

STATE OF TEXAS           §  
  §  
COUNTY OF TARRANT   §

This agreement is made and entered into this 24 day of February, 2023, by and between the TARRANT COUNTY, TEXAS (hereinafter referred to as "OWNER"), and Native Consolidated Management, LLC of the City of Richardson, County of Dallas, and State of Texas (hereinafter referred to as "CONTRACTOR"), by and through its duly authorized officer.

WITNESSETH: In consideration of the payments and agreements mentioned below, the CONTRACTOR agrees with the OWNER to commence and complete the construction of certain improvements described as follows:

**Summary Project Description:** This project consists of the remodeling of the building entrance and the two restrooms located in the entrance lobby to comply with ADA requirements.

**Contract Scope:** The scope of the project is the demolition and reconstruction of the entrance ramp, resurfacing of the entrance landing, demolition of fixtures and finishes in the two restrooms and replacement with new fixtures and finishes to create two unisex restrooms.

and all extra work in connection with the improvements as noted in the terms of both the General Conditions and the Special Conditions of the Agreement. The materials, supplies, machinery, equipment, tools, superintendence, labor, insurance and all other accessories and services necessary to complete the construction shall be at the CONTRACTOR'S own expense. The construction shall be in accordance with the NOTICE TO BIDDERS, CONTRACTOR/SUBCONTRACTOR INFORMATION, PROPOSAL, PERFORMANCE BOND, PAYMENT BOND, MAINTENANCE BOND, CERTIFICATION OF INSURANCE, GENERAL CONDITIONS OF AGREEMENT, SPECIAL CONDITIONS, FEDERAL LABOR STANDARDS, WAGE DECISIONS, LABOR STANDARD AND WAGE DECISION CERTIFICATION, EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION, HUD HANDBOOK NO. 1300.17, TRAINING, EMPLOYMENT AND CONTRACTING OPPORTUNITIES FOR BUSINESSES AND LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS,

COPELAND ANTI-KICKBACK ACT, SPECIAL SPECIFICATIONS, SPECIAL MATERIAL AND/OR EQUIPMENT SPECIFICATIONS, E-VERIFY, ANTI-BOYCOTT STATUTES, and the drawings and blueprints as prepared by the OWNER'S architect; all of which are made a part hereof and collectively evidence and constitute the entire contract (hereinafter "the Contract").

The CONTRACTOR agrees to commence work within ten (10) days from the date agreed to and specified in the "Notice-to-Proceed," and to substantially complete the work within one hundred and twenty (120) calendar days after the date specified in the "Notice-to-Proceed" with construction, subject to such extensions of time as are provided in the General and Special Conditions.

The OWNER agrees to pay the CONTRACTOR the amount shown in the PROPOSAL, which forms a part of this Contract, with such payments subject to the General and Special Conditions of the Contract. Commissioners Court Communication attached hereto states the funding amount available from all sources.

The CONTRACTOR acknowledges and agrees that it has fully, accurately, and completely disclosed all interested parties in the attached Form 1295 and has acknowledged the completeness of this disclosure by filing the Form 1295, attached as Exhibit A, with the Texas Ethics Commission as required by law.

This Contract shall not be interpreted to inure to the benefit of a third party not a party to this Contract. This Contract may not be interpreted to waive any statutory or common law defense, immunity, including governmental immunity, or any limitation of liability, responsibility, or damage of any party to this Contract, party's agent, or party's employee, otherwise provided by law.

This contract shall be interpreted under the laws of the State of Texas. The venue for any lawsuit arising out of this Agreement will be the Fort Worth Division of the Northern District of Texas.

Both OWNER and CONTRACTOR agree to abide by all state and federal laws, statutes, and regulations applicable to the completion of the project described.

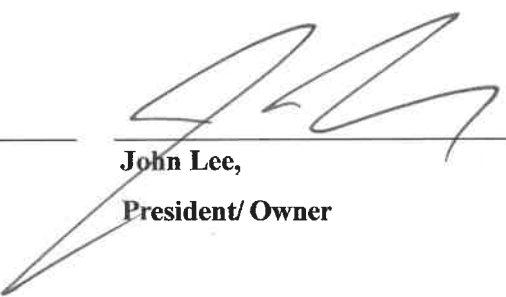
**Compliance with Laws.** In providing the services required by this Agreement, CONTRACTOR must observe and comply with all applicable federal, state, and local statutes, ordinances, rules, and regulations, including, without limitation, workers' compensation laws, minimum and maximum salary and wage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

SIGNED AND EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**TARRANT COUNTY, TEXAS**

**NATIVE CONSTRUCTION, LLC**

\_\_\_\_\_  
**Tim O'Hare,**  
**County Judge**

  
\_\_\_\_\_  
**John Lee,**  
**President/ Owner**

APPROVED AS TO FORM:

CERTIFICATION OF  
AVAILABLE FUNDS: \$ \_\_\_\_\_

\_\_\_\_\_  
Criminal District Attorney's Office\*

\_\_\_\_\_  
Tarrant County Auditor

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

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

**1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

Native Consolidated Management LLC dba Native Construction  
Richardson, TX United States

Certificate Number:  
2023-976881

Date Filed:  
01/27/2023

Date Acknowledged:  
1-27-23

**2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.**

Tarrant County

**3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.**

B-20-UW-48-0001-52-30

TARRANT COUNTY COMMUNITY DEVELOPMENT PROJECT

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.




**6 UNSWORN DECLARATION**

My name is John Lee, and my date of birth is 6/7/81.

My address is 1221 W Campbell Rd Ste 203, Richardson, TX, 75080, usa.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of TX, on the 27 day of 1, 20 23.  
(month) (year)

  
Signature of authorized agent of contracting business entity  
(Declarant)

**RICHLAND HILLS CITY COUNCIL  
REGULAR MEETING AGENDA  
FEBRUARY 13, 2023  
CITY HALL, 3200 DIANA DRIVE**

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

**CITY COUNCIL WORK SESSION – 6:30 PM**

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

**REGULAR SESSION – 7:00 PM**

**CALL TO ORDER**

**INVOCATION AND PLEDGES OF ALLEGIANCE**

**1. PRESENTATIONS**

**A. Citizen Appearances/Public Comments**

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

## **2. CONSENT AGENDA**

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

- A. Approve minutes from the January 23, 2023 City Council Regular Meeting
- B. Approve a replat for the properties generally setting southeast of the intersection of Ash Park Drive and Baker Boulevard, Lot 1X and Lots 1-33, Block A, and Lots 1X-2X, and Lots 1-36, Block B, being 7.106 acres of land situated in the Simcoe Popplewell Survey, Abstract Number 1241, Tarrant County, Texas
- C. Approve award of bid to Native Construction for the Richland Hills Public Library Accessibility Improvements Project as part of the 2022 Community Development Block Grant – Care’s Act (CDBG-CV) Program

## **3. PUBLIC HEARINGS, MEETINGS, AND OTHER RELATED ITEMS**

- A. Consider Ordinance 1466-23, a Specific Use Permit to allow the use “Outside Storage and Display, (Incidental Use)” for the property described as Block F Lot 1, Richland Hills Addition, Richland Hills, Texas, otherwise known as 3333 Rufe Snow, Richland Hills, Texas 76118 **PUBLIC HEARING**

## **4. ORDINANCES & RESOLUTIONS AND OTHER RELATED ITEMS**

- A. Consider Ordinance 1467-23 calling a May 6, 2023 Special Election for the purpose of amending the City Charter
- B. Consider Resolution 572-23 supporting the passage of legislation during the 88<sup>th</sup> Regular Session of the Texas Legislature to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue for construction of improvements in municipal parks

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

- A. None

## **6. OTHER ITEMS FOR CONSIDERATION**

- A. None

## **7. REPORTS & DISCUSSIONS**

- A. None

## 8. COMMUNITY INTEREST ITEMS

This is a standing item on the agenda of every regular meeting of the City Council. (The Texas Open Meetings Act effective September 1, 2009, provides that “a quorum of the city council may receive from municipal staff, and a member of the governing body may make, a report regarding items of community interest during a council meeting without having given notice of the subject of the report, provided no action is taken or discussed.” The Open Meetings Act does not allow Council to discuss an item concerning pending City Council business unless it is specifically, appropriately posted on the agenda.) An “item of community interest” includes the following:

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

## 9. EXECUTIVE SESSION

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

1. Section 551.074: Deliberation regarding Personnel Matters
  - a) City Secretary Annual Review

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

## 10. ADJOURNMENT

### CERTIFICATE

I hereby certify that the above agenda was posted on this the 8<sup>th</sup> day of February 2023 by 5:30 p.m., on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas, pursuant to the Texas Government Code, Chapter 551.

*Lindsay Rawlinson*

Lindsay Rawlinson  
City Secretary



### ACCESSIBILITY STATEMENT

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

## CERTIFICATE OF CITY SECRETARY

STATE OF TEXAS                   §  
COUNTY OF TARRANT       §  
CITY OF RICHLAND HILLS   §


I, Lindsay Rawlinson, City Secretary of the City of Richland Hills, hereby certify that the City Council of the City of Richland Hills convened in a regular meeting on the 13<sup>th</sup> day of February 2022, at the regular designated meeting place, with the following members present: Mayor Edward Lopez, Mayor Pro Tem Curtis Bergthold, Council Members, Douglas Knowlton, Travis Malone, Javier Alvarez, and GW Estep. The meeting agenda was posted in accordance with the Texas Open Meetings Act and was posted both on the City's official posting board at City Hall and the City's website on February 8, 2023. Whereupon, among other business, the following was unanimously approved:

**Approve award of bid to Native Construction for the Richland Hills Public Library Accessibility Improvements Project as part of the 2022 Community Development Block Grant – Care's Act (CDBG-CV) Program**

I further certify that I am the City Secretary of the City of Richland Hills, Texas, that I have legal custody of said record, and that I am a lawful possessor and keeper of the records in said office.

In witness whereof, I have hereunto set my hand and affixed the official seal of the City of Richland Hills, Texas, this 15<sup>th</sup> day of February, 2023.



  
Lindsay Rawlinson, TRMC, CPM  
City Secretary  
City of Richland Hills, Tarrant County, Texas





## TAKINGS IMPACT ASSESSMENT CHECKLIST

Complete this form for any count

Project/Regulation Name: RICHLAND HILLS LIBRARY ADA IMPROVEMENTS B-20-UW-48-0001-52-30

County Department: TARRANT COUNTY COMMUNITY DEVELOPMENT

Contact Person: BRAD HEARNE

Phone Number for Contact Person: 817/850-7961

Type of TIA Performed: SHORT TIA or FULL TIA. Circle one after answering the questions in Sections II and III below.

\*\*\*\*\*

### I. Stated Purpose

Attached to this checklist an explanation of the purpose of the regulation, policy, guideline, court resolution or order.

\*\*\*\*\*

Note: The remainder of this Takings Impact Assessment Checklist should be completed in consultation with the Criminal District Attorney's Office.

### II. Potential Effect on Private Real Property

1. Does the county action require a physical invasion, occupation or dedication of real property?

Yes ☐

No ☒

2. Does the county action limit or restrict a real property right, even partially or temporarily?

Yes ☐

No ☒

If you answer yes to either question, go to Section III. If you answer no to both, STOP HERE and circle SHORT TIA at the top of the form.

\*\*\*\*\*

## TAKINGS IMPACT ASSESSMENT (TIA) CHECKLIST

Attached is the TIA Checklist as preliminarily approved by the District Attorney's Office. Due to both timeliness regulations governing CDBG programs and the problems associated with undertaking public works project in the colder winter months, a completed preliminary checklist is being submitted to Commissioners Court for approval for this contract. Once the Commissioners Court has approved a written policy, additional documentation will be submitted for the CITY OF RICHLAND HILLS, CDBG-CV Project. This project is located entirely within city-owned property.