurred to the date of termination and, in addition, all reimbursable expenses directly attributable to termination.
4. **CONSEQUENTIAL DAMAGES:** In no event shall FNI or its subcontractors be liable in contract, tort, strict liability, warranty, or otherwise for any special, indirect, incidental or consequential damages, such as loss of product, loss of use of the equipment or system, loss of anticipated profits or revenue, non-operation or increased expense of operation or other equipment or systems.
5. **INFORMATION FURNISHED BY CITY:** City will assist FNI by placing at FNI's disposal all available information pertinent to the Project including previous reports and any other data relative to design or construction of the Project. FNI shall have no liability for defects or negligence in the Services attributable to FNI's reliance upon or use of data, design criteria, drawings, specifications or other information furnished by City and City agrees to indemnify and hold FNI harmless from any and all claims and judgments, and all losses, costs and expenses arising therefrom. FNI shall disclose to City, prior to use thereof, defects or omissions in the data, design criteria, drawings, specifications or other information furnished by City to FNI that FNI may reasonably discover in its review and inspection thereof.
6. **INSURANCE:** FNI shall provide City with certificates of insurance with the following minimum coverage:

Commercial General Liability General Aggregate \$2,000,000 Automobile Liability (Any Auto) CSL \$1,000,000	Workers' Compensation As required by Statute Professional Liability \$3,000,000 Annual Aggregate
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7. **SUBCONTRACTS:** If, for any reason and at any time during the progress of providing Services, City determines that any subcontractor for FNI is incompetent or undesirable, City will notify FNI accordingly and FNI shall take immediate steps for cancellation of such subcontract. Subletting by subcontractors shall be subject to the same regulations. Nothing contained in the Agreement shall create any contractual relation between any subcontractor and City.
8. **OWNERSHIP OF DOCUMENTS:** All drawings, reports, data and other project information developed in the execution of the Services provided under this Agreement shall be the property of City upon payment of FNI's fees for Services. FNI may retain copies for record purposes. City agrees such documents are not intended or represented to be suitable for reuse by City or others. Any reuse by City or by those who obtained said documents from City without written verification or adaptation by FNI, will be at City's sole risk and without liability or legal exposure to FNI, or to FNI's independent associates or consultants, and City shall indemnify and hold harmless FNI and FNI's independent associates and consultants from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom. Any such verification or adaptation will entitle FNI to further reasonable compensation. FNI may reuse all drawings, report data and other project information in the execution of the Services provided under this Agreement in FNI's other activities. Any reuse by FNI will be at FNI's sole risk and without liability or legal exposure to City, and FNI shall indemnify and hold harmless City from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom.
9. **POLLUTANTS AND HAZARDOUS WASTES:** It is understood and agreed that FNI has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic, irritant, pollutant, or otherwise dangerous substance or condition at the site, if any, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposures to such substances or conditions. The parties agree that in performing the Services required by this Agreement, FNI does not take possession or control of the subject site, but acts as an invitee in performing the Services, and is not therefore responsible for the existence of any pollutant present on or migrating from the site. Further, FNI shall have no responsibility for any pollutant during clean-up, transportation, storage or disposal

activities.

10. **OPINION OF PROBABLE COSTS:** FNI will furnish an opinion of probable project development cost based on present day cost, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions and utilitarian considerations of operations and maintenance costs prepared by FNI hereunder will be made on the basis of FNI's experience and qualifications and represent FNI's judgment as an experienced and qualified design professional. It is recognized, however, that FNI does not have control over the cost of labor, material, equipment or services furnished by others or over market conditions or contractors' methods of determining their prices.
11. **CONSTRUCTION REPRESENTATION:** If required by the Agreement, FNI will furnish construction representation according to the defined scope for these services. FNI will observe the progress and the quality of work to determine in general if the work is proceeding in accordance with the Contract Documents. In performing these services, FNI will report any observed deficiencies to City, however, it is understood that FNI does not guarantee the Contractor's performance, nor is FNI responsible for the supervision of the Contractor's operation and employees. FNI shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor, or the safety precautions and programs incident to the work of the Contractor. FNI shall not be responsible for the acts or omissions of any person (except its own employees or agents) at the Project site or otherwise performing any of the work of the Project. If City designates a Resident Project Representative that is not an employee or agent of FNI, the duties, responsibilities and limitations of authority of such Resident Project Representative will be set forth in writing and made a part of this Agreement before the Construction Phase of the Project begins.
12. **GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT:** City agrees to include provisions in the General Conditions of the Construction Contract that require Contractor to include FNI: (1) as an additional insured and in any waiver of subrogation rights with respect to such liability insurance purchased and maintained by Contractor for the Project (except workers' compensation and professional liability policies); and (2) as an indemnified party in the Contractor's indemnification provisions where the Owner is named as an indemnified party.
13. **PAYMENT:** Progress payments may be requested by FNI based on the amount of Services completed. Payment for the Services of FNI shall be due and payable upon submission of a statement for Services to CITY and in acceptance of the Services as satisfactory by the City. Statements for Services shall not be submitted more frequently than monthly. Any applicable new taxes imposed upon Services, expenses and charges by any governmental body after the execution of this Agreement will be added to FNI's compensation.

If City fails to make any payment due FNI for services and expenses within 30 days after receipt of FNI's statement for services therefore, the amounts due FNI will be increased at the rate of 1 percent per month from said 30th day, and, in addition, FNI may, after giving 7 days' written notice to City, suspend services under this Agreement until FNI has been paid in full, all amounts due for services, expenses and charges.
14. **ARBITRATION:** No arbitration, arising out of or relating to this Agreement, involving one party to this Agreement may include the other party to this Agreement without their approval.
15. **SUCCESSORS AND ASSIGNMENTS:** City and FNI each are hereby bound and the partners, successors, executors, administrators and legal representatives of City and FNI are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements and obligations of this Agreement.

Neither City nor FNI shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent FNI from employing such independent associates and consultants as FNI may deem appropriate to assist in the performance of Services hereunder.
16. **PURCHASE ORDERS:** If a Purchase Order is used to authorize FNI's Services, only the terms, conditions/instructions typed on the face of the Purchase Order shall apply to this Agreement. Should there be any conflict between the Purchase Order and the terms of this Agreement, then this Agreement shall prevail and shall be determinative of the conflict.

AN ACT

relating to preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. POWER OUTAGE ALERT

Sec. 411.301. POWER OUTAGE ALERT. (a) With the cooperation of the Texas Department of Transportation, the Texas Division of Emergency Management, the office of the governor, and the Public Utility Commission of Texas, the department shall develop and implement an alert to be activated when the power supply in this state may be inadequate to meet demand.

(b) The Public Utility Commission of Texas by rule shall adopt criteria for the content, activation, and termination of the alert described by Subsection (a). The criteria must provide for an alert to be regional or statewide.

Sec. 411.302. ADMINISTRATION. (a) The director is the statewide coordinator of the power outage alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the power outage alert. The rules and directives must include the procedures to be used by the Public Utility Commission of Texas and the independent organization certified under Section 39.151, Utilities Code, to communicate with the director about the power outage alert.

Sec. 411.303. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the power outage alert system.

Sec. 411.304. STATE AGENCIES. (a) A state agency participating in the power outage alert system shall:

(1) cooperate with the department and assist in developing and implementing the alert system; and

(2) establish a plan for providing relevant

information to its officers, investigators, or employees, as appropriate, once the power outage alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Sec. 411.305. ACTIVATION OF POWER OUTAGE ALERT. (a) When the Public Utility Commission of Texas or an independent organization certified under Section 39.151, Utilities Code, notifies the department that the criteria adopted under Section 411.301(b) for the activation of the alert has been met, the department shall confirm the accuracy of the information and, if confirmed, immediately issue a power outage alert under this subchapter in accordance with department rules.

(b) In issuing the power outage alert, the department shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals.

Sec. 411.306. CONTENT OF POWER OUTAGE ALERT. The power outage alert must include a statement that electricity customers may experience a power outage.

Sec. 411.307. TERMINATION OF POWER OUTAGE ALERT. The director shall terminate any activation of the power outage alert as soon as practicable after the Public Utility Commission of Texas or the Electric Reliability Council of Texas notifies the department that the criteria adopted under Section 411.301(b) for the termination of the alert has been met.

Sec. 411.308. LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.304(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if that department receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

SECTION 2. Section 418.048, Government Code, is amended to read as follows:

Sec. 418.048. MONITORING WEATHER; DISASTER PREPAREDNESS

EDUCATION. (a) The division shall keep continuously apprised of weather conditions that present danger of climatic activity, such as precipitation, severe enough to constitute a disaster.

(b) The division shall create a list of suggested actions for state agencies and the public to take to prepare for winter storms, organized by severity of storm based on the National Weather Service Winter Storm Severity Index.

(c) The division shall develop disaster preparedness educational materials that include instructions for preparing a disaster kit containing supplies most needed in a disaster or emergency, such as water, nonperishable food, medical supplies, flashlights, and other essential items, to assist families and businesses in adequately preparing for winter storms, hurricanes, floods, drought, fires, and other potential disasters.

(d) The division shall post on the division's Internet website and distribute to local governments and businesses the educational materials and instructions developed under Subsection (c).

SECTION 3. Chapter 418, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. TEXAS ENERGY RELIABILITY COUNCIL

Sec. 418.301. DEFINITIONS. In this subchapter:

(1) "Chief" means the division's chief.

(2) "Council" means the Texas Energy Reliability Council.

Sec. 418.302. COUNCIL ESTABLISHED. (a) The Texas Energy Reliability Council is established to:

(1) ensure that the energy and electric industries in this state meet high priority human needs and address critical infrastructure concerns; and

(2) enhance coordination and communication in the energy and electric industries in this state.

(b) Chapter 2110 does not apply to the council.

Sec. 418.303. MEMBERSHIP. (a) The council is composed of:

(1) the chairman of the Railroad Commission of Texas;

(2) the presiding officer of the Public Utility Commission of Texas;

(3) the chief executive of the Office of Public Utility Counsel;

(4) the presiding officer of the Texas Commission on Environmental Quality;

(5) the chair of the Texas Transportation Commission;

(6) a person to represent the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region, appointed by the governor;

(7) the chief;

(8) five persons to represent participants in the natural gas supply chain in this state, appointed by the Railroad Commission of Texas to represent as many types of participants as possible;

(9) five persons to represent the electric industry, appointed by the Public Utility Commission of Texas, including:

(A) one person to represent entities that provide dispatchable electric energy to the power grid in this state;

(B) one person to represent transmission and distribution utilities, as defined by Section 31.002, Utilities Code;

(C) one person to represent retail electric providers, as defined by Section 31.002, Utilities Code;

(D) one person to represent municipally owned utilities, as defined by Section 11.003, Utilities Code; and

(E) one person to represent electric cooperatives;

(10) three persons to represent energy sectors not otherwise represented on the council, appointed by the Public Utility Commission of Texas; and

(11) five persons to represent industrial concerns, appointed by the governor, including:

(A) one person to represent motor fuel producers; and

(B) one person to represent chemical manufacturers.

(b) A member of the council described by Subsection (a)(1), (2), (3), (4), (5), (6), or (7) may designate a person from the member's agency to represent the member in any meeting.

(c) The council may request that a person collaborate with the council to achieve the purposes described by Section 418.302.

Sec. 418.304. OFFICERS. (a) The chief shall serve as presiding officer of the council.

(b) The council may select an assistant presiding officer and secretary from among its members.

Sec. 418.305. COMPENSATION; REIMBURSEMENT. A member of the council is not entitled to compensation or reimbursement of expenses for service on the council.

Sec. 418.306. MEETINGS. (a) After its initial meeting, the council shall meet at least twice each year at a time and place determined by the chief.

(b) The council may meet at other times the council considers appropriate. The presiding officer may call a meeting on the officer's own motion.

Sec. 418.307. ADMINISTRATIVE SUPPORT. The division shall provide administrative support to the council.

Sec. 418.308. GENERAL DUTIES OF COUNCIL. (a) The council shall foster communication and planning to ensure preparedness for making available and delivering energy and electricity in this state to ensure that high priority human needs are met and critical infrastructure needs are addressed.

(b) The council shall foster communication and coordination between the energy and electric industries in this state.

Sec. 418.309. INFORMATION. (a) In this section:

(1) "Gas provider" means:

(A) a natural gas pipeline facility operator;

(B) an operator of a natural gas well; or

(C) an entity that produces, treats, processes, pressurizes, stores, or transports natural gas in this state or otherwise participates in the natural gas supply chain in this state.

(2) "Public utility" means an entity that generates, transmits, or distributes electric energy to the public, including an electric cooperative, an electric utility, a municipally owned utility, or a river authority.

(b) A public utility or gas provider shall provide to the council any information related to a disaster requested by the council. Information obtained by the council under this subsection is confidential and not subject to disclosure by the council if the information is critical energy infrastructure information as defined by the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region or federal law.

(c) Except as provided by Subsection (d), the meetings of the council and information obtained or created by the council are not subject to the requirements of Chapter 551 or 552.

(d) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the council or an officer or employee of the council is subject to Section 552.008 in the same manner as public information.

Sec. 418.310. REPORT. (a) Not later than November 1 of each even-numbered year, the council shall submit to the legislature a report on the reliability and stability of the electricity supply chain in this state.

(b) The report must include recommendations on methods to strengthen the electricity supply chain in this state and to decrease the frequency of extended power outages caused by a disaster in this state.

SECTION 4. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.073 to read as follows:

Sec. 81.073. CRITICAL NATURAL GAS FACILITIES AND ENTITIES.

(a) The commission shall collaborate with the Public Utility Commission of Texas to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical customers or critical gas suppliers during energy emergencies.

(b) The rules must:

(1) establish criteria for designating persons who own or operate a facility under the jurisdiction of the commission under Section 81.051(a) or engage in an activity under the jurisdiction of the commission under Section 81.051(a) who must provide critical customer and critical gas supply information, as defined by the commission, to the entities described by Section 38.074(b)(1), Utilities Code;

(2) consider essential operational elements when defining critical customer designations and critical gas supply information for the purposes of Subdivision (1), including natural gas production, processing, and transportation, related produced water handling and disposal facilities, and the delivery of natural gas to generators of electric energy; and

(3) require that only facilities and entities that are prepared to operate during a weather emergency may be designated as a critical customer under this section.

SECTION 5. Subchapter C, Chapter 86, Natural Resources Code, is amended by adding Section 86.044 to read as follows:

Sec. 86.044. WEATHER EMERGENCY PREPAREDNESS. (a) In this section, "gas supply chain facility" means a facility that is:

(1) used for producing, treating, processing, pressurizing, storing, or transporting natural gas;

(2) not primarily used to support liquefied natural gas pretreatment, liquefaction, or regasification facilities in the business of exporting or importing liquefied natural gas to or

from foreign countries;

(3) otherwise regulated by the commission under this subtitle; and

(4) not regulated by the commission under Chapter 121, Utilities Code.

(b) This section applies only to a gas supply chain facility that is:

(1) included on the electricity supply chain map created under Section 38.203, Utilities Code; and

(2) designated as critical by the commission in the manner provided by Section 81.073.

(c) The commission by rule shall require a gas supply chain facility operator to implement measures to prepare to operate during a weather emergency. In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.

(d) The commission shall:

(1) inspect gas supply chain facilities for compliance with rules adopted under Subsection (c);

(2) provide the owner of a facility described by Subdivision (1) with a reasonable period of time in which to remedy any violation the commission discovers in an inspection; and

(3) report to the attorney general any violation that is not remedied in a reasonable period of time.

(e) The commission shall prioritize inspections conducted under Subsection (d)(1) based on risk level, as determined by the commission.

(f) The commission by rule shall require an operator of a gas supply chain facility that experiences repeated weather-related or major weather-related forced interruptions of production to:

(1) contract with a person who is not an employee of the operator to assess the operator's weatherization plans, procedures, and operations; and

(2) submit the assessment to the commission.

(g) The commission may require an operator of a gas supply chain facility to implement appropriate recommendations included in an assessment submitted to the commission under Subsection (f).

(h) If the commission determines that a person has violated a rule adopted under this section, the commission shall notify the attorney general of a violation that is not remedied in a reasonable amount of time. The attorney general shall initiate a suit to

recover a penalty for the violation in the manner provided by Subchapter G.

SECTION 6. Section 86.222, Natural Resources Code, is amended by adding Subsections (a-1), (c), and (d) to read as follows:

(a-1) Notwithstanding Subsection (a), a person who violates a provision of a rule adopted under Section 86.044 is liable for a penalty of not more than \$1,000,000 for each offense.

(c) The commission by rule shall establish a classification system to be used by a court under this subchapter for violations of rules adopted under Section 86.044 that includes a range of penalties that may be recovered for each class of violation based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

(d) The classification system established under Subsection (c) shall provide that a penalty in an amount that exceeds \$5,000 may be recovered only if the violation is included in the highest class of violations in the classification system.

SECTION 7. Section 15.023, Utilities Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) Notwithstanding Subsection (b), the penalty for a violation of a provision of Section 35.0021 or 38.075 may be in an amount not to exceed \$1,000,000 for a violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

SECTION 8. Section 17.002, Utilities Code, is amended by adding Subdivisions (3-a) and (3-b) to read as follows:

(3-a) "Critical care residential customer" means a residential customer who has a person permanently residing in the customer's home who has been diagnosed by a physician as being dependent upon an electric-powered medical device to sustain life.

(3-b) "Critical load industrial customer" means an industrial customer for whom an interruption or suspension of electric service will create a dangerous or life-threatening

condition on the customer's premises.

SECTION 9. Section 17.003, Utilities Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) An electric utility providing electric delivery service for a retail electric provider, as defined by Section 31.002, shall provide to the retail electric provider, and the retail electric provider shall periodically provide to the retail electric provider's retail customers together with bills sent to the customers, information about:

(1) the electric utility's procedures for implementing involuntary load shedding initiated by the independent organization certified under Section 39.151 for the ERCOT power region;

(2) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to commission rules adopted under Section 38.076;

(3) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to commission rules adopted under Section 38.076; and

(4) reducing electricity use at times when involuntary load shedding events may be implemented.

SECTION 10. Section 17.005, Utilities Code, is amended to read as follows:

Sec. 17.005. PROTECTIONS FOR CUSTOMERS OF MUNICIPALLY OWNED UTILITIES. (a) A municipally owned utility may not be deemed to be a "service provider" or "billing agent" for purposes of Sections 17.156(b) and (e).

(b) The governing body of a municipally owned utility shall adopt, implement, and enforce rules that shall have the effect of accomplishing the objectives set out in Sections 17.004(a) and (b) and 17.102, as to the municipally owned utility within its certificated service area.

(c) The governing body of a municipally owned utility or its designee shall perform the dispute resolution function provided for by Section 17.157 for disputes arising from services provided by the municipally owned utility to electric customers served within the municipally owned utility's certificated service area.

(d) With respect to electric customers served by a municipally owned utility outside its certificated service area or otherwise served through others' distribution facilities, after

retail competition begins as authorized by the legislature, the provisions of this chapter as administered by the commission apply.

(e) Nothing in this chapter shall be deemed to apply to a wholesale customer of a municipally owned utility.

(f) A municipally owned utility shall periodically provide with bills sent to retail customers of the utility information about:

(1) the utility's procedure for implementing involuntary load shedding;

(2) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to commission rules adopted under Section 38.076;

(3) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to commission rules adopted under Section 38.076; and

(4) reducing electricity use at times when involuntary load shedding events may be implemented.

SECTION 11. Section 17.006, Utilities Code, is amended to read as follows:

Sec. 17.006. PROTECTIONS FOR CUSTOMERS OF ELECTRIC COOPERATIVES. (a) An electric cooperative shall not be deemed to be a "service provider" or "billing agent" for purposes of Sections 17.156(b) and (e).

(b) The electric cooperative shall adopt, implement, and enforce rules that shall have the effect of accomplishing the objectives set out in Sections 17.004(a) and (b) and 17.102.

(c) The board of directors of the electric cooperative or its designee shall perform the dispute resolution function provided for by Section 17.157 for electric customers served by the electric cooperative within its certificated service area.

(d) With respect to electric customers served by an electric cooperative outside its certificated service area or otherwise served through others' distribution facilities, after the legislature authorizes retail competition, the provisions of this chapter as administered by the commission shall apply.

(e) Nothing in this chapter shall be deemed to apply to a wholesale customer of an electric cooperative.

(f) An electric cooperative shall periodically provide with bills sent to retail customers of the cooperative information about:

(1) the cooperative's procedure for implementing involuntary load shedding;

(2) the types of customers who may be considered critical care residential customers, critical load industrial customers, or critical load according to commission rules adopted under Section 38.076;

(3) the procedure for a customer to apply to be considered a critical care residential customer, a critical load industrial customer, or critical load according to commission rules adopted under Section 38.076; and

(4) reducing electricity use at times when involuntary load shedding events may be implemented.

SECTION 12. The heading to Chapter 35, Utilities Code, is amended to read as follows:

CHAPTER 35. ~~[ALTERNATIVE]~~ ENERGY PROVIDERS

SECTION 13. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.0021 to read as follows:

Sec. 35.0021. WEATHER EMERGENCY PREPAREDNESS. (a) This section applies only to a municipally owned utility, electric cooperative, power generation company, or exempt wholesale generator that sells electric energy at wholesale in the ERCOT power region.

(b) The commission by rule shall require each provider of electric generation service described by Subsection (a) to implement measures to prepare the provider's generation assets to provide adequate electric generation service during a weather emergency according to reliability standards adopted by the commission. In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.

(c) The independent organization certified under Section 39.151 for the ERCOT power region shall:

(1) inspect generation assets in the ERCOT power region for compliance with the reliability standards;

(2) provide the owner of a generation asset with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and

(3) report to the commission any violation.

(c-1) The independent organization certified under Section 39.151 for the ERCOT power region shall prioritize inspections conducted under Subsection (c)(1) based on risk level, as determined by the organization.

(d) The commission by rule shall require a provider of electric generation service described by Subsection (a) for a generation asset that experiences repeated or major weather-related forced interruptions of service to:

(1) contract with a person who is not an employee of the provider to assess the provider's weatherization plans, procedures, and operations for that asset; and

(2) submit the assessment to the commission and the independent organization certified under Section 39.151 for the ERCOT power region.

(e) The commission may require a provider of electric generation service described by Subsection (a) to implement appropriate recommendations included in an assessment submitted to the commission under Subsection (d).

(f) The independent organization certified under Section 39.151 for the ERCOT power region shall review, coordinate, and approve or deny requests by providers of electric generation service described by Subsection (a) for a planned power outage during any season and for any period of time.

(g) The commission shall impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under this section and does not remedy that violation within a reasonable period of time.

SECTION 14. Section 35.004, Utilities Code, is amended by amending Subsection (e) and adding Subsections (f), (g), and (h) to read as follows:

(e) In this section, "ancillary services" means services necessary to facilitate the transmission of electric energy including load following, standby power, backup power, reactive power, and any other services as the commission may determine by rule.

(f) The commission shall ensure that ancillary services necessary to facilitate the transmission of electric energy are available at reasonable prices with terms and conditions that are not unreasonably preferential, prejudicial, discriminatory, predatory, or anticompetitive. ~~[In this subsection, "ancillary services" means services necessary to facilitate the transmission of electric energy including load following, standby power, backup power, reactive power, and any other services as the commission may determine by rule.]~~ On the introduction of customer choice in the ERCOT power region, acquisition of generation-related ancillary services on a nondiscriminatory basis by the independent

organization in ERCOT on behalf of entities selling electricity at retail shall be deemed to meet the requirements of this subsection.

(g) The commission shall:

(1) review the type, volume, and cost of ancillary services to determine whether those services will continue to meet the needs of the electricity market in the ERCOT power region; and

(2) evaluate whether additional services are needed for reliability in the ERCOT power region while providing adequate incentives for dispatchable generation.

(h) The commission shall require the independent organization certified under Section 39.151 for the ERCOT power region to modify the design, procurement, and cost allocation of ancillary services for the region in a manner consistent with cost-causation principles and on a nondiscriminatory basis.

SECTION 15. Subchapter B, Chapter 35, Utilities Code, is amended by adding Section 35.037 to read as follows:

Sec. 35.037. FACILITATING CERTAIN INTERCOMPANY LANDFILL GAS-TO-ELECTRICITY USE. (a) This section only applies in a county with a population of more than one million in which a national wildlife refuge is wholly or partly located.

(b) Notwithstanding any other provision of this title, and for the purposes of reducing environmental emissions, putting to a beneficial purpose landfill gas as an electric generation fuel that would otherwise be flared, enabling the operation of electric generation to a greater degree, and enhancing the reliability and resilience of electric service in this state, a person who is not an electric utility and who owns and operates equipment or facilities to produce, generate, transmit, distribute, store, sell, or furnish electricity produced by the use of landfill methane gas may:

(1) use the equipment or facilities to provide electricity and electric service to the person and to the person's affiliates without being considered to be an electric utility, a public utility, a retail electric provider, a power marketer, or a person providing aggregation;

(2) interconnect the equipment or facilities in a timely manner and on reasonable and nondiscriminatory terms and conditions with any electric utility, municipally owned utility, or electric cooperative that has a retail service area for any portion of the equipment or facilities; and

(3) receive backup, supplemental, or other electric service for any of the person's or the person's affiliates' facilities that consume electricity from any electric utility,

municipally owned utility, or electric cooperative that has a retail service area for any portion of the person's facilities or equipment that are interconnected regardless of whether those facilities are in the same retail service area as the location of the interconnection point.

(c) Backup, supplemental, or other electric service provided under this section through an interconnection for a person's electricity-consuming facilities that are connected to the person's interconnected equipment or facilities does not constitute a service area encroachment or other violation of law by the electric utility, municipally owned utility, or electric cooperative supplying the backup, supplemental, or other electric service.

SECTION 16. Subchapter D, Chapter 38, Utilities Code, is amended by adding Sections 38.074, 38.075, 38.076, and 38.077 to read as follows:

Sec. 38.074. CRITICAL NATURAL GAS FACILITIES AND ENTITIES.

(a) The commission shall collaborate with the Railroad Commission of Texas to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in this state as critical during energy emergencies.

(b) The rules must:

(1) ensure that the independent organization certified under Section 39.151 for the ERCOT power region and each electric utility, municipally owned utility, and electric cooperative providing service in the ERCOT power region is provided with the information required by Section 81.073, Natural Resources Code;

(2) provide for prioritizing for load-shed purposes during an energy emergency the facilities and entities designated under Subsection (a); and

(3) provide discretion to an electric utility, municipally owned utility, or electric cooperative providing service in the ERCOT power region to prioritize power delivery and power restoration among the facilities and entities designated under Subsection (a) on the utility's or cooperative's systems, as circumstances require.

Sec. 38.075. WEATHER EMERGENCY PREPAREDNESS. (a) The commission by rule shall require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region to implement measures to prepare the cooperative's or utility's

facilities to maintain service quality and reliability during a weather emergency according to standards adopted by the commission. In adopting the rules, the commission shall take into consideration weather predictions produced by the office of the state climatologist.

(b) The independent organization certified under Section 39.151 for the ERCOT power region shall:

(1) inspect the facilities of each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region for compliance with the reliability standards;

(2) provide the owner of a facility described by Subdivision (1) with a reasonable period of time in which to remedy any violation the independent organization discovers in an inspection; and

(3) report to the commission any violation that is not remedied in a reasonable period of time.

(c) The independent organization certified under Section 39.151 for the ERCOT power region shall prioritize inspections conducted under Subsection (b)(1) based on risk level, as determined by the organization.

(d) The commission shall impose an administrative penalty on an entity, including a municipally owned utility or an electric cooperative, that violates a rule adopted under this section and does not remedy that violation within a reasonable period of time.

(e) Notwithstanding any other provision of this subtitle, the commission shall allow a transmission and distribution utility to design and operate a load management program for nonresidential customers to be used where the independent organization certified under Section 39.151 for the ERCOT power region has declared a Level 2 Emergency or a higher level of emergency or has otherwise directed the transmission and distribution utility to shed load. A transmission and distribution utility implementing a load management program under this subsection shall be permitted to recover the reasonable and necessary costs of the load management program under Chapter 36. A load management program operated under this subsection is not considered a competitive service.

Sec. 38.076. INVOLUNTARY AND VOLUNTARY LOAD SHEDDING. (a) The commission by rule shall adopt a system to allocate load shedding among electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region during an involuntary load

shedding event initiated by the independent organization certified under Section 39.151 for the region during an energy emergency.

(b) The system must provide for allocation of the load shedding obligation to each electric cooperative, municipally owned utility, and transmission and distribution utility in different seasons based on historical seasonal peak demand in the service territory of the electric cooperative, municipally owned utility, or transmission and distribution utility.

(c) The commission by rule shall:

(1) categorize types of critical load that may be given the highest priority for power restoration; and

(2) require electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region to submit to the commission and the independent organization certified under Section 39.151 for the region:

(A) customers or circuits the cooperative or utility has designated as critical load; and

(B) a plan for participating in load shedding in response to an involuntary load shedding event described by Subsection (a).

(d) The commission by rule shall require electric cooperatives and municipally owned utilities providing transmission service in the ERCOT power region to:

(1) maintain lists of customers willing to voluntarily participate in voluntary load reduction; and

(2) coordinate with municipalities, businesses, and customers that consume large amounts of electricity to encourage voluntary load reduction.

(e) This section does not abridge, enlarge, or modify the obligation of an electric cooperative, a municipally owned utility, or a transmission and distribution utility to comply with federal reliability standards.

(f) After each load shedding event, the commission may conduct an examination of the implementation of load shedding, including whether each electric cooperative, municipally owned utility, and transmission and distribution utility complied with its plan as filed with the commission under Subsection (c)(2).

Sec. 38.077. LOAD SHEDDING EXERCISES. (a) The commission and the independent organization certified for the ERCOT power region shall conduct simulated or tabletop load shedding exercises with providers of electric generation service and transmission and

distribution service in the ERCOT power region.

(b) The commission shall ensure that each year at least one simulated or tabletop exercise is conducted during a summer month and one simulated or tabletop exercise is conducted during a winter month.

SECTION 17. Chapter 38, Utilities Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. TEXAS ELECTRICITY SUPPLY CHAIN SECURITY AND MAPPING
COMMITTEE

Sec. 38.201. TEXAS ELECTRICITY SUPPLY CHAIN SECURITY AND MAPPING COMMITTEE. (a) In this subchapter, "electricity supply chain" means:

(1) facilities and methods used for producing, treating, processing, pressurizing, storing, or transporting natural gas for delivery to electric generation facilities; and

(2) critical infrastructure necessary to maintain electricity service.

(b) The Texas Electricity Supply Chain Security and Mapping Committee is established to:

(1) map this state's electricity supply chain;

(2) identify critical infrastructure sources in the electricity supply chain;

(3) establish best practices to prepare facilities that provide electric service and natural gas service in the electricity supply chain to maintain service in an extreme weather event and recommend oversight and compliance standards for those facilities; and

(4) designate priority service needs to prepare for, respond to, and recover from an extreme weather event.

(c) The committee is composed of:

(1) the executive director of the commission;

(2) the executive director of the Railroad Commission of Texas;

(3) the president and the chief executive officer of the independent organization certified under Section 39.151 for the ERCOT power region; and

(4) the chief of the Texas Division of Emergency Management.

(d) Each member of the committee may designate a personal representative from the member's organization to represent the member on the committee. A member is responsible for the acts and omissions of the designee related to the designee's representation

on the committee.

(e) The executive director of the commission serves as the chair of the committee. The executive director of the Railroad Commission of Texas serves as vice chair of the committee.

Sec. 38.202. ADMINISTRATION. (a) The committee shall meet at least once each calendar quarter at a time determined by the committee and at the call of the chair.

(b) A member who is an ex officio member from a state agency shall be reimbursed for actual and necessary expenses in carrying out committee responsibilities from money appropriated for that purpose in the agency's budget. Other members of the committee may receive reimbursement for actual and necessary expenses in carrying out committee responsibilities from money appropriated for that purpose.

(c) The commission, the Railroad Commission of Texas, and the Texas Division of Emergency Management shall provide staff as necessary to assist the committee in carrying out the committee's duties and responsibilities.

(d) The independent organization certified under Section 39.151 for the ERCOT power region shall provide staff as necessary to assist the committee in carrying out the committee's duties and responsibilities.

(e) Except as otherwise provided by this subchapter, the committee is not subject to Chapters 2001, 551, and 552, Government Code.

(f) Information written, produced, collected, assembled, or maintained under law or in connection with the transaction of official business by the committee or an officer or employee of the committee is subject to Section 552.008, Government Code. This subsection does not apply to the physical locations of critical facilities, maps created under this subchapter, or proprietary information created or gathered during the mapping process.

Sec. 38.203. POWERS AND DUTIES OF COMMITTEE. (a) The committee shall:

(1) map the state's electricity supply chain in order to designate priority electricity service needs during extreme weather events;

(2) identify and designate the sources in the electricity supply chain necessary to operate critical infrastructure, as defined by Section 421.001, Government Code;

(3) develop a communication system between critical infrastructure sources, the commission, and the independent

organization certified under Section 39.151 for the ERCOT power region to ensure that electricity and natural gas supplies in the electricity supply chain are prioritized to those sources during an extreme weather event; and

(4) establish best practices to prepare facilities that provide electric service and natural gas service in the electricity supply chain to maintain service in an extreme weather event and recommend oversight and compliance standards for those facilities.

(b) The committee shall update the electricity supply chain map at least once each year.

(c) The commission shall:

(1) create and maintain a database identifying critical infrastructure sources with priority electricity needs to be used during an extreme weather event; and

(2) update the database at least once each year.

(d) The information maintained in the database is confidential under Section 418.181, Government Code, and not subject to disclosure under Chapter 552, Government Code.

(e) The committee shall provide the Texas Energy Reliability Council with access to the electricity supply chain map.

Sec. 38.204. MAPPING REPORT. (a) Not later than January 1, 2022, the committee shall submit a report to the governor, the lieutenant governor, the speaker of the house of representatives, the legislature, and the Texas Energy Reliability Council on the activities and findings of the committee. The report must:

(1) provide an overview of the committee's findings regarding mapping the electricity supply chain and identifying sources necessary to operate critical infrastructure;

(2) recommend a clear and thorough communication system for the commission, the Railroad Commission of Texas, the Texas Division of Emergency Management, and the independent organization certified under Section 39.151 for the ERCOT power region and critical infrastructure sources in this state to ensure that electricity supply is prioritized to those sources during extreme weather events; and

(3) include a list of the established best practices and recommended oversight and compliance standards adopted under Section 38.203(a)(4).

(b) The report is public information except for portions considered confidential under Chapter 552, Government Code, or

other state or federal law.

SECTION 18. Subchapter D, Chapter 39, Utilities Code, is amended by adding Sections 39.159 and 39.160 to read as follows:

Sec. 39.159. DISPATCHABLE GENERATION. (a) For the purposes of this section, a generation facility is considered to be non-dispatchable if the facility's output is controlled primarily by forces outside of human control.

(b) The commission shall ensure that the independent organization certified under Section 39.151 for the ERCOT power region:

(1) establishes requirements to meet the reliability needs of the power region;

(2) periodically, but at least annually, determines the quantity and characteristics of ancillary or reliability services necessary to ensure appropriate reliability during extreme heat and extreme cold weather conditions and during times of low non-dispatchable power production in the power region;

(3) procures ancillary or reliability services on a competitive basis to ensure appropriate reliability during extreme heat and extreme cold weather conditions and during times of low non-dispatchable power production in the power region;

(4) develops appropriate qualification and performance requirements for providing services under Subdivision (3), including appropriate penalties for failure to provide the services; and

(5) sizes the services procured under Subdivision (3) to prevent prolonged rotating outages due to net load variability in high demand and low supply scenarios.

(c) The commission shall ensure that:

(1) resources that provide services under Subsection (b) are dispatchable and able to meet continuous operating requirements for the season in which the service is procured;

(2) winter resource capability qualifications for a service described by Subsection (b) include on-site fuel storage, dual fuel capability, or fuel supply arrangements to ensure winter performance for several days; and

(3) summer resource capability qualifications for a service described by Subsection (b) include facilities or procedures to ensure operation under drought conditions.

Sec. 39.160. WHOLESALE PRICING PROCEDURES. (a) The commission by rule shall establish an emergency pricing program for the wholesale electric market.

(b) The emergency pricing program must take effect if the high system-wide offer cap has been in effect for 12 hours in a 24-hour period after initially reaching the high system-wide offer cap. The commission by rule shall determine the criteria for the emergency pricing program to cease.

(c) The emergency pricing program may not allow an emergency pricing program cap to exceed any nonemergency high system-wide offer cap.

(d) The commission by rule shall establish an ancillary services cap to be in effect during the period an emergency pricing program is in effect.

(e) Any wholesale pricing procedure that has a low system-wide offer cap may not allow the low system-wide offer cap to exceed the high system-wide offer cap.

(f) The commission shall review each system-wide offer cap program adopted by the commission, including the emergency pricing program, at least once every five years to determine whether to update aspects of the program.

(g) The emergency pricing program must allow generators to be reimbursed for reasonable, verifiable operating costs that exceed the emergency cap.

SECTION 19. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9165 to read as follows:

Sec. 39.9165. DISTRIBUTED GENERATION REPORTING. (a) In this section, "distributed generation" is an electrical generating facility that:

(1) may be located at a customer's point of delivery;

(2) is connected at a voltage less than 60 kilovolts;

and

(3) may be connected in parallel operation to the utility system.

(b) An independent organization certified under Section 39.151 shall require an owner or operator of distributed generation to register with the organization and interconnecting transmission and distribution utility information necessary for the interconnection of the distributed generator.

(c) This section does not apply to distributed generation serving a residential property.

SECTION 20. Section 105.023, Utilities Code, is amended by adding Subsections (b-1), (e), and (f) to read as follows:

(b-1) Notwithstanding Subsection (b), a civil penalty under this section shall be in an amount of not less than \$1,000 and not

more than \$1,000,000 for each violation of Section 104.258(c).

(e) The railroad commission by rule shall establish a classification system to be used by a court under this subchapter for violations of Section 104.258(c) that includes a range of penalties that may be recovered for each class of violation based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

(f) The classification system established under Subsection (e) shall provide that a penalty in an amount that exceeds \$5,000 may be recovered only if the violation is included in the highest class of violations in the classification system.

SECTION 21. Section 121.2015, Utilities Code, is amended by amending Subsection (a) and adding Subsections (a-1), (c-1), (c-2), (d), (e), and (f) to read as follows:

(a) The railroad commission shall adopt rules regarding:

(1) public education and awareness relating to gas pipeline facilities; ~~and~~

(2) community liaison for responding to an emergency relating to a gas pipeline facility; and

(3) measures a gas pipeline facility operator must implement to prepare the gas pipeline facility to maintain service quality and reliability during extreme weather conditions if the gas pipeline facility:

(A) directly serves a natural gas electric generation facility operating solely to provide power to the electric grid for the ERCOT power region or for the ERCOT power region and an adjacent power region; and

(B) is included on the electricity supply chain map created under Section 38.203.

(a-1) In adopting rules under Subsection (a)(3), the railroad commission shall take into consideration weather predictions produced by the office of the state climatologist.

(c-1) The railroad commission shall:

(1) inspect gas pipeline facilities described by

Subsection (a)(3) for compliance with rules adopted under Subsection (a)(3);

(2) provide the owner of a facility described by Subsection (a)(3) with a reasonable period of time in which to remedy any violation the railroad commission discovers in an inspection; and

(3) report to the attorney general any violation that is not remedied in a reasonable period of time.

(c-2) The railroad commission shall prioritize inspections conducted under Subsection (c-1)(1) based on risk level, as determined by the railroad commission.

(d) The railroad commission by rule shall require a gas pipeline facility operator described by Subsection (a)(3) that experiences repeated or major weather-related forced interruptions of service to:

(1) contract with a person who is not an employee of the operator to assess the operator's weatherization plans, procedures, and operations; and

(2) submit the assessment to the commission.

(e) The railroad commission may require an operator of a gas pipeline facility described by Subsection (a)(3) to implement appropriate recommendations included in an assessment submitted to the commission under Subsection (d).

(f) The railroad commission shall assess an administrative penalty against a person who violates a rule adopted under Subsection (a)(3) if the violation is not remedied in a reasonable period of time in the manner provided by this subchapter.

SECTION 22. Section 121.206, Utilities Code, is amended by adding Subsections (b-1) and (e) to read as follows:

(b-1) Notwithstanding Subsection (b), the penalty for each violation may not exceed \$1,000,000 for a violation of a rule adopted under Section 121.2015(a)(3). Each day a violation continues may be considered a separate violation for the purpose of penalty assessment.

(e) The guidelines must provide that a penalty in an amount that exceeds \$5,000 for a violation of a rule adopted under Section 121.2015(a)(3) may be assessed only if circumstances justify the enhancement of the penalty.

SECTION 23. The heading to Section 186.007, Utilities Code, is amended to read as follows:

Sec. 186.007. PUBLIC UTILITY COMMISSION WEATHER EMERGENCY PREPAREDNESS REPORTS [~~REPORT~~].

SECTION 24. Sections 186.007(a-1), (b), (d), (e), and (f), Utilities Code, are amended to read as follows:

(a-1) The commission shall analyze emergency operations plans developed by electric utilities as defined by Section 31.002, power generation companies as defined by Section 31.002, municipally owned utilities, and electric cooperatives that operate generation facilities in this state and retail electric providers as defined by Section 31.002 and prepare a weather emergency preparedness report on power [~~generation~~] weatherization preparedness. In preparing the report, the commission shall:

- (1) review [~~the~~] emergency operations plans [~~currently~~] on file with the commission;
- (2) analyze and determine the ability of the electric grid to withstand extreme weather events in the upcoming year;
- (3) consider the anticipated weather patterns for the upcoming year as forecasted by the National Weather Service or any similar state or national agency; and
- (4) make recommendations on improving emergency operations plans and procedures in order to ensure the continuity of electric service.

(b) The commission shall [~~may~~] require an [~~electric generation~~] entity subject to this section to file an updated emergency operations plan if it finds that an emergency operations plan on file does not contain adequate information to determine whether the [~~electric generation~~] entity can provide adequate electric [~~generation~~] services.

(d) The commission shall submit the report described by Subsection (a-1) to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature not later than September 30 of each even-numbered year [~~, 2012~~].

(e) The commission may submit additional [~~subsequent~~] weather emergency preparedness reports if the commission finds that significant changes to weatherization techniques have occurred or are necessary to protect consumers or vital services, or if there have been changes to statutes or rules relating to weatherization requirements. A report under this subsection must be submitted not later than:

- (1) March 1 for a summer weather emergency preparedness report; and
- (2) September 1 for a winter weather emergency preparedness report.

(f) The emergency operations plans submitted for a [~~the~~]

report described by Subsection (a-1) and any additional ~~[subsequent]~~ plans submitted under Subsection (e) are public information except for the portions of the plan considered confidential under Chapter 552, Government Code, or other state or federal law. If portions of a plan are designated as confidential, the plan shall be provided to the commission in a redacted form for public inspection with the confidential portions removed. An ~~[electric generation]~~ entity within the ERCOT power region shall provide the entity's plan to ERCOT in its entirety.

SECTION 25. Subchapter A, Chapter 186, Utilities Code, is amended by adding Section 186.008 to read as follows:

Sec. 186.008. RAILROAD COMMISSION WEATHER EMERGENCY PREPAREDNESS REPORTS. (a) In this section, "commission" means the Railroad Commission of Texas.

(b) The commission shall analyze emergency operations plans developed by operators of facilities that produce, treat, process, pressurize, store, or transport natural gas and are included on the electricity supply chain map created under Section 38.203 and prepare a weather emergency preparedness report on weatherization preparedness of those facilities. In preparing the report, the commission shall:

(1) review any emergency operations plans on file with the commission;

(2) analyze and determine the ability of the electricity supply chain, as mapped under Section 38.203, to withstand extreme weather events in the upcoming year;

(3) consider the anticipated weather patterns for the upcoming year as forecasted by the National Weather Service or any similar state or national agency; and

(4) make recommendations on improving emergency operations plans and procedures in order to ensure the continuity of natural gas service for the electricity supply chain, as mapped under Section 38.203.

(c) The commission shall require an entity subject to this section to file an updated emergency operations plan if it finds that an emergency operations plan on file does not contain adequate information to determine whether the entity can provide adequate natural gas services.

(d) The commission may adopt rules relating to the implementation of the report described by Subsection (b).

(e) The commission shall submit the report described by Subsection (b) to the lieutenant governor, the speaker of the house

of representatives, and the members of the legislature not later than September 30 of each even-numbered year.

(f) The commission may submit additional weather emergency preparedness reports if the commission finds that significant changes to weatherization techniques have occurred or are necessary to protect consumers or vital services, or if there have been changes to statutes or rules relating to weatherization requirements. A report under this subsection must be submitted not later than:

(1) March 1 for a summer weather emergency preparedness report; and

(2) September 1 for a winter weather emergency preparedness report.

(g) The emergency operations plans submitted for a report described by Subsection (b) and any additional plans submitted under Subsection (f) are public information except for the portions of the plan considered confidential under Chapter 552, Government Code, or other state or federal law. If portions of a plan are designated as confidential, the plan shall be provided to the commission in a redacted form for public inspection with the confidential portions removed.

SECTION 26. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.1394 to read as follows:

Sec. 13.1394. STANDARDS OF EMERGENCY OPERATIONS. (a) In this section:

(1) "Affected utility" means a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that:

(A) furnishes water service to more than one customer; and

(B) is not an affected utility under Section 13.1395.

(2) "Emergency operations" means the operation of a water system during an extended power outage that impacts the operating affected utility.

(3) "Extended power outage" means a power outage lasting for more than 24 hours.

(b) An affected utility shall:

(1) ensure the emergency operation of its water system during an extended power outage at a minimum water pressure of 20 pounds per square inch, or at a water pressure level approved by the commission, as soon as safe and practicable following the

occurrence of a natural disaster; and

(2) adopt and submit to the commission for its approval:

(A) an emergency preparedness plan that demonstrates the utility's ability to provide the emergency operations described by Subdivision (1); and

(B) a timeline for implementing the plan described by Paragraph (A).

(c) The commission shall review an emergency preparedness plan submitted under Subsection (b). If the commission determines that the plan is not acceptable, the commission shall recommend changes to the plan. The commission must make its recommendations on or before the 90th day after the commission receives the plan. In accordance with commission rules, an emergency preparedness plan for a provider of potable water shall provide for one or more of the following:

(1) the maintenance of automatically starting auxiliary generators;

(2) the sharing of auxiliary generator capacity with one or more affected utilities, including through participation in a statewide mutual aid program;

(3) the negotiation of leasing and contracting agreements, including emergency mutual aid agreements with other retail public utilities, exempt utilities, or providers or conveyors of potable or raw water service, if the agreements provide for coordination with the division of emergency management in the governor's office;

(4) the use of portable generators capable of serving multiple facilities equipped with quick-connect systems;

(5) the use of on-site electrical generation or distributed generation facilities;

(6) hardening the electric transmission and distribution system serving the water system;

(7) for existing facilities, the maintenance of direct engine or right angle drives;

(8) designation of the water system as a critical load facility or redundant, isolated, or dedicated electrical feeds;

(9) water storage capabilities;

(10) water supplies delivered from outside the service area of the affected utility;

(11) the ability to provide water through artesian flows;

(12) redundant interconnectivity between pressure zones;

(13) emergency water demand rules to maintain emergency operations; or

(14) any other alternative determined by the commission to be acceptable.

(d) Each affected utility that supplies, provides, or conveys raw surface water shall include in its emergency preparedness plan under Subsection (b) provisions for demonstrating the capability of each raw water intake pump station, pump station, and pressure facility to provide raw water service to its wholesale customers during emergencies. This subsection does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract.

(e) The commission shall adopt rules to implement this section as an alternative to any rule requiring elevated storage.

(f) The commission shall provide an affected utility with access to the commission's financial, managerial, and technical contractors to assist the utility in complying with the applicable emergency preparedness plan submission deadline.

(g) The commission by rule shall create an emergency preparedness plan template for use by an affected utility when submitting a plan under this section. The emergency preparedness plan template shall contain:

(1) a list and explanation of the preparations an affected utility may make under Subsection (c) for the commission to approve the utility's emergency preparedness plan; and

(2) a list of all commission rules and standards pertaining to emergency preparedness plans.

(h) An emergency generator used as part of an approved emergency preparedness plan under Subsection (c) must be operated and maintained according to the manufacturer's specifications.

(i) The commission shall inspect each utility to ensure that the utility complies with the approved plan.

(j) The commission shall consider whether compliance with this section will cause a significant financial burden on customers of an affected utility when making recommended changes under Subsection (c).

(k) An affected utility may adopt and enforce limitations on water use while the utility is providing emergency operations.

(l) Except as specifically required by this section,

information provided by an affected utility under this section is confidential and is not subject to disclosure under Chapter 552, Government Code.

(m) The commission shall coordinate with the utility commission in the administration of this section.

SECTION 27. The heading to Section 13.1395, Water Code, is amended to read as follows:

Sec. 13.1395. STANDARDS OF EMERGENCY OPERATIONS IN CERTAIN COUNTIES.

SECTION 28. Section 13.1395(d), Water Code, is amended to read as follows:

(d) This subsection does not apply to raw water services that are unnecessary or otherwise subject to interruption or curtailment during emergencies under a contract. Each affected utility that supplies, provides, or conveys surface water shall include in its emergency preparedness plan under Subsection (b) provisions:

(1) for the actual installation and maintenance of automatically starting auxiliary generators or distributive generation facilities for each raw water intake pump station, water treatment plant, pump station, and pressure facility necessary to provide water to its wholesale customers during emergencies; or

(2) that demonstrate the capability of each raw water intake pump station, water treatment plant, pump station, and pressure facility to provide water to its wholesale customers during emergencies through alternative means acceptable to the commission.

SECTION 29. Section 13.1396, Water Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) This section applies only to an affected utility, as defined by Section 13.1394 or 13.1395.

SECTION 30. Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.151 to read as follows:

Sec. 13.151. BILLING FOR SERVICES PROVIDED DURING EXTREME WEATHER EMERGENCY. (a) In this section, "extreme weather emergency" means a period when the previous day's highest temperature did not exceed 28 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports.

(b) A retail public utility that is required to possess a certificate of public convenience and necessity or a district or

affected county that furnishes retail water or sewer utility service shall not impose late fees or disconnect service for nonpayment of bills that are due during an extreme weather emergency until after the emergency is over and shall work with customers that request to establish a payment schedule for unpaid bills that are due during the extreme weather emergency.

SECTION 31. Section 13.414, Water Code, is amended by adding Subsections (a-1), (d), and (e) to read as follows:

(a-1) Notwithstanding Subsection (a), a retail public utility or affiliated interest that violates Section 13.151 is subject to a civil penalty of not less than \$100 nor more than \$50,000 for each violation.

(d) The utility commission by rule shall establish a classification system to be used by a court under this section for violations of Section 13.151 that includes a range of penalties that may be recovered for each class of violation based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of a prohibited act; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the history of previous violations;

(3) the amount necessary to deter future violations;

(4) efforts to correct the violation; and

(5) any other matter that justice may require.

(e) The classification system established under Subsection (d) shall provide that a penalty in an amount that exceeds \$5,000 may be recovered only if the violation is included in the highest class of violations in the classification system.

SECTION 32. Section 13.1396(a) (1), Water Code, is repealed.

SECTION 33. (a) The State Energy Plan Advisory Committee is composed of 12 members. The governor, lieutenant governor, and speaker of the house of representatives each shall appoint four members to the advisory committee.

(b) Not later than September 1, 2022, the State Energy Plan Advisory Committee shall prepare a comprehensive state energy plan. The plan must:

(1) evaluate barriers in the electricity and natural gas markets that prevent sound economic decisions;

(2) evaluate methods to improve the reliability, stability, and affordability of electric service in this state;

(3) provide recommendations for removing the barriers

described by Subdivision (1) of this subsection and using the methods described by Subdivision (2) of this subsection; and

(4) evaluate the electricity market structure and pricing mechanisms used in this state, including the ancillary services market and emergency response services.

(c) The state energy plan prepared under this section must be submitted to the legislature not later than September 1, 2022.

SECTION 34. The Public Utility Commission of Texas and the independent organization certified under Section 39.151, Utilities Code, shall annually review statutes, rules, protocols, and bylaws that apply to conflicts of interest for commissioners and for members of the governing body of the independent organization and submit to the legislature a report on the effects the statutes, rules, protocols, and bylaws have on the ability of the commission and the independent organization to fulfill their duties.

SECTION 35. The Public Utility Commission of Texas shall complete the first review required by Section 39.160(f), Utilities Code, as added by this Act, not later than December 31, 2021.

SECTION 36. (a) Not later than November 1, 2021, each affected utility, as defined by Section 13.1394, Water Code, as added by this Act, shall complete the submissions required by Section 13.1396(c), Water Code.

(b) Not later than March 1, 2022, each affected utility shall submit to the Texas Commission on Environmental Quality the emergency preparedness plan required by Section 13.1394, Water Code, as added by this Act.

(c) Not later than July 1, 2022, or upon final approval by the commission, each affected utility shall implement the emergency preparedness plan approved by the Texas Commission on Environmental Quality under Section 13.1394, Water Code, as added by this Act.

(d) An affected utility, as defined by Section 13.1394, Water Code, as added by this Act, may file with the Texas Commission on Environmental Quality a written request for an extension, not to exceed 90 days, of the date by which the affected utility is required under Subsection (b) of this section to submit the affected utility's emergency preparedness plan or of the date by which the affected utility is required under Subsection (c) of this section to implement the affected utility's emergency preparedness plan. The Texas Commission on Environmental Quality shall approve the requested extension for good cause shown.

SECTION 37. The Texas Electricity Supply Chain Security and Mapping Committee shall produce the map required under Section

38.203, Utilities Code, as added by this Act, not later than September 1, 2022.

SECTION 38. Not later than six months after the date the Texas Electricity Supply Chain Security and Mapping Committee produces the map required under Section 38.203, Utilities Code, as added by this Act, the Railroad Commission of Texas shall adopt rules necessary to implement:

(1) Section 86.044, Natural Resources Code, as added by this Act; and

(2) Section 121.2015, Utilities Code, as amended by this Act.

SECTION 39. Not later than six months after the effective date of this Act, the Public Utility Commission of Texas shall adopt rules necessary to implement:

(1) Section 35.0021, Utilities Code, as added by this Act; and

(2) Section 38.075, Utilities Code, as added by this Act.

SECTION 40. It is the intent of the legislature that this Act not restrict or amend the sole jurisdiction of the Railroad Commission of Texas to establish rules or requirements relating to curtailment orders for facilities and entities in the commission's jurisdiction under the Natural Resources Code or the Utilities Code.

SECTION 41. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.



CHANGE ORDER NO. 5

Date: 11/15/2021
 Project: FY2019 CIP IMPROVEMENTS TUMBLEWEED TRAIL
 Project No: RFP 2020-005
 PO #: 34608

The work covered by this order shall be performed under the same Terms and Conditions as included in the Original Contract.

Sewer Line Improvements							
Item NO.	Unit Price	Unit	Description	Quantity (orig)	Quantity (CO)	Difference (CO)	Ext Price
1A	\$ 34,000.00	LS	Prepare/Restore Right-Of-Way (Gibbs - Rumfield)	0	1	1	\$ 34,000.00
2A	\$ 525.00	EA	Project Sign (total of 2 for project) - (Gibbs - Rumfield)	0.67	2.67	2	\$ 1,050.00
3	\$ 55.20	LF	8" ASTM D3034 SDR-26 PVC Sanitary Sewer Pipe	2577	3500	923	\$ 50,949.60
4	\$ 57.60	LF	8" ASTM D2241 SDR-26 PVC Sanitary Sewer Pipe	40	80	40	\$ 2,304.00
5	\$ 960.00	EA	Remove Existing SSMH	6	7	1	\$ 960.00
6	\$ 4,800.00	EA	Std. 4" Dia SSMH with concrete collar	7	10	3	\$ 14,400.00
7A	\$ 1,200.00	EA	Sewer Service Connection (4" Wye or Saddle Connection, 4" ASTM D3034 SDR-26 PVC Service Line & 2-Way Cleanout)	34	40	6	\$ 7,200.00
8A	\$ 1,260.00	EA	Sewer Service Connection (4" Wye or Saddle Connection, 4" ASTM D2241 SDR-26 PVC Service Line & 2-Way Cleanout)	35	50	15	\$ 18,900.00
9	\$ 2,160.00	EA	Connect to Existing Sanitary Sewer	4	6	2	\$ 4,320.00
10	\$ 2.00	LF	Trench Safety	2617	3580	963	\$ 1,926.00
11	\$ 12.00	SY	Hydromulch	80	122	42	\$ 504.00
13	\$ 66.00	SY	Asphalt Pavement - 6" Type B (Permanent Pavement)	29	547	518	\$ 34,188.00
15	\$ 122.00	SY	Flexible Base - 6" Type A Grade-1 (Permanent Pvm't)	29	547	518	\$ 63,196.00
16	\$ 2,000.00	LS	Temporary Erosion Control	1	2	1	\$ 2,000.00
17	\$ 1,200.00	MO	Traffic Control Plan	4	7	3	\$ 3,600.00
19	\$ 66.00	LF	Cement Stabilized Sand Embedment	0	40	40	\$ 2,640.00
20	\$ 33.50	LF	Concrete Curb and Gutter Removal and Replacement	0	105	105	\$ 3,517.50
21	\$ 6,900.00	EA	Std. 4" Dia Drop SSMH with concrete collar	0	1	1	\$ 9,200.00
22	\$ 280.00	VF	Corrosion Resistant Manhole Lining for Drop SSMH	0	17	17	\$ 4,760.00
23	\$ 100.00	LF	Concrete Encasement	0	10	10	\$ 1,000.00
24	\$ 1,250.00	EA	Exploratory Excavation of Utilities	0	1	1	\$ 1,250.00
Total Amount of Increases and Decreases This Change Order:							\$ 261,865.10

Original Contract Completion Date: 8/1/2020
 Original Contract Approved Calendar Days: 360
 Previous Approved Extensions: 0
 This Change Order Approved Extensions: 218
 Total Approved Extensions: 218
 Actual Date for Completion: 3/2/2022

Calendar Days

0

218

218

578

Original Contract: \$ 1,718,197.70
 Previous Change Orders: \$ 151,638.40
 Current Contract: \$ 1,869,836.10
 Increase Subtotal: \$ 261,865.10
 Decrease Subtotal: \$ -
 Liquidated Damages: \$ -
 Days Subtotal: \$ -
 This Change Order Total: \$ 261,865.10
 New Contract Amount: \$ 2,131,701.20

Note: A total of 218 additional days are 128 weather days and 90 additional construction days.

Approved by the Contractor _____ Date _____

Approved by the Engineer _____ Date _____

Approved by The City of White Settlement _____ Date _____



1903 N. Peyco Drive • Arlington, Texas 76001
Phone (817) 467-0779 • Fax (817) 467-9148

October 18, 2021

Mr. Jeff James
Public Works Director
City of White Settlement
214 Meadow Park Drive
White Settlement, Texas 76108

Re: FY2019 CIP Improvements Tumbleweed Trail

In terms of the general conditions of contract, we are hereby requesting an extension of time due to factors beyond our control of 128 days on this contract.

Based on 82 actual rain days, 18 days that the site was too wet to work and 11 weekend days following rain events, per attached summary.

In Addition we are requesting additional time for the Delays caused by the Cement shortages caused by the Cement Factories going down with the freeze earlier this year and still operating below 70% capacity. Basically they are rationing their clients and working on long lead times when ordering. If you miss your slot due to weather or other causes it takes a long time to get back into the rotation

We had equipment failure with our curb machine August 31st and could not get concrete rescheduled until September 16th. To date we have been delayed 17 days by lack of concrete

Assuring you of our best attention at all times.

Yours truly,

A handwritten signature in blue ink, appearing to be 'S. Lancaster', written over a horizontal line.

Steven Lancaster
Project Manager

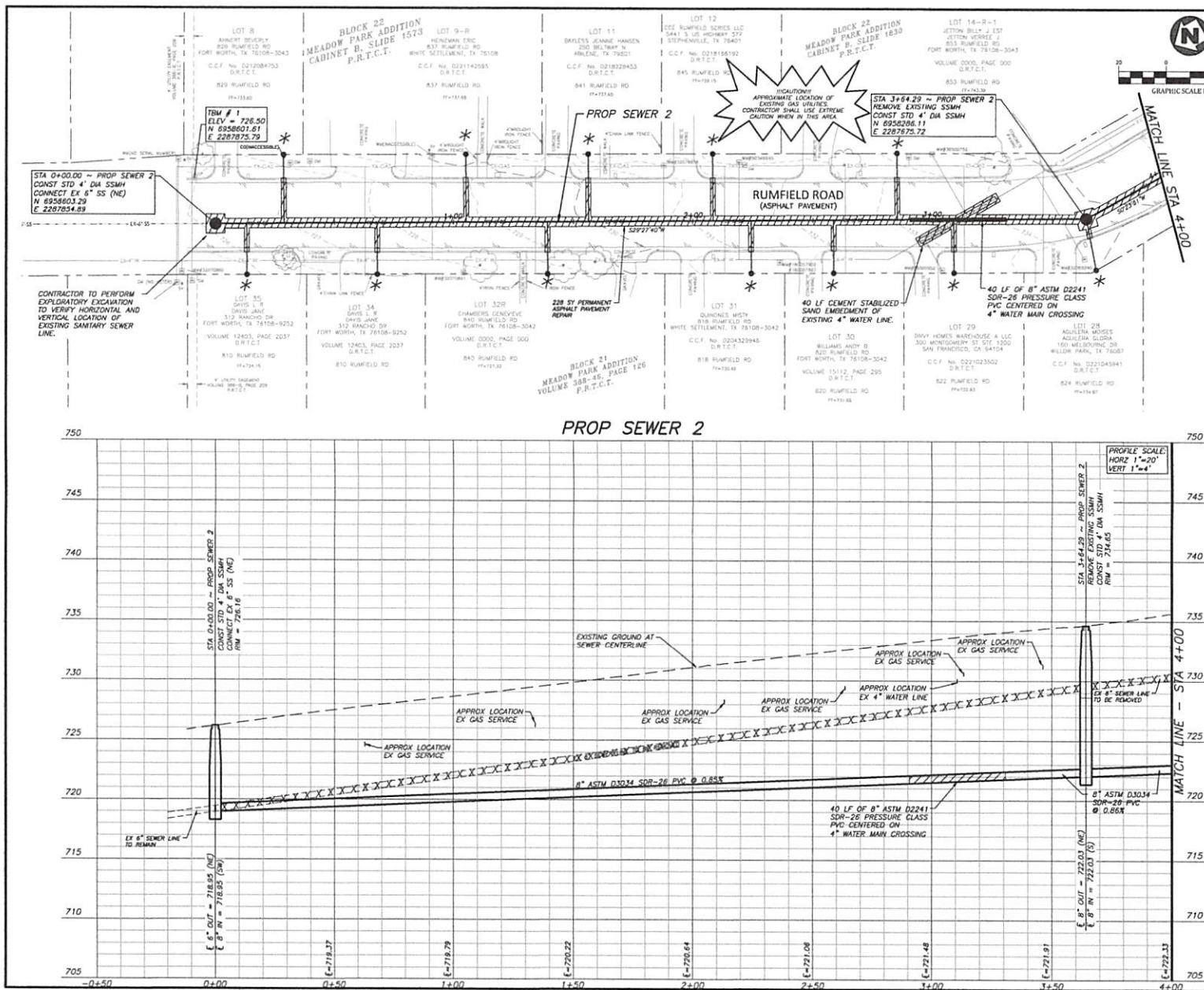
Rainfall Data for Tumbleweed Trail, City of White Settlement

Month	Date	Rain	Too Wet	Weekend
September	1st - 2nd	2		
	3rd - 4th		2	
	5th - 6th			2
	9th - 10th	2		
	11th		1	
	12th - 13th			2
	16th	1		
	21st - 23rd	3		
October	23rd - 28th	5	1	
	29th		1	
November	28th - 29th	2		
December	11th - 13	2		1
	29th - 31st	3		
January	1st - 3rd	1		2
	10th	1		
	20th - 21st	2		
	23rd - 25th	3		
	30th	1		
February	11th - 21st	11		
	25th - 28th	4		
March	1st	1		
	14th	1		
	17th	1		
	22nd - 28th	4	1	2
April	13th - 18th	4	2	
	28th - 30th	2	1	
May	1st - 5th	3	2	
	11th	1		
	28th	1		
	31st	1		
June	1st - 3rd		3	
	5th - 6th	1		
	7th - 10th	2	2	
	21st	1		
	28th - 29th	2		
July	3rd	1		
	5th - 7th	3		
	12th	1		
	27th - 28th	2		
August	1st - 4th	2	2	
	17th - 22nd	3		2
	29th	1		
September	8th	1		
		82	18	11



1.5 LOCATED ON NORTHEAST CORNER INTERSECTION OF
 W. 12TH NORTH OF CENTINALE DRIVEWAY, 12.50 EAST OF A
 AND PENDERSON STREET AND +/- 13.5' EAST OF A
 18.92
 1.5 LOCATED ON SOUTH ROW OF GIBBS ROAD AND +/-
 OF CENTINALE DRIVEWAY #4045 GIBBS ROAD AND
 90.26
 1.5 LOCATED ON NORTHWEST CORNER INTERSECTION OF
 +/- 8.5' NORTH OF NORTH CURBLINE OF GIBBS
 38.98
 1.5 LOCATED ON NORTHEAST CORNER INTERSECTION OF
 +/- 3.2' EAST OF
 10.50
 1.5 LOCATED ON NORTH RIGHT-OF-WAY OF GIBBS ROAD
 49.58
 1.26 EAST OF CENTINALE OF MADISON PARK DRIVE
 +/- SOUTH OF SOUTH CURBLINE OF GIBBS ROAD.
 72.55
 1.00 WEST OF CENTINALE OF MADISON STREET
 +/- 8.5' NORTH OF NORTH CURBLINE OF GIBBS ROAD
 72.55





REVISIONS

NO.	DESCRIPTION	DATE
1		
2		
3		
4		

NOTING TO CONTRACTOR:

CALL 811 (TEXAS 811) OR OTHER UTILITY LOCATING SERVICES 48 HOURS PRIOR TO CONSTRUCTION ACTIVITY. JAMES DOTY ENGINEERING, INC. IS NOT RESPONSIBLE FOR PROPHESYING ALL EXISTING UTILITIES OR DETERMINING EXACT LOCATIONS OF UTILITIES ON DRAWINGS.

UTILITY NOTE:

THE UTILITIES SHOWN ON THE PLANS WERE COMPILED FROM VARIOUS SOURCES AND ARE INTENDED TO SHOW THE GENERAL EXISTENCE AND LOCATION OF UTILITIES IN THE AREA OF CONSTRUCTION. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE UTILITY INFORMATION SHOWN ON THE PLANS. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CONTACT UTILITY COMPANIES 48 HOURS IN ADVANCE OF ANY CONSTRUCTION ACTIVITIES IN ORDER TO DETERMINE IF THERE IS ANY CONFLICT WITH THE PROPOSED FACILITIES. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY WHEN CONFLICTS WITH EXISTING UTILITIES ARE DISCOVERED. THE FOLLOWING PHONE NUMBERS ARE PROVIDED FOR CONVENIENCE. CONSIDERATION OF OTHER UTILITIES MAY BE REQUIRED.

CITY OF WHITE SETTLEMENT	(817) 246-4371
TEXAS 811 (LOCATING SERVICE)	811
CHARTER COMMUNICATIONS (TV CABLE)	(888) 438-2437
WIS (OWNER OF WESTERN UNION LINES)	(800) 624-9875
AT&T	(817) 334-6000
VERIZON	(800) 483-1000
AT&T ENERGY	(800) 817-8000
ONCOR ELECTRIC DELIVERY	(888) 215-6688

HORIZONTAL CONTROL:

HORIZONTAL CONTROL IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83(2011) (EPIC04010.00) NORTH CENTRAL ZONE (4203), US SURVEY FEET AND DISPERSED IN SURFACE VALUES USING A SURFACE FACTOR OF 1.00012.

VERTICAL CONTROL:

C.O.W.S. MON NO. 6
LOCATED ON THE SOUTH SIDE OF DOWNE DRIVE JUST EAST OF LAKEVIEW ROAD AND NORTH WEST OF HOUSE #9472. THE MONUMENT IS 20.4 FEET WEST OF THE WEST EDGE OF ASPHALT DRIVE TO HOUSE #9472, 12.1 FEET SOUTH OF THE SOUTH BACK OF CURB OF DOWNE DRIVE AND 4.2 FEET NORTHWEST OF THE NORTH END OF A CHAINLINK FENCE.
ELEV = 811.84

C.O.W.S. MON NO. 7
LOCATED ON THE NORTHWEST SIDE OF HANCO DRIVE AND MEADOW PARK DRIVE. THE MONUMENT IS 74.5 FEET NORTH OF A FIRE HYDRANT ON THE SOUTHWEST CORNER OF THE SAME INTERSECTION, 13.6 FEET WEST OF A LIGHT POLE AND 9.6 FEET SOUTHWEST OF A MANHOLE LD.
ELEV = 866.52

THERE ARE APPROX 5 SERVICES WITH 140 LF OF 4" ASTM D3034 SDR=26 PVC SEWER PIPE SEWER SERVICE LINE ON EAST SIDE OF RUMPLED ROAD AND APPROX 7 SERVICES WITH 154 LF OF 4" ASTM D2241 SDR=26 PVC PRESSURE PIPE SEWER SERVICE LINE ON WEST SIDE OF RUMPLED ROAD ON THIS SHEET TO BE CONSTRUCTED. *NUMBER OF SERVICES IS ESTIMATED ON BEST AVAILABLE INFORMATION. THE CONTRACTOR TO FIELD VERIFY THE ACTUAL LOCATIONS AND NUMBER OF SERVICES. PAID FOR UNDER "SEWER SERVICE CONNECTION"

CONTRACTOR TO RECONNECT ALL ACTIVE SEWER SERVICES UP TO THE PROPERTY LINE AND INSTALL TWO WAY CLEANOUT PER DETAIL ON SHEET 31.

PRELIMINARY - FOR REVIEW ONLY
THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION BIDDING PURPOSES.
By: Brian S. Doty
Reg. No.: 82053
Date: 11/3/2021

JD **ENGINEERING** **INC.** 2201 Doolittle (on Parkway), Suite 119 Fort Worth, Texas 76104
P: 817-351-1111 F: 817-351-1112
15916 Hwy. 100, Box 9917
1863 Hwy. 100, Box 13010-40

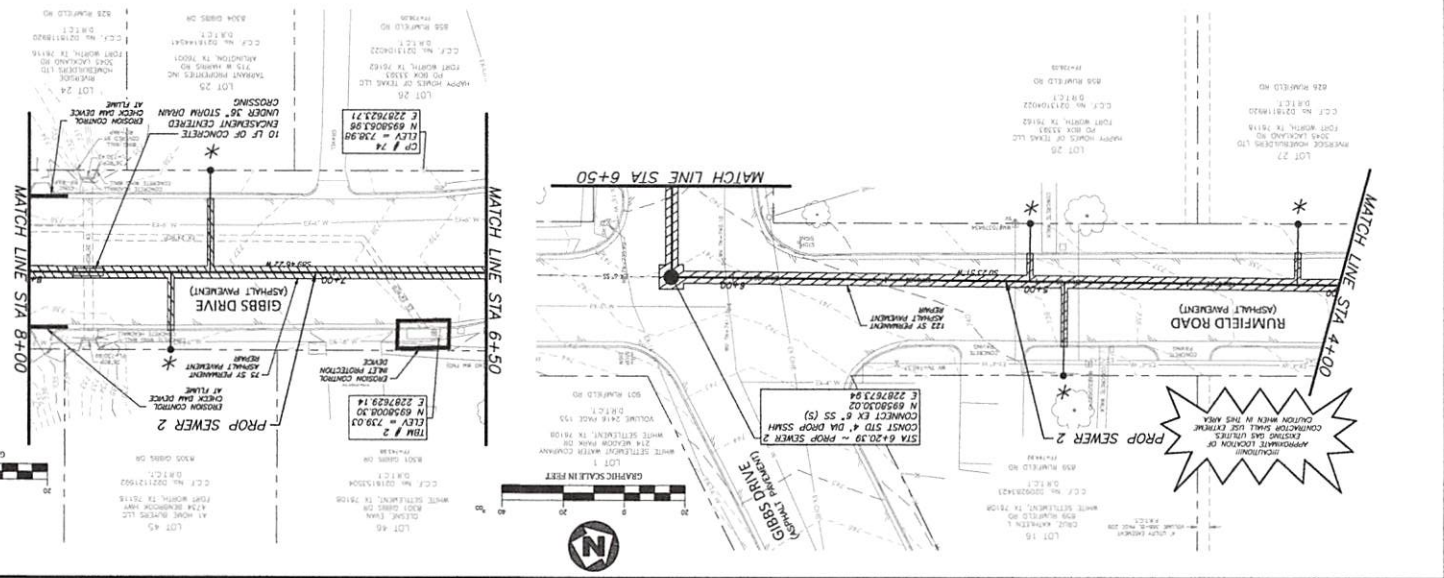
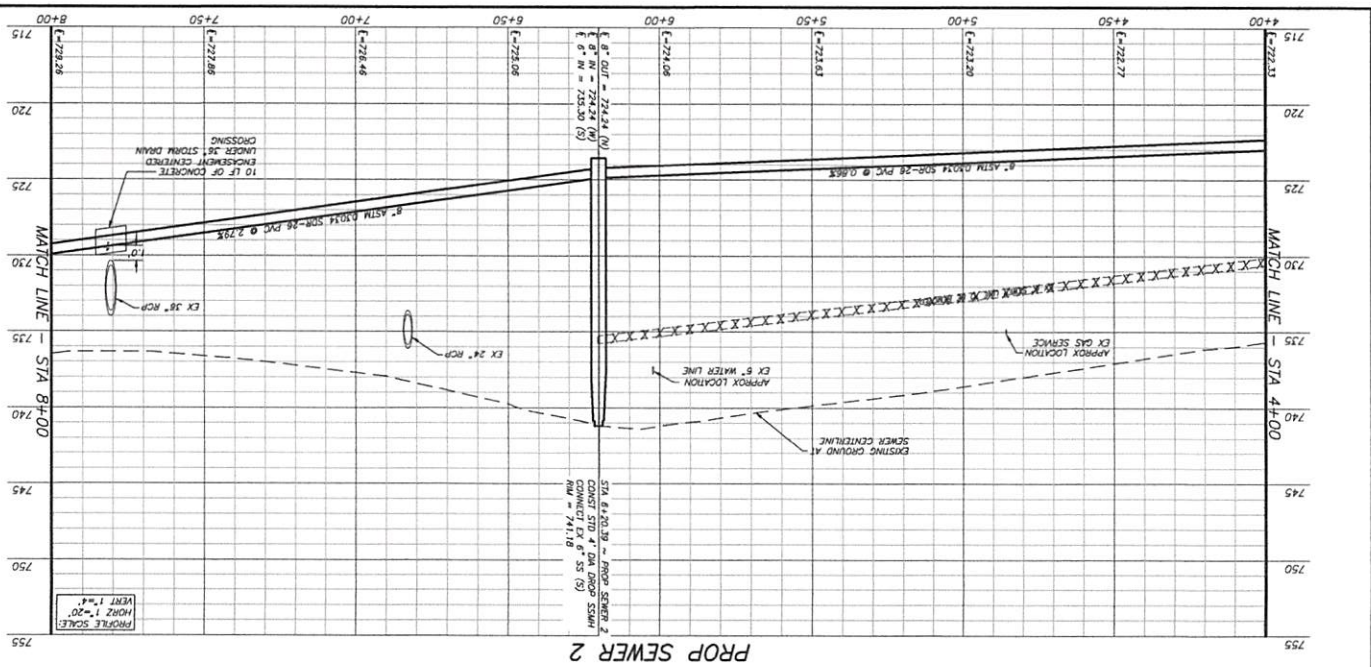
CITY OF WHITE SETTLEMENT, TEXAS

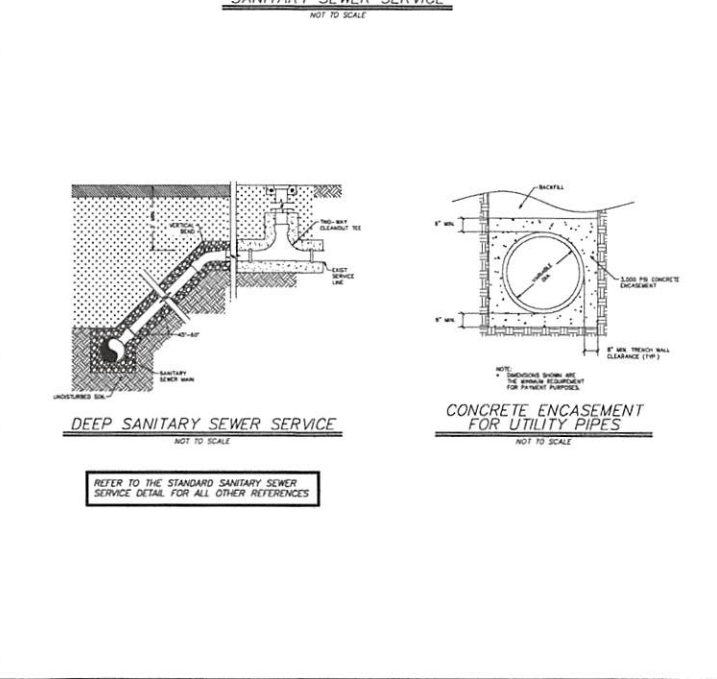
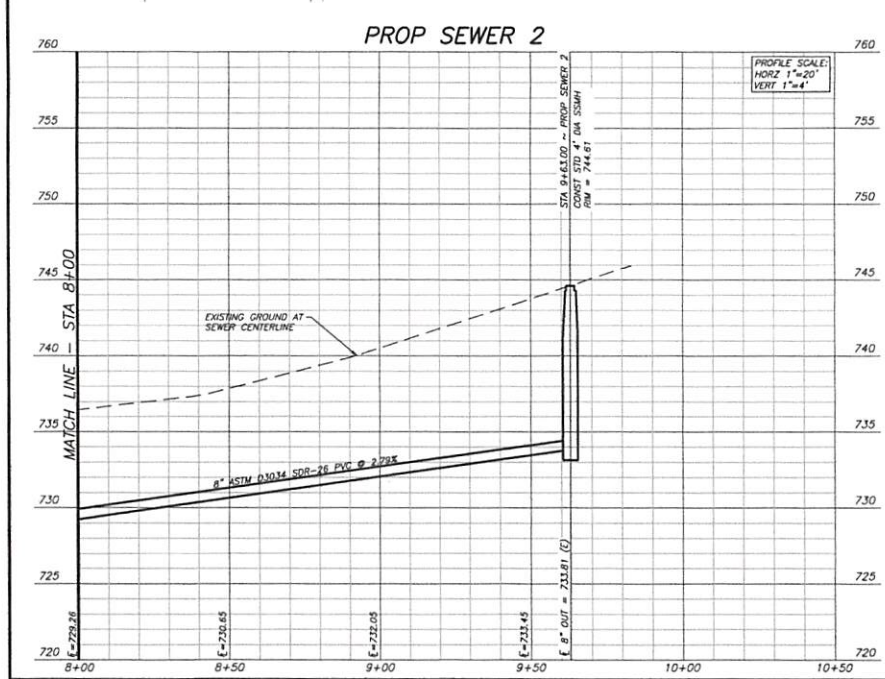
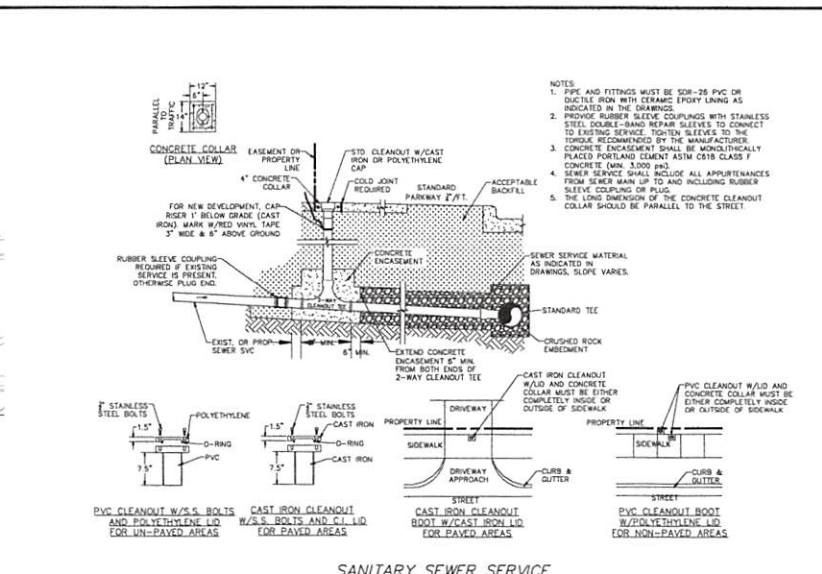
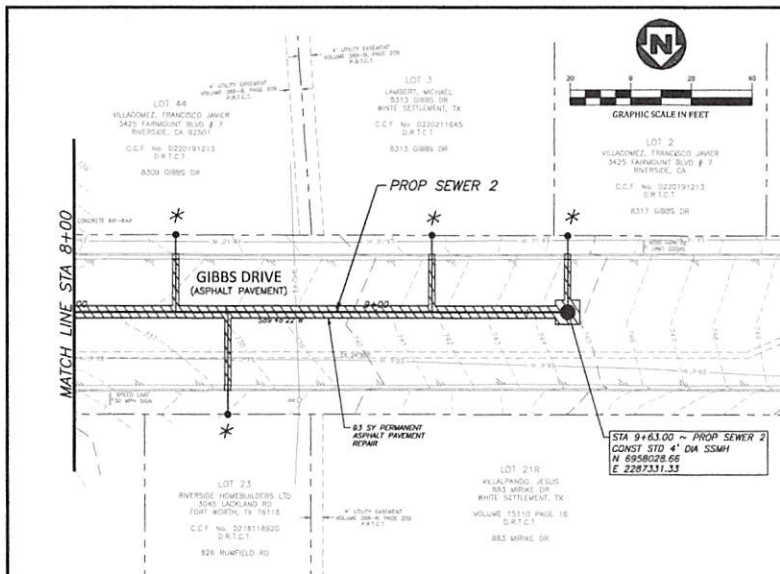
RFP 2021-005

FY2019 CP IMPROVEMENTS
TUMBLEWEED TRAIL

SEWER LINE 2 - STA 0+00 TO 4+00

DESIGNED: BSD	SCALE:	DATE:	29
DRAWN: CP/PWY	AS NOTED	Nov 2021	

[illegible]



REVISIONS		
NO.	DESCRIPTION	DATE
1		
2		
3		
4		

WARNING TO CONTRACTOR: CALL 811 (TEXAS 811) OR OTHER UTILITY LOCATING SERVICES 48 HOURS PRIOR TO CONSTRUCTION ACTIVITY. JAMES DOTY ENGINEERING INC. IS NOT RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES OR CONFLICTS EXACT LOCATIONS OF UTILITIES ON DRAWINGS.	
UTILITY NOTE: THE UTILITIES SHOWN ON THE PLANS WERE COMPILED FROM VARIOUS SOURCES AND ARE INTENDED TO SHOW THE GENERAL EXISTENCE AND LOCATION OF UTILITIES IN THE AREA OF CONSTRUCTION. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE UTILITY INFORMATION SHOWN ON THE PLANS. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CONDUCT UTILITY COMPANIES 48 HOURS IN ADVANCE OF ANY CONSTRUCTION ACTIVITIES IN ORDER TO DETERMINE IF THERE IS ANY CONFLICT WITH THE PROPOSED FACILITIES. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY WHEN CONFLICTS WITH EXISTING UTILITIES ARE DISCOVERED. THE FOLLOWING PHONE NUMBERS ARE PROVIDED FOR CONVENIENCE. CONSIDERATION OF OTHER UTILITIES MAY BE REQUIRED.	
CITY OF WHITE SETTLEMENT (817) 246-4371 TEXAS 811 (LOCATING SERVICE) (888) 438-2422 CARRIER COMMUNICATIONS (TD CABLE) (800) 824-9875 AT&T (817) 538-4000 VERIZON (800) 483-1000 OTHER ENERGY (800) 817-6000 UNICOR ELECTRIC DELIVERY (888) 215-6688	
HORIZONTAL CONTROL: HORIZONTAL CONTROL IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83(2011) (EPD02010.02) NORTH CENTRAL ZONE (4202). US SURVEY FEET AND DISPLAYED IN SURFACE VALUES USING A SURFACE FACTOR OF 1.00012.	
VERTICAL CONTROL: C.O.M.S. MON #8 LOCATED ON THE SOUTH SIDE OF DOWNE DRIVE JUST EAST OF LAKEVIEW DRIVE AND NORTH WEST OF HOUSE #8427. THE MONUMENT IS 20.8 FEET WEST OF THE WEST EDGE OF ASPHALT DRIVE TO HOUSE #8427, 12.1 FEET SOUTH OF THE SOUTH BACK OF CURB OF DOWNE DRIVE AND 4.2 FEET NORTHEAST OF THE NORTH END OF A CHAINLINK FENCE. ELEV = 811.34 C.O.M.S. MON #7 LOCATED ON THE NORTHWEST SIDE OF HANCOX DRIVE AND MEADOW PARK DRIVE. THE MONUMENT IS 74.9 FEET NORTH OF A FIRE HYDRANT ON THE SOUTHWEST CORNER OF THE SAME INTERSECTION, 13.0 FEET WEST OF A LIGHT POLE AND 8.8 FEET SOUTHWEST OF A MANHOLE LID. ELEV = 846.32	
THERE ARE APPROX 4 SERVICES WITH 120 LF OF 4" ASTM D2241 SDR-26 PVC PRESSURE PIPE SEWER SERVICE LINE ON BOTH SIDES OF GIBBS DRIVE ON THIS SHEET TO BE CONSTRUCTED. NUMBER OF SERVICES IS ESTIMATED ON BEST AVAILABLE INFORMATION. THE CONTRACTOR TO FIELD VERIFY THE ACTUAL LOCATIONS AND NUMBER OF SERVICES. PAID FOR UNDER "SEWER SERVICE CONNECTION".	
CONTRACTOR TO RECONNECT ALL ACTIVE SEWER SERVICES UP TO THE PROPERTY LINE AND INSTALL TWO WAY CLEANOUT PER DETAIL ON SHEET 31.	
PRELIMINARY -- FOR REVIEW ONLY THIS DOCUMENT IS FOR INTERIM REVIEW AND IS NOT INTENDED FOR CONSTRUCTION OR BIDDING PURPOSES. BY: Brian S. Doty REG. NO.: 62923 DATE: 1/5/2021	
JD DeOtte Engineering 2201 Dimple Lynn Parkway, Suite 119 Fort Worth, Texas 76130 (817) 896-8811 7813 Perm Reg. No. 10101400	
WILLIAMS ENGINEERING THE CITY OF WHITE SETTLEMENT	
CITY OF WHITE SETTLEMENT, TEXAS RFP 2021-005 FY2019 CIP IMPROVEMENTS TUMBLEWEED TRAIL SEWER LINE 2 - STA 8+00 TO END	
DESIGNED: BSD DRAWN: TC/PVY	SCALE: AS NOTED DATE: Nov 2021
	31



To: City Council
From: Amy Arnold, City Secretary
Date: December 7, 2021

This item relates to participation in the appointment process for members of TAD Board of Directors.

The city is authorized 10 votes. The city is not required to vote however, if the city chooses to do so, votes may be determined only by a resolution (attached) adopted and submitted before December 15, 2021.

This item is to approve the resolution which includes the selection of candidate(s) to receive votes as an attachment to the resolution.



Jeff Law
Executive Director
Chief Appraiser

October 29, 2021

Mr. Ron White
Mayor
City of White Settlement
214 Meadow Park Drive
White Settlement, Texas 76108

RE: Appointments to Board of Directors for 2022-2023
Ballot for Voting for Appointees

Dear Mr. White:

Following up on my September 17, 2021, letter about nominating candidates for appointment to Tarrant Appraisal District's Board of Directors, I prepared a ballot as required by the Texas Property Tax Code. That letter lists the number of votes for each school district, city, and county entity that is entitled to participate in the appointment process. The taxing units listed are not required to vote but, if they choose to do so, ***they may determine their votes only by a resolution adopted by the governing body and they must submit the resolution to me before December 15, 2021.*** The resolutions and the completed ballot if you wish to include it should be sent –

- by mail to Jeff Law, Chief Appraiser, Tarrant Appraisal District, P. O. Box 185579, Fort Worth, Texas, 76181-0579;
- by fax to (817)595-6198; or
- by email to jwooddell@tad.org

Enclosed are not only the ballot but also bios collected from nominees and taxing units and a sample resolution form.

The remaining steps in the appointment process and schedule set out in the Property Tax Code may be summarized as follows:

before December 15, 2021	Governing bodies of taxing units determine their votes by resolution and send submit votes to Chief Appraiser
before December 31, 2021	Chief Appraiser counts votes, determines which candidates received the most votes, and submits results to taxing units
January 1, 2022	new two-year term begins

If you have questions, please do not hesitate to call.

Sincerely,



Jeff Law
Executive Director
Chief Appraiser

JL:jw
Enclosures



OFFICIAL BALLOT

ELECTION OF MEMBERS TO THE BOARD OF DIRECTORS TARRANT APPRAISAL DISTRICT

Following are the candidates for appointment to the five (5) voting positions on the Board, listed alphabetically with the taxing unit(s) that timely submitted the nominations for each.

Please indicate your taxing unit's vote(s) by entering the number of votes to the left of your candidate(s) of choice.

VOTES FOR	Nominees
	Mr. Jim Austin
	Mr. Wesley Bullock
	Mr. Rich DeOtte
	Mr. Rockie Gilley
	Mr. Jim Griffin
	Mr. Jungus Jordan
	Mr. Mike Leyman
	Mr. Gary Losada
	Mr. Joseph Ralph (J.R.) Martinez
	Mr. Tony Pompa
	Ms. Kathryn Wilemon

IMPORTANT: This ballot must be returned **before December 15, 2021** to Jeff Law, Chief Appraiser, Tarrant Appraisal District, **P. O. Box 185579, Fort Worth, Texas, 76181-0579**, by mail or by fax to (817) 595-6198 or by email to jwooddell@tad.org.

Please attach this ballot to the resolution passed by your taxing unit authorizing this vote.

Resolution No. 21-__

A resolution authorizing the casting of the Name of the Taxing Unit's allocated votes for appointment on the Tarrant Appraisal District Board of Directors

BE IT RESOLVED BY THE CITY COUNCIL/ SCHOOL BOARD OF THE NAME OF THE TAXING UNIT:

- I. That the Presiding Officer (Mayor/ Board President) of the Name of the Taxing Unit, is hereby authorized, on behalf of the City Council/ School Board of the Name of the Taxing Unit's, to cast the Name of the Taxing Unit's allocated (# of votes) votes on the official ballot for the election of members to the Tarrant Appraisal District's Board of Directors.
- II. A substantial copy of the official ballot is attached hereto and incorporated herein for all intents and purposes.
- III. Further, the City/ Board Secretary is hereby directed to forward a certified copy of this resolution to Mr. Jeff Law, Chief Appraiser, Tarrant Appraisal District, 2500 Handley-Ederville Road, Fort Worth, Texas 76118.

PRESENTED AND PASSED on this the _____ day of _____, 2021, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council/ School Board of Name of the Taxing Unit.

Name, Presiding Officer

ATTEST:

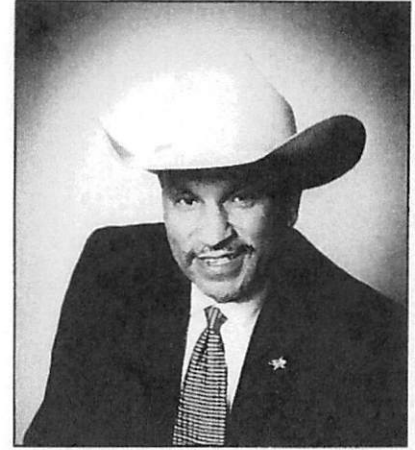
Name, City/Board Secretary

APPROVED AS TO FORM:

Name, City/Board Attorney

BY _____
(Optional)

James N. Austin, Jr.



Austin Company Commercial Real Estate Company

James N. Austin, Jr., ("Jim"), is the owner/founder/broker of Austin Company Commercial Real Estate in Fort Worth, Texas. The Austin Company was established in 1981 and serves the Fort Worth-Dallas metro area with commercial real estate and property management services; after beginning in the business after training with industry veteran Sam McCall. Jim Austin is considered an expert in the commercial real estate field. He also speaks on the subject as a program presenter at workshops and associations as an invited professional. He currently serves on several appraisal boards for the right-of-way condemnations by the Texas Department of Transportation. Jim served on the Texas Real Estate Commission (1999-2008). He has put together over thirty investment groups (limited partnerships). Jim is also a recipient of the coveted Charles D. Tandy Commercial REALTOR® Award (2001). This award is presented annually to honor the member of the Society of Commercial REALTORS® who best exemplifies the highest professional standards of a commercial REALTOR®.

Austin made headlines as one of three members of a court-appointed commission that settled a land condemnation case for Santa Fe Pacific Corp.'s giant intermodal facility at Fort Worth Alliance Airport. Jim was also one of 10 asset managers for a major land auction by the Federal Deposit Insurance Corp. Austin handled 35 of the 125 assets offered in Tarrant County selling over 5 million. He is a past member of the Commercial Investment Division of the Greater Fort Worth Association of Realtors. He has worked for financial institutions including Woodhaven National Bank, Bank of North Texas and Team Bank as well as area hospitals. Jim has moved from the standard sales and leasing work into appraisals and auction management. Austin also served on the Texas Real Estate Commission, as a Commissioner for eight (8) years. He is a 1976 graduate of Howard University, Washington, D.C., receiving his BA in Business. Most recently Jim was selected to be a part of the Fort Worth Business Press 2017 Class of Minority Leaders in Business Award recipient, based on professional achievements, community contributions, philanthropy and other milestones and awards. (www.austincompany.com)

Jim Austin Online.com

One of Jim's strengths is his ability to network with people. His involvements include networking with business associates, social and fraternal friends and non-profit boards. Through this experience, he found that although he interfaced with diverse people with diverse interest, there were a great number of common interests and goals. Jim Austin Online (JAO) has proved to be a resounding success. Originated in the fall of 2008 with 200 friends signing up to receive the e-newsletter, JAO now has a community of over 20,000 members. In conjunction with the weekly newsletter, JAO offers benefits that are exclusively found on JAO website or e-newsletter such as monthly business lunches with high profile individuals as host such as gubernatorial candidates and other relevant business and political figures. JAO recently re-launched an updated website with additional content including Entertainment, Business, Dining, Community and Sports. (www.jimaustinonline.com)

Affiliations | Memberships | Recognition & Awards

Broker Memberships include National Association of REALTORS®; Greater Fort Worth Association of REALTORS®; Society of Commercial REALTORS®. Board affiliations include National Multicultural Western Heritage Museum | Founder & President; TCU Neeley School of Business | Neeley Entrepreneurship Center. Civic & Professional Memberships include Rotary International | Rotary Club of Fort Worth, Texas (42 years); National Sales Network | DFW Chapter. Fraternal Memberships include Kappa Alpha Psi® Fraternity Incorporated; Sigma Pi Phi Fraternity. Some of the awards and recognition he has received are Quest for Success - Dallas Morning News; YMCA, Fort Worth, Texas; Texas Association of Real Estate Brokers, Inc.; Kappa Alpha Psi Fraternity, Inc. - Metroplex Black Image Award. As a realtor, his community service rendered him national recognition from the National Association of Realtors® as a recipient of the coveted *Realtor® Magazine's* Good Neighbor Award in 2003. The *Good Neighbor Awards* recognize REALTORS® who've made an extraordinary commitment to improving the quality of life in their communities through volunteer efforts.

He and his wife, Gloria Reed Austin founded the National Multicultural Western Heritage Museum (in February 2001, that is in the historic Fort Worth Stockyards area. (www.nmwhm.org)

Wesley Bullock
PO Box 2227
Keller, TX 76244

Cell Phone: 817-988-2516
E-Mail: maravi@verizon.net

- Summary:** A dedicated professional with 20+ years combined experience in risk and strategic assessment. Specializing in risk related to cost and profit, contractual language, technical issues, scheduling, customer behavior and business environment.
- Skills:** Advanced user of Microsoft Excel. Proficient in Microsoft Word, Microsoft Access, Microsoft PowerPoint and Oracle OBIEE. Experience using Tableau and Knime. SAS. 6 Sigma Green Belt Certificate. Demonstrated ability to effectively summarize and communicate complex information derived from multiple sources.
- Experience:** **Independent Cost Analyst Senior Staff**
Lockheed Martin Corporation (Aeronautics Division)
Independent Cost Evaluation (ICE)
03/2002 - present
Act in a consulting role to the F-35 program directors and executive level corporate management.
Perform qualitative and quantitative research and analysis of historical data to identify and quantify risks in F-35 proposals for new business and Estimates to Complete for ongoing business. Risks identified pertain to cost, profitability, technical performance, return on sales, and contractual terms and conditions. Utilize combination of tools such as Microsoft Excel, Oracle OBIEE and Microsoft Access to perform statistical and predictive analytics concerning the F-35 program cost and schedule.
Develop metrics to measure ongoing accuracy of ICE estimates during contractual performance.
Use the results of data analysis to prepare and deliver formal presentations to the LM Aero Controller, CFO and LM corporate executives.
Serve as teacher and informal mentor to new employees and rotational employees.
- Prior Experience**
Lockheed Martin 1993 – 2002
General Dynamics 1984 - 1993
- Education:** **University of Dallas**
MBA
University of Texas at Arlington
BBA

RICHARD W. DEOTTE, P.E., CFM

420 Johnson Road; Suite 303
Keller, Texas 76248
Office: 817-337-8899 ~ Cell: 817-946-6088
richdeotte@deotte.com



EDUCATION:

- Texas A&M University, 1985; Bachelor of Science in Civil Engineering

LICENSES:

- Registered Professional Engineer, Texas No. 74232
- Nationally Accredited Certified Floodplain Manager #1586-09N

"As I have in all my public service, I will seek to provide Fairness, Transparency, Service and Quality as a Director on the Board of the Tarrant Appraisal District."

Personal

- Native Texan having lived in Tarrant County for 27 years and in Southlake for the last 14 years.
- Married for 34 years to Yvette.
- Three Children
- 1985 graduate of Texas A&M

Professional

- A Civil Engineer and land development consultant for 34 years.
- Majority owner in DeOtte, Inc. from 2000 to present, a civil engineering and development consulting firm in Keller, Texas serving governmental and private clients on a range of diverse projects but especially providing cost effective and innovative solutions to large scale drainage and erosion control projects, municipal infrastructure and exceptional residential developments in northeast Tarrant county.
- Expert consultant and expert witness on engineering related court cases over the last 20 years.
- Developed familiarity with TAD's operations and services and how those affect land development and infrastructure re-development.

Volunteer

- Served two years as the chairman of the Tarrant County Sheriff's Department Civil Service Commission. Initiated and led a much needed major re-write of the civil service rules which passed and were implemented.
- A regular public speaker on various issues including training on engineering ethics focusing on the aspect of personal happiness and how to achieve responsible professional standards.
- Served as an adult leader in Boy Scouts as Den Leader, Assistant Scout Master and as Scout Master.
- Taught physics for a year on a voluntary basis.
- Ham radio operator, Technician License, KG5FYB.
- Active in church throughout adult life chairing building committees, teaching Sunday school, preaching, leading worship, serving as a deacon, and chairing a deacon board.

I have a professional record solving technically complicated problems with large groups of people with diverse interests and engaging and assisting parties to work together to resolve issues. Throughout my personal, professional and volunteer life, my proficiency in bringing people together to find common ground to collaborate to find the right solution has been crucial.

Rockie Gilley

220 South Dick Price Rd.
Kennedale, Texas, 76060
817-240-6521
bulletslap@yahoo.com

QUALIFICATION HIGHLIGHTS

- 2021-present Member Kennedale TIRZ
 - 2017-2019 Kennedale City Council Place 1.
 - 2018-2019 Chairman Kennedale TIRZ.
 - 2017-2019 Member Kennedale MDD/TDD.
 - Tarrant County Republican Precinct 2029 Chairman (Acting) 1996
 - Texas Republican Convention Delegate 1992, 1994, 1996.
-

Rockie Gilley

220 South Dick Price Rd.
Kennedale, Texas, 76060
817-240-6521
bulletslap@yahoo.com

QUALIFICATION HIGHLIGHTS

- Specializes in Enterprise Hardware and Software sales support.
 - Specializes in acquisitions, migrations, and project management.
 - Understands highly technical situations and provides unique solutions.
 - Is very methodical and thorough.
-

AREAS OF STRENGTH

- Storage Management and Subsystem Tuning –16 years
 - Hardware modeling, tuning and configuration – 11 years
 - Assembly Language Program Development – 2 years
 - z/OS Problem Determination – 8 years
 - z/OS CICS System Programming – 2 years
 - Technical Consultant OEM Hardware and Software Product Analysis, Installation and Support – 8 years
 - IT Management and Acquisition – 7 years
-

PROFESSIONAL EXPERIENCE

2013 - 2020, Technical Consultant XOM

Headed XOM Storage Refresh Projects 2013-2014, 2016-2018, Houston DC relocation 2018-2020.

Developed Vendor evaluation criteria.

Participate in IT Performance "SWAT" Team.

Designed and executed Cyber Security Data Vaulting Project "PermaFrost."

2008 - 2012, Technical Consultant, EMC Corporation

Developed user training documentation and marketing material for EMC Storage Products

Developed pre-sales tools to analyze customer needs.

Applied pre-sales software tools to design solutions for the EMC Sales Teams and Customers

1998 - 2012, Various Positions, Logical Resources Inc, Citigroup, Open Tech Software

As Staff Consultant, developed and delivered consulting services to customers in the following areas:

OS/390 parallel sysplex implementation

CICSplex implementation

CICSplex architecture design

OS/390 and CICS system programming, migrations and upgrades, and general support

Transparent Data Migration Facility (TDMF) services

CICS performance and tuning analyses

Problem determination and resolution

Various language coding projects

As Technical Marketing Systems Engineer:

Provided technical support to sales teams in the areas of parallel sysplex and CICSplex.

Assisted in bid preparation and responses to requests for pricing.

Conducted capacity and performance studies for customers and prospects.

Developed and delivered technical education to the marketing staff.

As Senior Software Support Engineer:

Served as third level customer contact for software compatibility issues.

Performed general software support for MVS, CICS, DB2, and OEM software products in the areas of problem determination, compatibility, configuration, and tuning.

1995 - 1998, Tech Services Manager, Tarrant County Hospital District

1990 - 1995, Senior Systems Programmer, The Ben E. Keith Corp

Installed and maintained MVS, CICS, and OEM products using SMP/E.

Designed, coded, and debugged Assembler Language (ALC) programs and exits to the operating system and OEM products.

Solved standalone dumps and SVC dumps using IPCS.

Performed DASD subsystem space management and performance tuning.

Maintained and regularly tested offsite reconstruction (disaster recovery) plan.

Completed conversion from Datacom/DC to CICS.

1987 - 1990, Systems Programmer, Burlington Northern Railway

Installed and maintained MVS, CICS and third party products.

Managed the MVS performance reporting and charge back team.

1976 - 1984, Systems Specialist, Gear-Hart Industries, ALCON Labs

Coded on-line and batch application programs using COBOL and ALC in the scheduling, sales records, account receivable, and purchasing systems.

EDUCATION

Information Systems- UTA

Speed Guru Certified EMC Corp.

Numerous industry-related classes.

Mr. Jim Griffin
817-456-7862 3808 Cambridge Cir W. Bedford, Tx 76021

Job History

37 years with Telecommunications Giant - GTE/Verizon

- Engineering
- Contract Negotiations
- Network Planning
- Business Consolidation

Political Career

- Served on Bedford 2000 Committee
- Served on Planning and Zoning Commission
- Served 8 years on Bedford City Council (2000 – 2006; 2010 - 2012)
- Mayor of Bedford (2012 – 2019)

Leadership Positions

- Treasurer – Tarrant County 911 Board
- Past President of Tarrant County Mayors Council
- Past Chair of Hurst Euless Bedford (HEB) ISD Education Foundation
- Past Chair of Northeast Leadership Forum
- Past Chair of Bedford Library Foundation
- Past Chair of the Hurst Euless Bedford Chamber of Commerce
- Chair-Elect of Tarrant Regional Transportation Coalition
- Board Member Regional Transportation Council (RTC)

Education

- High School – Hillsborough High School Tampa, FL
- College – AA Degree – Hillsborough Community College
 - BA Degree – University South Florida (1978)
 - Master's Degree – University South Florida

Background

- Born in Chicago, IL
- Raised in Tampa, FL
- Lived in Bedford TX since 1989
- Married, Dr. Wynette Griffin
- Daughter – Liz Griffin (teacher in BISD)
- Daughter adopted 2 boys (brothers) from CPS (2 years ago)
- Parents are deceased

Mr. Jim Griffin (continued)

Major Projects

- Mental Health Initiative in Tarrant County
 - I lead a steering committee that consists of all related and connected agencies/departments/organizations in Tarrant County connected to mental health
 - The agencies/departments/organizations involved in my effort are: Tarrant County Judge, Tarrant County Commissioners Court, Tarrant County DA, Tarrant County Sheriff, MHMR, JPS Hospital, THR, County Judges, Police Chiefs from FW, Arlington, Hurst, Euless, Bedford, Homeless Shelter Agencies, Mayors, etc...all dedicated to my vision of creating solutions to address mental health in our County.
 - We also have a working Stakeholder Committee of Representatives from all these agencies/departments/organizations dedicated to working on solutions that help address mental health in Tarrant County.
- Working through the Mayor's Council and NLF to foster a new Entrepreneurial focus for Tarrant County by promoting startup projects, capital fund raising and education about how Tarrant County can be more supportive of new entrepreneurial efforts.
- Focused on new, innovative, technology based transportations initiatives for entire region. We are spearheading a new mission/vision for TRTC to launch a collaborative technology based approach to addressing the transportation needs of Tarrant County into the future.

Jungus Jordan
5316 Starry Court
Fort Worth, Texas 76123
Phone: (817) 343-2978
jungusjordan@att.net

Currently, serving as a volunteer in public service as a Citizen on Patrol in the City of Fort Worth and as a community volunteer.

Jungus Jordan was elected to eight terms (16 years between 2005 and 2021) as the Fort Worth City Council Member and represented the City Council District 6 in the far south and southwest portions of Fort Worth.

He is a Fort Worth native who was born at Carswell Air Force Base, attended local public schools and earned a bachelor's degree in economics from TCU and a master's degree in management from Webster University. He is also a graduate of the Management Executive Program at Cornell University.

Jordan enjoyed a distinguished twenty-year career in the United States Air Force that included tours of duty in Vietnam, Germany and in Force Management and Personnel for the Office of the Secretary of Defense at the Pentagon. He is the recipient of more than 15 medals and commemorations, including the Defense Superior Service Medal, Meritorious Service Medal, Air Force Commendation Medal and the Vietnam Service Medal.

Upon his retirement from the Air Force as a lieutenant colonel, Jordan returned home to work as a development officer at TCU, then as vice-president of Marketing and Business Development for the Eurpac Service Company. He served careers as a financial advisor with two national financial services companies and as Corporate Alliance Advisor for Cook Children's Health Care System.

Jordan married his wife, Glenda, in 1970. They have two adult children, Shaun – a Captain firefighter/paramedic in Mesquite – and Samantha – Director of Marketing and Communications, Center for Human Identification, UNT Health Science Center. Shaun and his wife Sumer have two children, Sophie and Sawyer. The Jordans are members of Doxology Bible Church.

During his tenure on the Fort Worth City Council, Jordan represented Fort Worth as a board member of the National League of Cities and the North Texas Commission. He served as the President of the Texas Municipal League between 2013-2014 and served on the Texas Municipal League Executive Board, the Vice Chair of the North Central Texas Clean Air Steering Committee and is the former Chair of the North Central Texas Regional Transportation Council. He is past chair of the Texas Municipal League, Texas Mayors of Military Communities and serves on the Texas A&M Transportation Institute Advisory Council (TTI). In 2007 and 2008, Jordan was Chair of Rail North Texas and served as Chair of the Passenger Rail Working Group

and served on the Executive Board and past Chair of the Tarrant Regional Transportation Coalition.

He has also been an active civic volunteer, previously serving as chairman of Fort Worth's Zoning Commission and Process Improvement Committee. Other community involvement included service with numerous local charitable organizations such as the American Red Cross, Senior Citizens Services, Rotary Club, The Optimist Club and the VFW.

Most recent honors:

- Mayor Pro Tem Fort Worth City Council: 2020-2021
- Tabernacle Masonic Lodge of Woodway: Community Builder of the Year, 2019
- Morton Herman Service to Veterans Award: Jewish War Veterans Post 755, 2017
- O. Roy Stevenson Award, Rotary Club of Fort Worth, 2017
- Tarleton State University President's Legacy Award for Civility and Integrity, 2017
- Harmony Public Schools, Distinguished Service Award, in recognition and appreciation for outstanding service to Public Schools, 2016
- Greater Fort Worth Builders Association, Partnership Award, 2015
- Texas Department of Transportation, Road Hand Award, 2014
- Gamma Phi Delta Sorority, Inc., Delta Phi Chapter, Award for Linking Minds to the Future through the Political Arena, 2014
- Harmony Public Schools, Friend of STEM Education Award, 2014
- National League of Cities Excellence in Transportation Award, 2009
- American Planning Association Midwest Section of the Texas Chapter Planning Advocate Award, 2009, 2004.
- North Texas Commission, North Texas Transportation Excellence Award in Mobility, 2009
- North Central Texas Council of Governments, William J. Pitstick Award, 2009, in recognition for his excellence in leadership for regional cooperation in North Texas



MIKE LEYMAN

CANDIDATE



214-808-6179



m.d.leyman@gmail.com



2310 Stonebridge Lane, Mansfield

PERSONAL PROFILE

I have a total of 42 years of Texas Law Enforcement experience and am a previous and current City Councilman & Mayor Pre Tem City of Mansfield (May 2007 to August, 2011 and November 2020 to June 2021) with a strong history of voting for Citizens concerning Tax Payer issues. Previous Board member for Tarrant Appraisal District 2018-2019.

ABOUT ME

I began my law enforcement career in Arlington in 1969. I was a "street officer" for four years, a detective in both the Crimes Against Persons and Burglary and Theft Sections for five years and was the Crime Analyst for one year.

Was selected as Chief of Police by the city of Mansfield in 1979 and served in that capacity until accepting a position as Deputy Chief of Police with the city of Richardson, Texas in 1986. I served in this position until honorably retiring in 2002.

In 2005 I accepted the position of Chief of Police for Mansfield ISD and served until honorably retiring in 2013.

- Proud Veteran, U.S. Marine Corp
- Former Chief of Police for Mansfield ISD and the City of Mansfield
- Graduate, FBI National Academy, 133rd Session
- Past Tejas District Chairman for Tarrant County for the Boys Scouts of America

My Differentiators are:

- Obviously my past and current service experience
- Common sense approach to problem solving
- Fair and equal judgment

MIKE LEYMAN

CANDIDATE - TAD BOARD



214-808-6179



m.d.leyman@gmail.com



2310 Stonebridge Lane, Mansfield

GREETINGS,

You will be receiving your ballot from Tarrant Appraisal District (TAD) which will provide candidates appointed to the TAD Board of Directors effective January 1, 2022 for a two year term.

There are a total of 5,005 votes. The nominees who receive the most votes (the top 5) will be your new board. Your votes can be split among the nominees.

I believe that my differentiators are strong with the most important being fair and equal judgment. When you consider candidates you will see my experience is unparalleled. I have been serving citizens my entire career which is over 50 years now. I have seen a great deal and it's this broad base of knowledge and experience that makes it easier to make good decisions, it's easier to predict what will happen in the future. No matter what the situation is, **common sense** should always prevail which is the most important characteristic in a person who is going to make decisions for the people and that I have.

I want to thank you in advance for your consideration and would appreciate your support. Attached you'll find my profile. You may contact me for any further information.

Gary M. Losada

Southlake, Texas

214-405-1416
glosada@sbcglobal.net

EXPERIENCE:

- Testified before Texas Senate Property Tax Reform Committee Hearing April 27, 2016
- Tarrant County Appraisal Review Board
- President of Office Liquidation Center and Aztec Glass
- Served on Blue Chip Review Committees for Arlington Independent School District
- Director of Human Resources, LTV Kentron International
- Assistant to Superintendent, Santa Rosa City Schools, Santa Rosa, California
- Assistant to City Manager Palo Alto, California

EDUCATION:

- M.A. Degree Education /Organization Administration, Stanford University 1974
- B.A. Degree Sociology/ Business Minor, University of San Francisco 1973

Residences:

- Southlake, Tx 2013 – Present
- Arlington, Tx 1990 – 2013

Tarrant Appraisal District – Board of Directors

2020-2021

Governing body for Central Appraisal District

Tarrant Co. Appraisal Review Board

2009 - 2015

Served as hearings committee chair all six years. Responsible for conducting hearings between Tarrant Appraisal District and taxpayers. Included residential, commercial and personal property taxes. Opined on various exemptions and valuations of real estate.

President – GMPL Corporation

Purchased raw land for development. Presented various planned developments to city government/council and planning and zoning.

President – Office Liquidation Center/Aztec Glass Company

Purchased and sold new and used office furniture. Purchased and distributed wholesale glass imported from Mexico to florists and grocery chains.

Director of Administration – Dallas Area Rapid Transit

Hired in second year of operation in order to organize and establish various departments such as human resources, purchasing, data processing, building and office management as well as policy development.

Director of Human Resources – LTV Kentron International/Oil States Ind.

Chief Labor negotiator, responsible for corporate wide staffing and training.

Assistant to Superintendent – Santa Rosa City Schools, Santa Rosa, California

Responsible for pupil transportation, data processing, Board policy implementation and labor relations.

Assistant to City Manager – Palo Alto, California

Responsible for budget preparation, policy implementation public relations, special assignments by City Manager.

JOE RALPH (J.R.) MARTINEZ

2844 May Street
Fort Worth, Texas 76110
(817)455-6422
jr@kennethjones.com

CAREER

- Background:* 33 years *Sales / Marketing* experience including
Over 15 years within the *Communications / Advertising Industry*
- Professional Strengths:*
- Excellent communication and interpersonal skills; able to build and maintain strong, long-term business relationships.
 - Demonstrated ability to generate increased revenues through exceptional lead generation, development of existing customer base, and budget expansion.
- Areas of Expertise:*
- Market Research and Analysis
 - Prospecting / Networking for New Accounts
 - Identifying Customer Needs
 - Developing and Delivering Effective Sales Presentations for Senior Level Management
 - Overcoming Objections / Closing the Sale

EDUCATION

Education: TEXAS WESLEYAN UNIVERSITY
Fort Worth, TX
Bachelor of Science and Humanities
Major: **Mass Communications (Radio / TV)**
Undeclared Minor: **Advertising / Public Relations**

LEADERSHIP

Affiliations: National Association Of Hispanic Real Estate Professional (NAHREP) –
Board Of Directors – 2011 – 2015 2014 Secretary

NAHREP Fort Worth – Board Of Directors – 2017 - 2018

NAHREP North Texas – Board Of Directors – 2013 – 2016

VAREP Member – 2018 – Present

Fort Worth Independent School District Board Of Trustees – 2012 -2013

City Of Fort Worth Building Standards Commission – Commissioner
2009 – 2012

City Of Fort Worth Board Of Adjustment Residential – Commissioner –
2015 - Present

Greater Fort Worth Association Of Realtors (GFWAR) – Past President -
Board Of Directors 2012 – 2019

Texas Association Of Realtors Board Of Directors – 2018 – Present

FWISD Redistricting Committee, 2011

FWISD Advisory Committee 2005 – 2009

Si Se Puede Stay In School Conference – Volunteer Committee
(Many Years Participation)

Tarrant County Aids Interfaith Network – Past Board Member

Shakespeare In The Park/Stage West – Past Board Member

Allied Theatre Group – Past President

Texas Wesleyan University Alumni Association - Board of Directors
- President, 1995 to 1996

Lambda Chi Alpha Fraternity Advisor at TWU

Mentor - Trinity River Mission in Dallas

Boy Scouts of America
Aguilar District - Past Chairman
Scout Reach District Chair – 2016 - Present

Nolan Catholic High School Alumni Association – Past Chair
J.M.S.L. Neighborhood Past President

DFW National Association Of Hispanic Real Estate Professionals
- Past President

HUD/City Of Ft. Worth Housing Summit Committee

PROFESSIONAL EXPERIENCE

9/10 – Present Kenneth Jones Real Estate – Ft. Worth, Texas
Licensed Broker Associate
Executive Vice – President

Responsibilities include residential and commercial market research for clients. Develop marketing strategies for sellers to aid in selling real estate and representing buyers in a transaction.

10/05 – 9/10 J.J. Robb Real Estate Services – Ft. Worth, Texas
Licensed Realtor

Responsibilities include residential and commercial market research for clients. Develop marketing strategies for sellers to aid in selling real estate and representing buyers in a transaction.

7/89 – 1/05 KFWD-TV 52 - Dallas, Texas
Local Sales Supervisor (12/03 – 1/05)
Senior Account Executive (11/93 – 12/03)
Account Executive (7/89 - 11/93)

Responsibilities included media research, media sales service, client research and service. Duties also include ratings analysis, competitive station analysis, and product category research, as well as public relations. All these responsibilities geared toward final goal of generating revenue for the station.

Accomplishments:

- Developed / implemented training program for new account executives.
- Improved public awareness by matching customer needs with time slots and programs targeted toward viewing audiences ... end result - significant revenues for customers and KFWD.

7/87 - 7/89

TROPICAL GREENERY NURSERY - N. Richland Hills, Texas
Salesperson/Plant Maintenance

INTERNSHIPS/ADDITIONAL WORK EXPERIENCE

1/89 - 5/89

KTVT-TV 11 - Fort Worth, Texas
Sales Department

Responsibilities included media research, media sales service, client research, client service, rating analysis, competitive station analysis, product category research, and sales assistance.

5/87 - 8/87

HALTOM CITY CABLE TASK FORCE - Fort Worth, Texas
 Performed camera work and editing.

AWARDS

Recipient of the 2017 Texas Realtors Strike Force Award

Recipient of the 2013 NAHREP North Texas Ernie Reyes Award

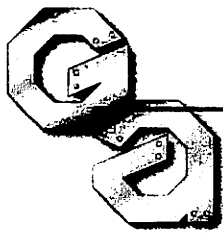
Recipient of the 2009 DFW NAHREP President's Award

Eagle Scout - 1985

DESIGNATIONS

Graduate REALTOR Institute, Accredited Buyers Representative, Seller Representative Specialist, Graduate Of Texas REALTOR Leadership

REFERENCES AVAILABLE UPON REQUEST



General Assembly

Tony Pompa - President
Julie Pompa – Vice President

Hi my name is Tony Pompa. My wife and I are the proud parents of five wonderful daughters and one feisty English Pointer boy. I am the president of Pompa's General Assembly, Inc. It is a business based here in Arlington that we started more than 25 years ago, while still in college, to provide product assembly services to large national retailers such as Home Depot, Lowe's, Sears and Wal-Mart. We provide services to retail locations throughout the Southwest. In 2019, we also launched All Cargo Express which is a delivery service partner for Amazon. We deliver about 100,000 Amazon packages a week in the Ft. Worth area.

Since arriving in Arlington in 1998, Julie and I have dedicated ourselves to raising our five girls, growing our business and serving the community. I have served on the Miller Elementary PTA, coached several YMCA Girls soccer teams from ages five to twelve, served as president of our Home Owners Association for two years, worked on the Futures 2025 committee, the Future Financial Committee for the AISD, the Superbowl Planning Committee and the AISD Bond Election Committee and was in the Leadership Arlington graduating class of 2008, BEST CLASS EVER!! I served as an Arlington ISD Trustee from 2011 to 2014. I currently serve on the following boards: Lena Pope Home, Inc., North Texas Higher Education Authority and the Deer Wood Park HOA as VP. I am a current member of Downtown Arlington Rotary and a former co-chair of the Santa Fe International Folk Art Market at Arlington.

On the business side, I have served on the Arlington Chamber of Commerce and the Arlington Hispanic Chamber of commerce boards and in various committees within those organizations. I was also a founding board member of the Ft. Worth chapter of The Entrepreneur's Organization.

I graduated with Magna Cum Laude honors from St. Edward's University in Austin, TX. I majored in Psychology and served as Vice President of the Psychology Association on campus. I also was accepted into the Honors program my sophomore year and received the Dean's list recognition for every semester of my college career. After graduating from St. Edward's, I continued my involvement with the school by serving on the Alumni Association board of directors from 2001 to 2005

Sincerely,
Tony Pompa.

Kathryn Wilemon

1318 Viridian Park Lane
Arlington, TX 76005
817.994.5129 cell
kawilemon@aol.com

Education: Arlington High School
Attended Arlington State College
Southwestern Graduate School of Banking at SMU

Professional: Trust Officer- Texas Commission Bank (now JP Morgan) 1970-1977

Currently Serving: Tarrant Appraisal District- Chair
Alliance for Children- Executive Committee
Restore Hope- Board Member
Tarrant County Transportation Coalition- Member
Arlington Civic League- Member
Greater Arlington Chamber of Commerce- Transportation Committee

Past Service: Arlington City Council 2003-2019
Arlington Housing Finance Corporation- Board of Directors
Arlington Tomorrow Foundation- Chair of the Board
National League of Cities- Transportation and Infrastructure Steering Committee
NCTCOG- Regional Transportation Council, Chair
NCTCOG- Executive Board Committee Member and Chair 2011-2019
Tarrant County Hospital District- Board Member 1987-1995
Tarrant Regional Transportation- Former Chair
Texas Municipal League-Vice Chair General Government Committee;
Legislative Policy Committee on Utilities & Transportation; Task Force
on Revenue & Taxation; Resolutions Committee