

AGREEMENT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This agreement is made and entered into this 27th day of February, 2023, by and between the COUNTY OF TARRANT (hereinafter referred to as "OWNER"), acting by and through its duly authorized officer, and Bristow Contracting, LLC of the City of Fort Worth, County of Tarrant, and State of Texas (hereinafter referred to as "CONTRACTOR" and "VENDOR").

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:

the installation of 1,590 linear feet of eight- (8-) inch SDR-26 sewer line, seven (7) four- (4-) foot diameter manholes, one (1) five- (5-) foot diameter manhole, twenty-eight (28) four- (4-) inch sewer services and 1,600 linear feet of asphalt pavement repair located in the City of Kennedale, Texas (hereinafter referred to as the "Project")

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 engineer; 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 sixty (60) 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. Attachment A. 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.

The CONTRACTOR verifies that it does not boycott Israel and will not boycott Israel during the term of this contract. The term "boycott Israel" is as defined by Texas Government Code Section 808.001, effective September 1, 2017.

Chapters 2271, 2252, and 2274 Texas Government Code Verification.

(a) Boycott of Israel Prohibited. In compliance with Section 2271.001 et seq. of the Texas Government Code, Vendor verifies that neither it nor any of its affiliates currently boycott Israel and neither it nor any of its affiliates will boycott Israel during the term of this Agreement. "Boycott Israel" is defined in Section 808.001(1) of the Texas Government Code.

(b) **Scrutinized Business Operations Prohibited.** In compliance with Section 2252.151 et seq. of the Texas Government Code, Vendor warrants and represents that: (1) neither Vendor nor any of its affiliates engages in scrutinized business operations in Sudan; (2) neither Vendor nor any of its affiliates engages in scrutinized business operations in Iran; and (3) neither Vendor nor any of its affiliates engages in scrutinized business operations with designated foreign terrorist organizations. “Scrutinized business operations in Sudan” is defined in Section 2270.0052 of the Texas Government Code. “Scrutinized business operations in Iran” is defined in Section 2270.0102 of the Texas Government Code. “Scrutinized business operations with designated foreign terrorist organizations” is defined in Section 2270.0152 of the Texas Government Code. Vendor further represents and warrants that neither Vendor nor any of its affiliates appears on any of the Texas Comptroller’s Scrutinized Companies Lists.

(c) **Boycott of Certain Energy Companies Prohibited.** In compliance with Section 2274.002 of the Texas Government Code (added by 87th Legislature, S.B. 13), Vendor verifies that neither it nor any of its affiliates currently boycott energy companies and neither it nor any of its affiliates will boycott energy companies during the term of this Agreement. “Boycott energy company” is defined in Section 809.001(1) (added by 87th Legislature, S.B. 13) and means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company: (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by subsection (A).

(d) **Discrimination against Firearm Entities or Firearm Trade Associations Prohibited.** In compliance with Section 2274.002 of the Texas Government Code (added by 87th Legislature, S.B. 19), Vendor verifies that neither it nor any of its affiliates have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and neither it nor any of its affiliates will discriminate during the term of the Agreement against a firearm entity or firearm trade association.

“Discriminate against a firearm entity or firearm trade association” defined in Section 2274.001(3) (added by 87th Legislature, S.B. 19) and means, with respect to the entity or association, to: (i) refuse to engage in the trade of any goods or services with the entity or association based solely on its status as a firearm entity or firearm trade association; (ii) refrain from continuing an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; or (iii) terminate an existing business relationship with the entity or association based solely on its status as a firearm entity or firearm trade association; the term does not include: (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories; and (ii) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship: (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency; or (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association.

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 if the lawsuit arises in Federal Court or Tarrant County, Texas if the matter arises in state court.

Compliance with Laws. In providing the services required by this Agreement, Vendor 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.

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

EXECUTED THIS _____ DAY OF _____, 2023.

TARRANT COUNTY, TEXAS
(OWNER)

BRISTOW CONTRACTING, LLC
(CONTRACTOR)

BY: _____ BY:  _____

COUNTY JUDGE OR
PRESIDING OFFICER

ATTEST: _____ ATTEST:  _____

FUNDS CERTIFIED AVAILABLE BY:

TARRANT COUNTY AUDITOR

APPROVED AS TO FORM:

CRIMINAL DISTRICT ATTORNEY'S OFFICE*

*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form 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.

Bristow Contracting LLC
 Aledo, TX United States

Certificate Number:
 2023-985687

Date Filed:
 02/21/2023

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

Tarrant County Community Development

Date Acknowledged:
FEB 21 2023

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.

Project #B-22-UC-48-0001-40-50
 City of Kennedale Sewer Improvements

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 Robert Bristow, and my date of birth is 05/02/1971.

My address is 112 Branch Hollow Ln, Aledo, TX, 76008, USA
(street) (city) (state) (zip code) (country)

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

Executed in Tarrant County, State of Texas, on the 21 day of February, 2023
(month) (year)



 Signature of authorized agent of contracting business entity (Declarant)





KENNEDALE
City Secretary
www.cityofkennedale.com

February 14, 2023

I, Raeanne Byington, attest that the draft minutes attached are true and correct for the Kennedale City Council Meeting on Tuesday, January 17, 2023.

Respectfully,

Raeanne Byington
City Secretary
817-985-2104

I. CALL TO ORDER

To address the Kennedale City Council regarding an agenda item, submit a 'Request to Speak' form before the meeting begins. Speakers are allotted three (3) minutes, must limit their comments to the subject indicated on the form, and should address the Kennedale City Council as a whole, rather than individual members or staff. Pursuant to Texas Government Code §551.071, the Kennedale City Council reserves the right to adjourn into Executive (Closed) Session at any time during the meeting to seek legal advice from the City Attorney on any item posted on the agenda.

Mayor Jan Joplin called the meeting to order at 5:30 pm.

A. ROLL CALL

PRESENT: Mayor Joplin, Rockie Gilley, Place 1; Brad Horton, Place 2; Kenneth Michels, Place 3; Austen Degenhart, Place 4; James Connor, Place 5. **STAFF:** City Manager Darrell Hull; Director of Human Resources Caroline Green; Fire Chief James Brown; Police Chief Michael Holguin; Acting Finance Director Tanisha Sherman; Library Director Elizabeth Partridge; City Secretary Raeanne Byington; City Attorney Carvan Adkins. **CONSULTANTS:** Freese & Nichols and Dunaway.

II. WORK SESSION

A. Update on Dunaway UDC/Comprehensive Plan. (Moved to 2nd on agenda at 5:38pm)

Nathan Gonzales received a revised proposal from Dunaway regarding the UDC. He stated an update to our comprehensive plan is needed.

Steven Cook with Dunaway spoke on the changes to proposal of the Comprehensive Plan and update to the UDC. In making sure the UDC have relevance to the future land use plan. Removed parks, transportation and utilities in the full comprehensive plan. Instead, focus on the future land use plan and proposal comes in at \$100k. This will be done first, then come back for the Comprehensive Plan on another RFP.

City Manager Hull stated that before we were doing an update. Now, with a different vision and challenges, this allows us to make sure the proposal will be of value to the City. Since there have been changes, the City will need a new Comprehensive Plan and not just an update to the one in place.

Budgeted was only \$80k for FY23, but \$150k is needed. Councilman Degenhart wants to be mindful of what is budgeted. The remainder should be picked up in FY24.

B. Discussion on the use of discretionary funds from Tarrant County Precinct 2 Commissioner Alisa Simmons in the amount of \$740,789.00.

City manager Hull stated that these funds will be used for rebuild Swiney Hiatt, New Hope Road, Eden Road, and Third St. Councilman Connor asked if some of the discretionary funds could be used for Kevin Miller Road which had been proposed to be repaved 6 years ago. Mayor Joplin stated these funds are specific to the streets listed.

C. Update on homeless camps in the city.

Nathan Gonzales stated that the campsite under a bridge that was able to be cleared out. They found an additional 4 campsites that will need to be cleared. A plan has been formulated to keep these areas cleaned and to provide resources for the homeless. JPS was on site providing assistance for the homeless at the time of cleanup. There were also bonfires and charred wood so this is a Public Safety concern. They are aiming for 1 day a week to go out and work on the sites. The hope is to raise the canopy so that when police patrol, they can see what is going on and address the issues before they get big.

Thelma Kobeck, 200 Valley Ln, spoke regarding unresponsiveness from her email about the encampment.

Mayor Joplin recessed for 5 min at 6:44 pm.

Moved to III.A and III.C upon returning from recess.

D. Discussion of Tarrant County Transportation Bond for Little School Road expansion.

Chris Bosco, Freese and Nichols, discussed an alignment study and a bond election for the city share of the cost, as well as reducing the cost. This proposal will do the alignment study. Full survey and right of way would be \$361,200. Do the alignment, environmental and drainage analysis but

base it off GIS data and wait for the full survey till after the bond election and then right of way.

Reduces the proposal to \$149,800.

Councilman Gilley stated his preference would be to not extend Linda Road. Councilman Horton was concerned that we start the project and the bond doesn't pass. Are there alternative options to look at? City Manager Hull said the City would pay up front but then be reimbursed half.

Councilman Gilley also brought up that this was unbudgeted. City Manager Hull asked if this should be put on pause till we are deeper into our budget and Councilman Degenhart stated that was his understanding. Mayor asked what the pause would be for and City Manager Hull stated to look at where the \$150k could be pulled from.

E. Senior Citizen Homestead Tax Freeze. (Moved to first item of Work session at 5:25pm.)

Councilman Gilley presented a tax ceiling on the exemption for citizens 65 and over. Kennedale currently has an exemption on first \$60k.

Mark Babina, 1056 Falcon Nest spoke in favor of a tax ceiling.

Annette Babina, 1056 Falcon Nest also was in favor but chose not to speak.

F. DISCUSSION AND/OR REQUESTS FOR CLARIFICATION OF ITEMS LISTED ON THE AGENDA

III. REGULAR SESSION

A. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State under God; One and Indivisible."

Councilman Michels lead the pledges. Pastor James, Kennedale Revival Worship Church gave the invocation.

B. REPORTS AND ANNOUNCEMENTS

In addition to any items below, the Kennedale City Council, the presiding officer, and/or staff may give or receive reports regarding items of community interest, including, but not limited to, recognition of officials, citizens, staff, or departments; information regarding holiday schedules; and upcoming or attended events.

1. Updates from members of the Kennedale City Council

Councilman Gilley has met with various citizens around the short-term rental issue.

Councilman Horton met with several businesses, citizens about short-term rentals, met with KYA and impressed with them.

Councilman Michels attended the KISD long range planning and future growth meeting. He assisted Public Works in taking the tree down in TownPark Center.

Councilmen Degenhart and Connor had no updates at this time.

2. Updates from the Mayor

Proclamation declaring February 2023 as Black History Month in the City of Kennedale.

City Manager and Mayor have met with developers. Attended Precinct 2 swearing in Commissioner Simmons and recognized Gabriel Riva. I met with a group who plans to build the Irene Sargent Community Center and acknowledged those in the audience who were there. Grand Opening of Dickies, Tarrant Regional Transportation Coalition meeting. Chief Holguin, Capt Carlson and her went to a Tarrant County 911 meeting. Council Chambers held the Southeast Connector Project. Met with citizens preparing for the Juneteenth celebration.

3. Updates from the City Manager

Overlays have started on 4th and 5th Street. Jonah Road is finished and Broadway is next. 2021 Bond is underway.

4. Financial update for the City

There have been hiccups with the software and we have hired a CPA firm to come in and make sure everything is correct and nothing is missing. There were corrupt files when they were uploaded and they are working to fix the issues.

Library Director Elizabeth Partridge gave an update on the Meals on Wheels Program at the Community Center. Meals are consistent and they are enjoying the food. They have also started another Bingo Monday. Due to illness they are fogging the center to keep it clean for them.

C. VISITOR AND CITIZEN FORUM

At this time, any person may address the Kennedale City Council about items not on the agenda. Rules and procedures for addressing the Kennedale City Council are included under "I. CALL TO ORDER". Neither

formal action nor discussion may occur at this time. Those wishing, instead, to speak on an agenda item should indicate their desire to speak as the Kennedale City Council considers that item.

Jeff Joyner, 1011 Bell Oak Dr, spoke on issues with 2 short term rentals behind his house. He had suggestions of a 3 month commercial real estate sign in their yard with the purpose of the house, allow others in the neighborhood to be present and have forum where issues can be addressed with them, proximity ordinance due to the fact that they have 2 STRs right next to one another (sharing a fence line).

Brenda Kent Joyner, 1011 Bell Oak Dr, also spoke regarding the short-term rentals. The rentals show long term on the websites but says short term rentals are available. She would like compliance of the regulations that have been set.

Nathan Gonzales then gave an update regarding these STRs. He stated there is supposed to be a notification sent by our regulations but is unsure if this occurred in the past. In October/Nov, specific to Lone Oak has been denied because it is within 500 feet of a permitted STR. It is now showing as a long-term rental instead. City Manager Hull added that if they are being loud late into the night, call the police department so something can be done right then.

Tamiko Sargent, 905 Shady Oaks, stated she wants the City Council to adopt the Federal Holiday, Juneteenth, as a City Holiday. She requests that it be on the council's agenda for a vote.

Len Fuller, 512 Steeplechase, could not stay but wanted to express his support of the moratorium.

D. CONSENT AGENDA

These matters have appeared on previous agendas, require little or no deliberation, or are considered routine or ministerial tasks. If discussion is desired, items may be removed for separate consideration.

1. Approval of the minutes from the October 18, 2022 regular meeting.

There were a couple of adjustments needed and they have been fixed.

2. Approval of minutes from the December 20, 2022 regular meeting.

3. Consider approval of an agreement between the Tarrant County Emergency Services District No. 1 and the City of Kennedale for American Rescue Plan Act State and Local Recovery Funds Amendment No. 1.

Chief Brown stated that they revised the document and they are changing Addendum A giving us an additional \$580k for an additional ambulance and additional \$150k for SCBAs. We have until December 2025 to purchase items. He noted that an ambulance takes 1-1.5 years to purchase and receive. Federal funding will not be extended so we need to move forward quickly.

Motion to Approve: Degenhart. Second: Horton. Motion passes unanimously.

Chief Brown noted the new fire engine was in and they will have a 'Push In' service for it on January 28, 2023.

4. Consider approval of a Resolution supporting a grant application by the Police Department for Bullet Resistant Shields.

Councilman Degenhart asked to pull #3.

Motion to Approve Items 1, 2, and 4: Connor. Second: Degenhart.

Motion passes unanimously.

Pledge

E. ITEMS FOR INDIVIDUAL CONSIDERATION

- 1. Discussion and necessary action to authorize Bristow Contracting LLC for the construction of Tarrant County's Sewer Improvements for 3rd Street project, at a total of \$424,713.50, with the city match amount of \$260,385.50.

Motion to Approve: Gilley. Second: Michels. Motion passes with 4 and Councilman Connor abstaining.

IV. PUBLIC HEARING

- A. City of Kennedale will hold a public hearing on January 17, 2023, at 5:30 p.m. in the city council chambers in Kennedale City Hall, 405 Municipal Drive, Kennedale, Texas 76060, on a proposed temporary moratorium on the acceptance of applications or the issuance of permits for development in MF Multi-Family Residential and TH Townhome zoning districts in the City of Kennedale.

Mayor Joplin stated the public hearing is today but the vote will be held on Friday January 20th at 1pm. Nathan Gonzales gave an overview of the ordinance. Andrew Franco with Freese & Nichols presented on wastewater and sewer system. He stated we had some long documents issues with our sewer system. Councilmembers all stated that the moratorium is needed so the sewer system can be addressed before there are any failures.

Dunaway looked at basic demographics and what is happening in Kennedale. In the last 3 years, there have been 2 multifamily developments totaling 382 units and 423 single family residential units. Population increased 26% during this time. Traffic data shows density issues. Kennedale Parkway sees 23,575 cars daily and TXDoT, states the number goes up to 25,000 daily closer to I-20. Accidents in Kennedale have increased 23% during this time.

Mayor Joplin opened the public hearing at 8:11pm.

Sara Johnson, 221 Village Street, approves of the Ordinance.

Kay Lewis, 399 Daleview, is concerned about townhomes going in near her home and what this will do to their homes.

Mayor Joplin closed the public hearing at 8:14pm.

V. EXECUTIVE SESSION

The Kennedale City Council reserves the right to meet in Executive (Closed) Session at any time during the meeting pursuant to the below cited sections of the Texas Government Code:

- A. **PURSUANT TO §551.071** — Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion of any item posted on the agenda, legal issues regarding the Open Meetings Act, and the following:
 - 1. Update on Uniform Development Code revision.
 - 2. Discussion on Short-term rentals
 - 3. Discussion of Alta287.
- B. **PURSUANT TO §551.072** — Deliberation regarding the purchase, exchange, lease, or value of real property:
- C. **PURSUANT TO §551.087** — (1) Deliberation regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.
- D. **PURSUANT TO §551.074** — Deliberate the appointment, employment, evaluation,

reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee; and the following:

1. Update from City Attorney on city business

VI. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED.

VII. ADJOURNMENT

Motion to Adjourn: Connor. Second: Gilley. Motion passes unanimously.

Mayor Joplin adjourned the meeting at 10:08 pm.

APPROVED:

ATTEST:

MAYOR JAN JOPLIN

CITY SECRETARY RAEANNE BYINGTON

TAKINGS IMPACT ASSESSMENT CHECKLIST

Complete this form for any count

Project/Regulation Name: KENNEDALE B-22-UC-48-0001-40-50

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 KENNEDALE, 48th YEAR CDBG Project. This project is located entirely within city-owned property (under a dedicated public street).