



Physical Address: 501 South Main Street

Mailing Address: PO Box 228

Rhyme, Texas 76078

Telephone: 817-636-2462

www.cityofrhyme.com | citysecretary@cityofrhyme.com

Mayor
Jo Ann Wilson

City Council

Mayor Pro-Tem,
Place 3
Elaine Priest

Place 1
Josh McCabe

Place 2
Kenny Crenshaw

Place 4
Sam Eason

Place 5
Ashley Majors

City
Administrator
Cynthia Northrop

City Attorney
Carvan Adkins

City Secretary
Shannon
Montgomery

Fire Chief
Darrell Fitch

Police Chief
Sam Love

Public Works
Director
Sean Densmore

NOTICE OF SPECIAL MEETING OF THE RHOME CITY COUNCIL

Meeting Date: Thursday, December 10, 2020

Location: VIA TELEPHONE CONFERENCE

MEETING START TIME: 6:30 PM

(Total Estimated Meeting Time 1 hours and 34 minutes)

NOTICE IS HEREBY GIVEN in accordance with order of the Office of the Governor issued March 16, 2020, and most recently extended on December 6, 2020, the City Council of the City of Rhyme will conduct its Special Meeting scheduled for **6:30pm** on Thursday, December 12, 2020 by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19).

This meeting will be closed to in person attendance by the public.

A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Telephonic and videoconferencing capabilities will be utilized to allow individuals to address the Council. Members of the public are entitled to participate remotely **via GoToMeeting Teleconferencing. Citizens may join the GoToMeeting:**

Regular City Council Meeting

Thursday, December 10, 2020 6:30PM (CDT)

You can also dial in using your phone.

United States (Toll Free): 1-866-899-4679

United States: 1-571-317-3116

Access Code: 585-813-613

Members of the public who wish to submit written comments on a listed agenda item must submit their comments to citysecretary@cityofrhyme.com no later than **4:00pm on day of meeting.**

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

This meeting will be recorded and the recording will be available to the public in accordance with the Open Meetings Act upon written request.

Call to Order and Establish a Quorum (Estimated 2 min)

Public Presentations and Input (Estimated Time Varies)

*The Council is not permitted to take action on or discuss any presentations made to the Council at this time concerning an item not listed on the agenda. The Council will hear comments during this designated time. Request form, or email, must be submitted to the City Secretary, via email to citysecretary@cityofrhyme.com, prior to **4:00pm** to be recognized.*

Announcements from Mayor and Council Members (Estimated 2 min)

- A. December 2020 Events:
 - City Hall will be closed Thursday, December 24, 2020 and Friday, December 25, 2020 for the Christmas Holiday
 - Christmas Day Trash Collection moves to Saturday, December 26, 2020
 - City Hall will be closed Friday, January 1, 2021 for New Year's Day
 - New Year's Day Trash Collection moves to Saturday, January 2, 2021 – Automated Cart Collection Begins
- B. Presentation of SHINE Award – Utility Billing Clerk Julie Rutherford

Consent Agenda (Estimated 2 min)

All items under this section are recommended for approval for the Consent Agenda. These items are of a routine nature and require only brief deliberation by Council. Council reserves the right to remove any item on the Consent Agenda for further deliberation.

- C. Minutes of City Council Regular Session dated November 12, 2020
- D. Approval of proposed amendments to Constitution and By-Laws of the Rhome Volunteer Fire Department adopted September 29, 2008
- E. Approval of contract with Rhome Community Library for Fiscal Year 2020-2021

Monthly Staff Reports (Estimated 1 min)

- F. Departments: Administration, Building & Development, Fire Rescue, Municipal Court, Police, and Public Works
- G. Boards: No November 2020 Board Meetings

Regular Session – Old Business

- H. Update, discussion and any necessary action regarding latest developments for COVID-19 and mitigation efforts and actions within the City **(Estimated 2 min)**
- I. Discussion and any necessary action regarding UTA's Final Parks Master Plan **(Estimated 1 min)**
- J. Discussion and any necessary action regarding an agreement for Municipal Court software, authorizing City Administrator to execute all necessary documents relating to new software agreement as well as the termination of existing software agreement and linked agreements **(Estimated 2 min)**
- K. Discussion and any necessary action regarding staffing and facilities, both short- and long- term **(Estimated 10 min)**

Public Hearing

- L. Rhome City Council to conduct a Public Hearing to consider a request for a Carport for Legal Property being described as Legal: Acres: 0.145, Lot: 20, Blk: 6, Subd: CROWN POINT PH1, Abst: A-280 EJ TADLOCK also known as 620 Stirling Road, Rhome, Texas 76078 **(Estimated 2 min)**
- M. Rhome City Council to conduct a Public Hearing to consider amending Sections 12 (Zoning Districts Established), 22, 23, 26, and 34 (USE CHART) of Chapter 14 "Zoning" of the Code of Ordinances, City of Rhome, Texas to revise the Sections for consistency in naming the Zoning Districts **(Estimated 2 min)**
- N. Rhome City Council to conduct a Public Hearing to consider amending Appendix, A-3 – Definitions, Exhibit A of Chapter 14, "Zoning" of the Code of Ordinances, City of Rhome, Texas to define Mobile Food Unit; Amending Section 34.5 Retail & Related Uses to, Exhibit A of Chapter 14 "Zoning" adding Mobile Food Unit to be allowed in the "R" Retail, "C" Commercial, "I" Industrial, and "LI" Light Industrial **(Estimated 2 min)**

- O. Rhome City Council to conduct a Public Hearing to consider amending Sections 4, 7, and 10 of Exhibit A “Subdivision Ordinance” of Chapter 10 “Subdivision Regulation” of the Code of Ordinances, City of Rhome, Texas to require two-year Maintenance Bonds **(Estimated 1 min)**

Regular Session – New Business

- P. Discussion and any necessary action regarding a request for a Carport for Legal Property being described as Legal: Acres: 0.145, Lot: 20, Blk: 6, Subd: CROWN POINT PH1, Abst: A-280 EJ TADLOCK also known as 620 Stirling Road, Rhome, Texas 76078 **(Estimated 3 min)**
- Q. Discussion and any necessary action regarding amending Sections 12 (Zoning Districts Established), 22, 23, 26, and 34 (USE CHART) of Chapter 14 “Zoning” of the Code of Ordinances, City of Rhome, Texas to revise the Sections for consistency in naming the Zoning Districts **(Estimated 2 min)**
- R. Discussion and any necessary action regarding amending Appendix, A-3 – Definitions, Exhibit A of Chapter 14, “Zoning” of the Code of Ordinances, City of Rhome, Texas to define Mobile Food Unit; Amending Section 34.5 Retail & Related Uses to, Exhibit A of Chapter 14 “Zoning” adding Mobile Mood Unit to be allowed in the “R” Retail, “C” Commercial, “I” Industrial, and “LI” Light Industrial **(Estimated 2 min)**
- S. Discussion and any necessary action regarding amending Sections 4, 7, and 10 of Exhibit A “Subdivision Ordinance” of Chapter 10 “Subdivision Regulation” of the Code of Ordinances, City of Rhome, Texas to require two-year Maintenance Bonds **(Estimated 2 min)**
- T. Discussion and any necessary action regarding amending Chapter 6, “Health and Sanitation” of the Code of Ordinances, City of Rhome, Texas by adding Article 6.07, “Liquid Waste Regulations” **(Estimated 2 min)**
- U. Discussion and any necessary action regarding amending Chapter 6, “Health and Sanitation” Article 6.06 “Food Establishment Rules” of the Code of Ordinances, City of Rhome, Texas to add regulations for Food Trucks and Food Truck Operation Sites **(Estimated 2 min)**
- V. Discussion and any necessary action regarding amending Chapter 13, “Utilities” of the Code of Ordinances, City of Rhome, Texas by adding Article 13.08, “Rights-of-Way Management” **(Estimated 2 min)**
- W. Update and Discussion regarding construction status of the East Wastewater Treatment Plant **(Estimated 2 min)**
- X. Discussion and any necessary action authorizing the City Administrator to negotiate a standard Developers agreement with Sahihi/Holly Parkway development **(Estimated 2 min)**
- Y. Discussion and any necessary action regarding West Wastewater Treatment Plant status and next steps **(Estimated 10 min)**
- Z. Discussion and any necessary action regarding City Hall Hours of Operation **(Estimated 2 min)**
- AA. Discussion and any necessary action regarding permanently providing an audio/video recording of every Council meeting **(Estimated 5 min)**
- BB. Discussion and any necessary action regarding Section 1.03.002, “Powers and Duties of Mayor” and Section 1.03.004, “Agenda” of the Code of Ordinances, City of Rhome, Texas **(Estimated 10 min)**

Executive Session (Estimated 10 min)

Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551 (Texas Open Meetings Act), the Council may convene into executive session to discuss the following:

- CC. Section 551.071 Consultation with Attorney - pending or contemplated litigation, settlement offer or to seek advice from attorney

- DD. Section 551.072 Deliberation regarding Real Property - purchase, exchange, lease, or value of real property if deliberation in an open meeting would have detrimental effect on position of the governmental body in negotiations with a third person
- EE. Section 551.074 Personnel – discuss appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, or hear complaint or charge against officer or employee in executive session unless officer or employee requests public
- FF. Section 551.087 – Deliberations regarding Economic Development Negotiations – to discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to locate, stay or expand in or near the City and with which the City is conducting economic development negotiations

Reconvene into Regular Session (Estimated 5 min)

GG. Discussion and any necessary action as a result of Executive Session

Future Agenda Items (Estimated 1 min)

Adjourn (Estimated 1 min)

A quorum of Planning & Zoning Commissioners may be present at this meeting and its members may participate in the discussions of the items on the agenda over which they have responsibilities or authority.

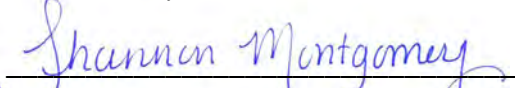
A quorum of Parks & Recreation Board Members may be present at this meeting and its members may participate in the discussions of the items on the agenda over which they have responsibilities or authority.

**Pursuant to the Open Meetings Act, Chapter 551, Section 551.071 of the Texas Government Code, the Council may convene into executive session at any time during the meeting if a need rises for the City Council to seek advice from the City Attorney concerning any item on this agenda, to discuss pending and contemplated litigation, or a settlement offer, or to discuss a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Board of Texas clearly conflicts with Chapter 551.*

The Council may vote and / or act upon each of the items listed in this Agenda. Except for Public Presentation and Input and items in the Agenda designated as public hearing or otherwise designated for public input, there will be no public input during the course of this meeting without express authorization from the presiding officer.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact City Hall at 817-636-2462 for further information.

CERTIFICATION: I do hereby certify that the above City Council Agenda was posted on the designated bulletin board located at City Hall, 501 South Main Street, Rhome, Texas by 6:00 p.m. on the 7th day of December 2020.



Shannon Montgomery, TRMC, City Secretary

I certify that the attached notice and agenda of items to be considered by the Rhome City Council was removed by me from the designated bulletin board located at City Hall, 501 South Main Street, Rhome, Texas, on the _____ day of _____, 2020.

_____, Title: _____

Sincerity - commitment to public service

Honesty - builds trust

Integrity - holds to high standards

Neighborly - helpful, friendly and kind

Excellence - high quality service & attitude



SHINE



Julie Rutherford

Meet our resident cheerleader! Julie has been with the City of Rhome for 5 years. While she now works primarily in our Utility Billing Department, she has worn several hats over the years helping with permits, inspections and Municipal Court. Julie jumps in and does whatever it takes to get the job done.

Her positive outlook and bubbly personality influence the office and our residents. She genuinely cares about our residents and greets everyone with a smile, going above and beyond to listen and assist. While a fellow employee said the following about Julie, we've heard residents express similar sentiments, "Julie is a joy!"

*Julie Rutherford, thanks for going above and beyond,
building relationships and trust with our Rhome residents!*



Agenda Commentary

Meeting Date: December 10, 2020

Department: Planning & Zoning

Contact: Shannon Montgomery

Agenda Item C. Minutes of City Council Regular Session dated November 12, 2020

Type of Item: ☐ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing
☐ Plat ☐ Discussion & Direction ☒ Other (minutes)

Summary-Background: Minutes of last City Council Meeting

Funding Expected: ☐ Revenue ☐ Expenditure ☒ N/A **Budgeted Item:** ☐ Yes ☐ No ☐ N/A

Funding Account: _____ **Amount:** _____

Legal Review Required: ☒ N/A ☐ Required **Date Completed:** _____

Engineering Review _____ **FD Review** _____ **PD Review** _____ **PW Review** _____

Supporting Documents attached: November 12, 2020 City Council Meeting Minutes

Recommendation: Approve proposed Meeting Minutes.



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Mayor

Michelle Pittman
Di Credico

City Council

Mayor Pro-Tem,
Place 3
Elaine Priest

Place 1
Josh McCabe

Place 2
Kenny Crenshaw

Place 4
Sam Eason

Place 5
Leeanne
Mackowski

City
Administrator
Cynthia Northrop

City Attorney
Carvan Adkins

City Secretary
Shannon
Montgomery

Fire Chief
Darrell Fitch

Police Chief
Sam Love

Public Works
Director
Sean Densmore

MINUTES OF REGULAR SESSION OF THE RHOME CITY COUNCIL

Meeting Date: Thursday, November 12, 2020

Location: VIA TELEPHONE CONFERENCE

MEETING START TIME: 6:30 PM

Call to Order and Establish a Quorum

Mayor Pittman Di Credico called the meeting to order at 6:30pm, called roll, and announced a quorum of Council Members present.

Council Members Present:

Mayor Michelle Pittman Di Credico
Mayor Pro Tem Elaine Priest
Council Member Josh McCabe

Council Member Kenny Crenshaw
Council Member Sam Eason
Council Member Leeanne Mackowski

City Staff Present:

City Administrator Cynthia Northrop
City Attorney Carvan Adkins
City Secretary Shannon Montgomery

Municipal Court Clerk Kristi Adams
Public Works Director Sean Densmore

Regular Session – Old Business

A. Update, discussion and any necessary action regarding latest developments for COVID-19 and mitigation efforts and actions within the City

Mayor Pittman Di Credico stated that Governor Abbott continued his suspension of the Open Meetings Act to allow for virtual meetings and that Staff is continuing to abide by the CDC guidelines to keep Staff and residents safe. Pittman Di Credico also stated that Staff has submitted the COVID relief fund reimbursement as authorized at the October 22, 2020 meeting.

B. Update, discussion and any necessary action regarding City of Newark Formal Request for City of Rhome to Relinquish Certificate of Convenience and Necessity (CCN) to Provide Water Service

Mayor Pittman Di Credico shared that she had received a request from the City of Newark Mayor requesting their portion of the CCN back. A request for clarification has been sent to Newark, we are awaiting a response.

C. Discussion and any necessary action regarding Final Report of Master Thoroughfare Plan

Brandon Forsythe, Kimley-Horn, presented the final Master Thoroughfare Plan, including costs, a brief history of the meetings, and addressed questions from Council.

Motion made by Council Member Eason, seconded by Council Member McCabe to adopt the Master Thoroughfare Plan, authorize the City Administrator to execute and to work with TxDot.

Mayor Pittman Di Credico asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Aye
Council Member Eason: Aye
Council Member Mackowski: Aye

Motion carried unanimously.

D. Discussion and any necessary action regarding UTA's Final Parks Master Plan

City Administrator Northrop stated that she had not received the final report, which was due by September 30, 2020; Northrop spoke with Alan Klein and he stated the report would be ready to present at the December 10, 2020 Council Meeting.

Motion made by Council Member Eason, seconded by Council Member Crenshaw, to authorize the City Administrator to work with UTA to receive final report.

Mayor Pittman Di Credico asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Aye
Council Member Eason: Aye
Council Member Mackowski: Aye

Motion carried unanimously.

E. Discussion and any necessary action regarding Final Report of Water Source Study

City Engineer Kyle Welden, Kimley-Horn, provided a final report of the Water Source Study to Council and stated the City has five different source options:

- Wells
- Fort Worth
- Upper Trinity
- Current contract with Walnut Creek
- Eagle Mountain Lake/ Tarrant Regional

Welden recommended to move forward with Upper Trinity as it is the most cost-effective option for the long-term.

Motion made by Council Member Eason, seconded by Council Member McCabe, to authorize the City Administrator to enter into negotiations with Upper Trinity.

Mayor Pittman Di Credico asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Aye
Council Member Eason: Aye
Council Member Mackowski: Aye

Motion carried unanimously.

F. Update, discussion and any necessary action regarding Water Rate Study

Kyle Welden, Kimley-Horn, provided an update to Council and addressed questions.

Motion made by Council Member Eason, seconded by Council Member McCabe, to authorize the City Administrator to continue to work with Kimley-Horn and Public Works Director Densmore on the Water Rate Study.

Mayor Pittman Di Credico asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Aye
Council Member Eason: Aye
Council Member Mackowski: Aye

Motion carried unanimously.

G. Discussion and any necessary action regarding Municipal Complex Project

City Administrator Northrop stated that the City has received the final deliverables from the project, final cost is upwards of \$192,000. Northrop stated since the bond failed, the City cannot go out for the same bond for three years.

Council Member Eason asked that Northrop request all final documents from Quorum.

H. Discussion and any necessary action regarding Certificates of Appreciation for Committee Members of Capital Improvements Advisory Committee, Parks Master Plan Steering Committee, Master Transportation Steering Committee and Comprehensive Master Plan Steering Committee

Mayor Pittman Di Credico expressed her appreciation of all members of our Ad Hoc Committees and listed everyone's name:

Parks Master Plan Steering Committee

Tommie Eason
Debbie Kuhleman
Cathy Coffee
Kaitlyn Dilts
Candance Fitch
Jonathan de Friess
Tim McClure
Fabiola Valdez

Roland Kuhleman
Thomas Cannon
Christy Nerren
Robert Coleman
Jo Ann Wilson
Phillip Herr
Mark Schluter

Comprehensive Master Plan Committee

Steve Knight
Ashley Majors
Tommie Eason
Debbie Kuhleman
Fabiola Valdez
Christine Mahoney
Cynthia Hurd
Mark Schluter
Jonathan de Friess
Tim McClure

Transportation Steering Committee

Steve Knight
Mark Schluter
Mark Lorange

Community Improvements Advisory Committee (CIAC)

Steve Knight
Ashley Majors

I. Discussion and any necessary action regarding Proclamation of Appreciation for Council Member Mackowski for Service to the City

Motion made by Council Member McCabe, seconded by Council Member Eason, approving a Proclamation of Appreciation for Council Member Mackowski for her service to the City of Rhome.

Mayor Pittman Di Credico asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Mackowski:	abstained

Motion carried 4-0-1, with Council Members McCabe, Crenshaw, Priest, and Eason voting for and Council Member Mackowski abstaining.

Mayor Pittman Di Credico turned the meeting over to Mayor Pro Tem Priest.

J. Discussion and any necessary action regarding Proclamation of Appreciation to Mayor Pittman Di Credico for Service to the City

Mayor Pro Tem Priest stated it is an honor serving as the Mayor Pro Tem.

Motion made by Council Member Crenshaw, seconded by Council Member Eason, approving a Proclamation of Appreciation for Mayor Pittman Di Credico for her service to the City of Rhome.

Mayor Pro Tem Priest asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Mackowski:	Aye

Motion carried unanimously.

Council Member Eason made a few comments:

Wow! The things you've done for this city can't be measured. Let me attempt to describe them one at a time.

City Offices - You brought us processes, organization, automation and respect. Gone are the days of chaos, confusion, lost paperwork and "oopsy!". Everything has its place. Everything can be found. Everyone has become accountable. Reliability describes the city offices. Is there room to improve; of course there is, improvements are always available. Thank you.

Police Department - Gone are the days of intimidation and bullying. Our citizens are moving back to having respect and trust for our officers. Thank you.

Fire Department - This is the incredible transformation. We went from a 100% volunteer crew that couldn't respond to all our calls to an expanded fire district due to superior performance. We have better equipment, better training, more volunteers and a reputation as one of the best, if not the best, department in Wise county. Thank you.

Planning for the future

- *Capital Improvement Plan*
- *Comprehensive Plan*

- *Water System Master Plan*
- *Wastewater System Master Plan*
- *Parks Master Plan*
- *Master Thoroughfare Plan*
- *Planning & Zoning Commission comprehensive review of zoning.*

These plans address existing deficiencies and prepare us for the future. Thank you.

Michelle, you've established a legacy of attention to detail, hard work, completeness, reliability and most of all trust. You've taken this city from a system of waste to a future of opportunities, growth and prosperity. No longer do businesses and developers pass us by; now they seek us out. The City of Rhome has a new reputation of trust. You have made these improvements and more while giving us the lowest tax rate in over 20 years. Thank you.

Personally, you have renewed my faith in public officials. You have demonstrated trust, faith, poise, integrity and love. You clearly love the City of Rhome. Thank you for everything.

I now make a motion to create a Resolution naming Michelle Pittman Di Credico "Mayor Emeritus"

Motion made by Council Member Eason, seconded by Council Member Crenshaw approving a Resolution naming Michelle Pittman Di Credico "Mayor Emeritus".

Mayor Pro Tem Priest asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Mackowski:	Aye

Motion carried unanimously.

K. Discussion and any necessary action regarding Mayor Pittman Di Credico's Farewell Address to the City

Mayor Pittman Di Credico stated the following in her Farewell Address to the City:

So many thoughts and emotions are going through my head today. I appreciate this opportunity to address you publicly for the last time as the Mayor for the City of Rhome. It has been my honor and privilege to serve this community.

First of all, I want to say thank you to those citizens who have supported me for so many years. To those voters who have supported me through three successful mayoral elections in 2015, 2016 and 2018, and to those who supported me through this fourth mayoral election of 2020 which I have labeled as a "successful failure". This phrase "successful failure" comes from the Apollo 13 space mission. NASA and the Apollo 13 crew set out with a specific mission to land on the moon and had goals lined out to accomplish that mission. They worked hard to achieve those goals to ultimately complete their mission. But something life altering happened in the middle of their mission that redefined what their mission was. That mission changed from landing on the moon to the mission to just return safely home to earth and to their families. In the end, most of us know the history of Apollo 13 and that the crew made it safely back. It was then that the mission was called a "successful failure" because although they made it safely back, they did not complete the original mission to go to the moon.

I relate to this account of Jim Lovell and the Apollo 13 crew for this reason. While I have been successful through three elections to be your Mayor, this fourth election was my "successful failure" in that I was not able to secure re-election to continue with my original mission for this City and its citizens. My mission has now changed. My service to the City and its citizens does not end with this change. It only takes a different course than I had originally planned, and

honestly, that is okay. It is not sad, and it is not a defeat. Change is inevitable and change is a natural part of life. At 50 years of age, nothing in my life has gone exactly as I planned. And that is exactly what has made me who I am today. It is what makes us stronger and what helps us gain wisdom and understanding.

As I reflect on the wisdom and understanding that I have gained over my last 9 ½ years of service to this City through Planning & Zoning, City Council and as Mayor, I would like to highlight some of the things I considered the “successful” part of my mission.

When I swore my first Oath of Office as Mayor for the City of Rhome back in May 2015, I never dreamed, that first of all, I would actually be the mayor of a small city. Second, that I would continue as the mayor for five and half years without throwing in the towel. And finally, that I would be the mayor of a small city during an unprecedented pandemic.

But this is where I found myself along with every other city leader. We started this journey in 2020 with little to no information on what to do or how to deal with COVID-19. I cannot express the depth of my gratitude for the assistance that Judge JD Clark, Emergency Management Coordinator Cody Powell, Representative Phil King and all of the mayors and city administrators of Wise County were to me as I tried to maneuver the City of Rhome through the ever changing environment we had since March. It was through Cody Powell specifically that I became so familiar with the term “social distancing”. Thank you for being there for Rhome.

So, what has happened in Rhome in 2020 other than Coronavirus?

The City, its staff and its elected and appointed officials have been extremely busy for the last two years. The City worked in conjunction with the University of Texas at Arlington to completely update the City’s Comprehensive Development Plan which had not been formally updated since 1998. This updated Plan is now being utilized as the roadmap for decisions being made about Rhome’s future.

The City worked with our engineering firm Kimley Horn to complete many other important plans for the City including: Water Master Plan, Wastewater Master Plan, Master Plans for our Eastside WWTP and Westside WWTP. The City also finally adopted Impact Fees which will be implemented in early 2021. Construction on the Eastside WWTP Expansion Project is underway with completion expected in Fall 2021.

The City wrapped up work with Kimley Horn on our Master Thoroughfare Study which was presented to City Council at tonight’s meeting. This study has enabled the City to identify issues within our current roadway system and develop solutions for both short-range and long-range issues.

The City wrapped up work with UTA on our Parks Master Plan which was presented on October 22nd to the City Council. The Plan identified and quantified park improvements that many of our residents have been requesting over the years, and now we have a Plan to make that happen.

While all these planning tools did cost both time and money, they were well worth it and will benefit the City for many years.

Our latest Plan and its findings presented tonight as well is our Water Source Study. Based on the recommendations of Kimley Horn and approval of City Council on October 22nd, the City began discussions with Upper Trinity Regional Water District as a long-term water source for Rhome.

Why is this important?

Most of you know how critical it is that a quality water source supply is secured for many years to come for Rhome. Our residents expect and deserve this assurance from their City. It is also important because of the tremendous growth that has arrived in our little corner of the world with the announcement that Rolling V Development is finally taking off. One headline I read said 10,000 homes and a one-billion-dollar price tag. What I mentioned earlier about never dreaming that I would be the mayor of a small city? Well, I definitely never dreamed that I would be the mayor of a small city during a pandemic with a one-billion-dollar development to deal with as well.

What other successes have happened during my tenure as Mayor?

A property tax rate freeze has been implemented for those aged 65 years and older or those who are disabled. This property tax rate freeze took effect in 2020. The City should be proud of this accomplishment which helps our senior population afford to stay in their homes even with a fixed income.

The property tax rate for the last five year is the lowest it has been in 25 years. I charge this Council with ensuring that the property tax rate continues on the path it is currently on.

The shift of dependance on property tax as a revenue source has shifted with the huge increases that the City has seen in sales tax revenue. I charge this Council with ensuring that this balance is maintained going forward.

City Administration processes have been streamlined by implementing various software programs to help our city staff in efficiently completing their daily duties.

The police department and fire department both have a regular vehicle and apparatus replacement program in place that is being funded and followed each budget year. This vital program ensures that those who put their lives on the line for our community have the equipment that they need to successfully do their jobs.

The police department and fire departments both have training programs that have been implemented to provide ongoing education and training to some of the most experienced, knowledgeable first responders in Wise County. This is also a vital program that ensures those who put their lives on the line for the community have the training that they need to successfully do their jobs.

A City Administrator position has now been successfully in place for over two years. I no longer have to remind the City Council that I'm not going to be doing all this work for free forever. The City Administrator position is now a respected position in the City and in the local community. It mirrors all the other surrounding cities as our City Administrators collectively collaborate on problems and solutions that are common to us all. The City Administrator position frees the Mayor up to not have to handle minute details of daily operations, so the Mayor is now able to be the visionary figurehead that drives the City toward a planned and success driven future. The Mayor is the one who sets the tone in vision, in mission and in action. The Mayor is the oil that helps all the parts of the City work together as a whole and minimize friction. The Mayor's main job is to ensure that the laws and ordinances are upheld and to ensure that the will of the City Council who represents the citizens is ultimately carried out by the City staff.

So, what is on the horizon for me?

I will pass the torch on to the next mayor to carry on with city business knowing that in my tenure I was able to make a difference. As I noted earlier, although my mission has been changed, my mission to serve this community has not changed, only the capacity in which I do that. I will be working in the community as a champion for important issues in our future. You will continue to see me working to make a difference for all of you.

On a personal note, I am opening my own business finally and look forward to being an active part of the business community. Many opportunities have opened up within the last couple of weeks. I will be trading my once busy mayoral schedule for a new busy schedule that holds promising opportunities for me.

Before I close, I would like to thank some people:

I would like to thank the good Lord for giving me the strength and wisdom to stand strong as well as the blessings that He has bestowed upon me throughout my life.

I would like to thank my husband, Patrick who has only ever known me as mayor when we met five years ago. You will no longer be affectionately referred to as the City's First Man. You will just have to settle for being my Arm Candy at social functions.

I would like to thank my family, my kids, my grandkids and my parents who allowed me to give up time with them to serve this community. They never grumbled even when it was late at night, on weekends or on our holidays and vacations. They encouraged me to do what needed to be done without a complaint.

I would like to thank the Council that I have had the honor to serve alongside.

Council Member Josh McCabe – I have high hopes for you. You have served your country and now you serve your community. Continue on the path you have started, and I expect to see great things of you in the future.

Council Member Kenny Crenshaw – You have also served your country for many years and now you serve your community. I will forever remember your no nonsense cut to the chase disposition. You have taught us all the phrase that it matters when you “have skin in the game”.

Mayor Pro Tem Elaine Priest – You serve your community with great wisdom and a heart full of empathy and compassion. You told me once that phrase that has stuck with me. “Public service is a thankless job. You do the best you can with the things you know and the things you learn along the way”. Never lose the dream and the vision that we have set before this City. A vision is a powerful thing.

Council Member Leeanne Mackowski – You and I have been given the opportunity to move on to other adventures. Although I am sure we will both keep a watchful eye on the City still as citizens. I look forward to watching your success with your business.

Council Member Sam Eason – Congratulations on your re-election for a third term with such a resounding number of votes, more than any other single candidate in this election. That says volumes about the high regard the public holds you in. You and your wife, Tommie, were present for my first mayoral oath of office and it has been an honor to have the unwavering support of both of you throughout everything.

A few more thank you’s and then I am done.

City Administrator, Cynthia Northrop – Thank you for coming back for your second day of work. You came on right before the chaos of COVID started and you stuck through everything. The City is fortunate to have you at the helm as City Administrator. I look forward to seeing the wonderful opportunities as you lead the City through into 2021.

City Secretary, Shannon Montgomery – Thank you for your hard work and your attention to detail as well as your organizational talents. You have helped to streamline and simplify so many processes for the City. I am forever grateful to all the assistance you have given me over the years.

City Attorney, Carvan Adkins – It’s funny that the lawyer turned out to be the one I got teary eyed about. Carvan, no matter what was happening with the City, I was always able to bring any problem to you with the assurance that you would give me wise counsel, help me to make a sound decision and do what was right for the City. Your character and integrity were obvious in the professional way you advised this City. I hold you in high regard and wish you all the best for the future. Continue to guide this City in the way you guided it during my tenure, and I will rest easy that you will take it from here.

To all the rest of the staff those current and former – I consider all of you like my extended family. I have laughed with laugh you in the good times and I have cried with you during the hard times. We were bonded together by our desire to serve this community and make it a better place. We have succeeded in that thus far. For those current staff, take it from here. I will cheer on your successes every step of the way.

I will now formally pass the torch on to those who follow in my footsteps. May God bless each of us, our City, and our Country. As the crew of Apollo 13 said when they were safely back on earth, this is Mayor Michelle Pittman Di Credico signing off.

Mayor Pittman Di Credico turned the meeting over to City Secretary Montgomery.

Canvassing and Swearing In

L. Discussion and any necessary action regarding the Canvassing of the November 3, 2020 General Election

Motion made by Council Member McCabe, seconded by Council Member Eason, to approve Ordinance No. 2020-20 as presented.

City Secretary Montgomery asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Mackowski:	Abstained

Motion carried 4-0-1, with Council Members McCabe, Crenshaw, Priest, and Eason voting for and Council Member Mackowski abstaining.

CITY OF RHOME, TEXAS ORDINANCE NO. 2020-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS, CANVASSING THE RETURNS, INCLUDING THE RETURNS OF ABSENTEE AND EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 3, 2020 RELATING TO THE ELECTION OF ONE (1) MAYOR FOR A TWO (2) YEAR TERM, ONE (1) COUNCIL MEMBER TO PLACE NO. 4 FOR A TWO (2) YEAR TERM, ONE (1) COUNCIL MEMBER TO PLACE NO. 5 FOR A TWO (2) YEAR TERM TO THE CITY OF RHOME CITY COUNCIL; PROVIDING FOR THE CONFIRMATION OF VOTE TABULATIONS; IDENTIFYING THE OFFICIALS ELECTED AND TERMS OF OFFICE; AUTHORIZING THE ISSUANCE OF CERTIFICATE OF GENERAL ELECTION; AUTHORIZING THE ISSUANCE OF THE CANVASS OF THE GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.

M. Discussion and any necessary action regarding the Canvassing of the November 3, 2020 Bond Election

Motion made by Council Member McCabe, seconded by Council Member Eason, to approve Resolution No. 2020-10 as presented.

City Secretary Montgomery asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Mackowski:	Aye

Motion carried unanimously.

CITY OF RHOME, TEXAS RESOLUTION NO. 2020-10

A RESOLUTION canvassing the returns and declaring the results of the bond election held November 3, 2020.

City Secretary Montgomery handed the meeting back to Mayor Pittman Di Credico.

N. Discussion and any necessary action regarding Certificates of Election, Statements of Office and Oaths of Office

Mayor Pittman Di Credico presented Mayor-Elect Wilson with a signed Certificate of Election and provided over Mayor-Elect Wilson's Statement of Office and Oath of Office.

City Secretary Montgomery provided over Council Member-Elect Eason's Statement of Office and Oath of Office.

City Secretary Montgomery provided over Council Member-Elect Majors' Statement of Office and Oath of Office.

Newly elected Mayor and Council Member Majors took their places at the dais; Council Member Eason remained at the dais.

Public Presentations and Input

The Council is not permitted to take action on or discuss any presentations made to the Council at this time concerning an item not listed on the agenda. The Council will hear comments during this designated time. Request form, or email, must be submitted to the City Secretary, via email to citysecretary@cityofrhome.com, prior to 4:00pm to be recognized.

There were no Public Presentations made.

Announcements from Mayor and Council Members

O. Upcoming Events:

- **November 26, 2020 Council Meeting - Cancelled**
- **Thursday, November 26 and Friday, November 27, 2020 – City Offices Closed**

In addition to the events listed above, Mayor Wilson announced beginning Monday, November 16, 2020, Rhome City Hall will be open 8am to 5pm, Monday through Friday. Wilson also shared the Rhome Veterans Christmas Tree Lighting will be held on Saturday, November 28, 2020 at the Rhome Veterans Park.

Council Member McCabe shared that the VFW extended their deadline for youth scholarships to end of day November 15, 2020.

Council Member Majors thanked the Council for their service.

Monthly Staff Reports

P. Departments: Administration, Building & Development, Fire Rescue, Municipal Court, Police, and Public Works

Motion made by Council Member Crenshaw, seconded by Mayor Pro Tem Priest, to accept the Council reports as presented.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Majors:	Aye

Motion carried unanimously.

Q. Planning & Zoning Commission Meeting Minutes

No discussion, no action taken.

Consent Agenda

All items under this section are recommended for approval for the Consent Agenda. These items are of a routine nature and require only brief deliberation by Council. Council reserves the right to remove any item on the Consent Agenda for further deliberation.

R. Minutes of City Council Regular Session dated October 22, 2020

Motion made by Council Member Eason, seconded by Council Member Crenshaw, to approve the Minutes of City Council Regular Session Minutes dated October 22, 2020 as presented.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Aye
Council Member Eason: Aye
Council Member Majors: Aye

Motion carried unanimously.

Regular Session – New Business

S. Discussion and any necessary action regarding updating authorized signatures for bank accounts

Motion made by Council Member Crenshaw, seconded by Council Member McCabe to remove Michelle Pittman Di Credico from all Wells Fargo and Pinnacle Bank Accounts and to add Mayo Jo Ann Wilson to all Wells Fargo and all Pinnacle Bank Accounts as listed below:

2017 Tax Note, Series 2017	Interest & Sinking	Police Grant Account
2019 Bond Checking	Meter Deposits	Police Seizure Funds
Fire Dept Checking	Muni Court Security	Rhome Beautification Fund
Fire Dept Savings	Muni Court Tech Fund	Rolling V
General Fund Checking	Muni Court Title 7	W/S I&S Fund
General Fund Savings	Parks & Recreation Checking	Water & Sewer Checking
Hotel Motel Tax	Payroll ZBA Account	

Mayor Wilson asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Aye
Council Member Eason: Aye
Council Member Majors: Aye

Motion carried unanimously.

T. Discussion and any necessary action regarding assigning one council member without bank signatory authority to review monthly bank reconciliations

Motion made by Council Member Eason, seconded by Council Member Crenshaw, to assign Council Member McCabe to review monthly bank reconciliations.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Aye
Council Member Eason: Aye

Council Member Majors: Aye

Motion carried unanimously.

U. Discussion and any necessary action regarding virtual meetings for the duration of Governor Abbott's State of Disaster Declaration due to COVID-19 and the temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings

Motion made by Council Member Eason, seconded by Council Member Crenshaw, to continue holding virtual meetings as long as Governor Abbott continues the suspension of the Open Meetings Act.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Aye
Council Member Eason: Aye
Council Member Majors: Against

Motion carried 4-1-0 with Council Members McCabe, Crenshaw, Priest, and Eason voting for and Council Member Majors voting against.

V. Discussion and any necessary action regarding Expectations for the upcoming Transition Period with newly Elected Officials

City Attorney Adkins reminded everyone of TML's reading material and Section 1.07, "Code of Ethics" of the City's Code of Ordinances and suggested everyone read the information.

Motion made by Council Member Eason, seconded by Council Member McCabe, that only the Mayor and City Staff are allowed beyond the lobby door.

Mayor Pro Tem Priest asked if the motion could be restructured as the City Administrator is trusted to do her job to watch the traffic and ensure COVID regulations are being met; if there is a problem, she will bring it to Council's attention.

Amended motion made by Council Member Eason, seconded by Council Member McCabe, allowing only the Mayor and City Staff beyond the lobby; with the exception of Council Members with an appointment, allowing for only one Council Member at a time, if it comes a problem, City Administrator can bring back to Council.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Against
Mayor Pro-Tem Priest: Against
Council Member Eason: Aye
Council Member Majors: Against

Motion failed 2-3-0, with Council Members Eason and McCabe voting for and Council Members Crenshaw, Priest, and Mayors voting against.

Mayor Wilson asked for Council expectations.

Council Member McCabe read his expectations:

As an elected official to the Council and Mayor Positions, we must always consider citizen comments, Board and Commission recommendations, staff recommendations, Council goals and priorities and our individual perspectives.

As a Council, we expect to receive recommendations from our Board, Commission and committees that reflect their individual and collective knowledge of the committee, mainly from a citizen perspective. The Council also expects that city staff will present recommendations from a professional perspective. There are times this staff, board, commission and committee professional opinions and recommendations may differ from our own and that is okay. These differences are inherent in policy formulation and of an organization, which welcomes diverse perspectives.

We have staff in place based on their knowledge, qualifications and experience. We need to rely on them to assist in a smooth transition that best benefits all parties. We must all be aware of our roles, whether elected or hired, and believe in the individuals to perform their duties to the best of their abilities for which they were placed in their respective position.

With that being said, there has been a lot of half-truths, ill words, and false information that was spread in the last election season by all sides. Due to all of this, trust has been broken amongst individuals, that being citizens, current council, and new officials. Now is the time that we set our personal opinions and differences aside and work together to rebuild that trust. We need to rebuild trust so that we can work together in the best interest of Rhome, not in the best interest of ourselves or the specific part of town in which we reside in. We as a council represent Rhome as whole, not our own personal agendas and not individual communities within our city limits and ETJ.

It is my expectation that we as a whole move forward in a professional manner that supports the best interests of OUR town. We can have differing opinions on many topics and we always do, it is about how we professionally and courteously work together to express those opinions and find a common median that suits Rhome as a whole. Let us work together, not against. For Rhome and for our residents.

Council Member Eason listed his expectations:

- Keep current hours of operation;
- No staff turnover without Council approval;
- Expects no organizational changes;
- Expects a weekly update on daily operations from the City Administrator

W. Discussion and any necessary action regarding identifying CPA firm to review and analyze City's Budget

Council Member Crenshaw would like to take bids to hire a CPA to create and manage the budget, charge the City Administrator to bring back recommendations. It was stated that Mayor Pittman Di Credico put \$1,000 in the budget for this purpose.

Motion made by Council Member Eason, seconded by Council Member Crenshaw to authorize the City Administrator to find a CPA firm to review and validate the annual budget, prepared by the both the City Administrator and Mayor. Eason would like this item be brought back to the January 14, 2021 Council Meeting.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Majors:	Aye

Motion carried unanimously.

X. Discussion and any necessary action regarding New Plan for office space for City Hall, Police Department, meeting facilities for City Council, Municipal Court, Planning & Zoning, Parks & Recreation as well as Community Center facilities upgrades

Motion made by Council Member Majors to table this agenda item; motion died for lack of second.

Mayor Pro Tem Priest would like to set a date for Public Works Director Densmore to bring back a facilities assessment for Council to discuss.

A facilities assessment will be on the January 14, 2021 Council Meeting Agenda.

Council Member Eason asked that Mr. Densmore add asbestos to the list for both the community center and fire department.

Y. Update, discussion and any necessary action regarding upcoming proposed Ordinance amendments

City Administrator Northrop provided Council with a list of proposed Ordinance amendments that will be brought to Council at the December 12, 2020 Council Meeting. Northrop would like to place a quarterly agenda item on the Council meeting specifically for proposed ordinance amendments.

Discussion only; no action taken.

Z. Discussion and any necessary action regarding Ordinance removing the two alternate positions on the Planning & Zoning Commission

Motion made by Council Member Majors to leave Ordinance as is; motion died for lack of second. Discussion ensued regarding the Planning & Zoning Commission alternates and consensus was to keep Ordinance as is.

Discussion only; no action taken.

AA. Discussion and any necessary action regarding filling vacancies on the Planning & Zoning Commission

Motion made by Council Member Crenshaw, seconded by Council Member McCabe to appoint current alternate Kristi King to a seated position, appoint Sarah Has to a seated position and to appoint Michelle Tye as alternate #1.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Against
Council Member Majors:	Against

Motion carried 3-2-0 with Council Members McCabe, Crenshaw, and Priest voting for and Council Members Eason and Majors voting against.

BB. Discussion and any necessary action regarding online Code of Ordinances services

Motion made by Council Member McCabe, seconded by Council Member Eason, to move forward with Staff's recommendation to move to Municode for its Code of Ordinances services.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Majors:	Aye

Motion carried unanimously.

CC. Discussion and any necessary action regarding Solid Waste Collection Contract options for service

Brian Culhane, Waste Connections addressed questions.

Motion made by Council Member McCabe to move forward with Option 3; recycling and twice a week trash service; motion died for lack of second.

Motion made by Council Member McCabe, seconded by Mayor Pro Tem Priest to approve Option 2; once weekly, curbside recycling and quarterly bulk and Household Hazardous Waste pickup.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Against
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Against
Council Member Majors:	Against

Motion failed 2-3-0 with Council Members McCabe and Priest for voting and Council Members Crenshaw, Eason, and Majors voting against.

Motion made by Council Member Crenshaw, seconded by Council Member Eason to approve Option 1; no recycling, twice weekly pickup, quarterly bulk and Household Hazardous Waste Pickup with 95-gallon trash carts.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe:	Against
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Against
Council Member Eason:	Aye
Council Member Majors:	Aye

Motion carried 3-2-0 with Council Members Crenshaw, Eason, and Majors voting for and Council Members McCabe and Priest for against.

DD. Discussion and any necessary action regarding contract for Permitting & Code Compliance Software

Motion made by Council Member Crenshaw, seconded by Council Member McCabe, to approve Staff's recommendation to move forward with IWORQ for Permitting & Code Compliance Software.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe:	Aye
Council Member Crenshaw:	Aye
Mayor Pro-Tem Priest:	Aye
Council Member Eason:	Aye
Council Member Majors:	Aye

Motion carried unanimously.

EE. Discussion and any necessary action regarding contract for City Hall Copier/Printer

Motion made by Council Member Eason, seconded by Council Member McCabe to approve Staff's recommendation to enter into a contract with Xerox for City Hall copier/printer services.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Aye
Council Member Eason: Aye
Council Member Majors: Aye

Motion carried unanimously.

Executive Session

Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551 (Texas Open Meetings Act), the Council may convene into executive session to discuss the following:

FF. Section 551.071 Consultation with Attorney - pending or contemplated litigation, settlement offer or to seek advice from attorney

- **Proposed split of City of Fort Worth Extra Territorial Jurisdiction (ETJ) within Rolling V Development**
- **Amendment to Professional Services Agreement for Rolling V Development with PMB Capital**
- **City of Newark Formal Request for City of Rhome to Relinquish Certificate of Convenience and Necessity (CCN) to Provide Water Service**

GG. Section 551.072 Deliberation regarding Real Property - purchase, exchange, lease, or value of real property if deliberation in an open meeting would have detrimental effect on position of the governmental body in negotiations with a third person

HH. Section 551.074 Personnel – discuss appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee, or hear complaint or charge against officer or employee in executive session unless officer or employee requests public

II. Section 551.087 – Deliberations regarding Economic Development Negotiations – to discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to locate, stay or expand in or near the City and with which the City is conducting economic development negotiations

Mayor Wilson convened into Executive Session at 10:09pm.

Mayor Wilson reconvened into Regular Session at 10:56pm.

Reconvene into Regular Session

JJ. Discussion and any necessary action as a result of Executive Session

Motion made by Council Member Eason, seconded by Council Member McCabe, to authorize City Administrator to negotiate with Newark regarding split of ETJ within the Rolling V Development and the formal request for the City to relinquish Certificate of Convenience and Necessity (CCN) to provide water service.

Mayor Wilson asked for a roll-call vote:

Council Member McCabe: Aye
Council Member Crenshaw: Aye
Mayor Pro-Tem Priest: Against
Council Member Eason: Aye
Council Member Majors: Against

Motion carried 3-2-0 with Council Members McCabe, Crenshaw, and Eason voting for and Council Members Priest and Majors voting against.

Future Agenda Items

Council Member Eason requested the following future agenda items:

- Authorize the City Administrator to negotiate a developer's agreement with Holly Parkway Development
- Review and discussion of the Powers of Mayor
- Discussion of City Hall Hours of Operation

Council Member McCabe asked for an ordinance review of agenda creation, Section 1.03.004.

Council Member Majors asked for Council to work together and be civil on social media.

Adjourn

Motion made by Council Member McCabe, seconded by Council Member Eason to adjourn. Meeting adjourned at 11:12pm.

Minutes approved the 10th day of December 2020.

Jo Ann Wilson,
Mayor

Shannon Montgomery, TRMC
City Secretary



Agenda Commentary

Meeting Date: December 10, 2020

Department: Fire

Contact: Chief Darrell Fitch

Agenda Item: D. Approval of proposed amendments to Constitution and By-Laws of the Rhome Volunteer Fire Department adopted September 29, 2008

Type of Item: ___ Ordinance ___ Resolution ☒ Contract/Agreement ___ Public Hearing
___ Plat ___ Discussion & Direction ___ Other

Summary-Background:

The original Constitution and By-Laws from 2008 was amended in 2018 nearly three years ago. Since that amendment, the City and Fire Department have transitioned to a City Administrator and the first year of stipend shift work among other things. This document will need to be routinely reviewed as the City progresses in its understanding of the effects of the regional development in this area and how the Fire Department under the City's leadership will address those changes. In addition, the Fire Chief as a paid department head has more responsibility and discretion as a City employee than a solely volunteer department Fire Chief and as such should be the final authority on decisions made within the Fire Department if they are in line with the Comprehensive Development Plan of the City, the mandates of the City Council as a whole and best practices within the fire service.

Funding Expected: ___ Revenue ___ Expenditure ☒ N/A

Budgeted Item: ___ Yes ___ No ☒ N/A

Funding Account: _____ **Amount:** _____

Legal Review Required: ___ N/A ☒ Required **Date Completed:** _____

Engineering Review ___ **FD Review** ___ **PD Review** ___ **PW Review** ___

Supporting Documents attached:

Proposed Amendments to Rhome Fire Rescue Constitution and By-Laws

Recommendation:

After receiving the approval of the members of the fire department at the business meeting on Monday, December 7, 2020, the recommendation would be for City Council to approve the changes subject to legal review.



~~RHODE VOLUNTEER~~

CITY OF RHODE, TEXAS

~~ORIGINAL CONSTITUTION AND BY-LAWS APPROVED ON SEPTEMBER 29, 2008~~
~~ORIGINAL CONSTITUTION AND BY-LAWS APPROVED ON SEPTEMBER 29, 2008 & AMENDED FEBRUARY 8, 2018~~
~~Proposed Amendments for February 8, 2018~~ Proposed Amendments for December 10, 2020

Article I

Title and Purpose

Section 1

This organization shall be known as Rhome Fire Rescue and shall operate a volunteer fire department to render assistance in alarms of fire or emergency in Rhome, Texas as well as outside the city limits when called upon in surrounding areas. This organization shall maintain and operate firefighting and emergency equipment, vehicles, machinery and all other property of the City of Rhome for the protection and preservation of property and lives as controlled by the ordinances and regulations of the City of Rhome.

Section 2

This organization's purpose shall be the preservation and protection of life and property within the service area by

- Promoting fire safety through public education within the community.
- Providing fire, rescue and emergency medical services.
- Providing assistance in time of crisis or emergency.
- Supporting other area fire departments subject to duly executed interlocal agreements or in times of emergencies.

Article II

Organization

Section 1

Number of Members

The Department shall be composed of the necessary number of members as commissioned by the City of Rhome.

Section 2

Officers

The Department shall consist of a minimum of four officers:

1. Fire Chief
2. Assistant Fire Chief
3. Captain
4. Fire Lieutenant

The Fire Chief may appoint members for optional positions as needed including but not limited to ~~and may include~~ any of the following:

- EMS Lieutenant
- Second Fire Lieutenant
- Second Captain
- Chaplin
- Safety Officer
- Public Information Officer

In addition to the minimum required number of officers, the Fire Chief shall designate one member other than the Fire Chief as Secretary. The Secretary will be responsible for recording all business meetings to include attendance, old or new business discussed, any committee ~~reports~~ reports, and all decisions made ~~dey~~ at the business meetings.

No Officer of the Department in direct supervision of another Officer shall be married, engaged or related to the Officer being directly supervised.

Section 3

Election of Officers

As a Department Head of the City of Rhome, the Fire Chief will be appointed by and report directly to the City Administrator~~Mayer~~ with the approval of the City Council and will not be subject to election by the membership of the Department.

All officers must be active members for no less than a minimum of two (2) years and shall be elected at the regular December business meeting by a majority vote of all active members. In the event of a tie for any officer position, the Fire Chief will cast the deciding vote.

The term of office for elected officers shall be for one (1) year with an unlimited number of possible terms. The Assistant Fire Chief term of office shall be for two (2) years with an unlimited number of possible terms. All officer positions begin on January 1 of the year following the election.

Nominations for Assistant Fire Chief, Captain or Fire Lieutenant may be made by any member of the Department. However, these officers shall be elected by a majority vote of only the active members of the Department.

All voting regarding elections will be done by secret ballot.

Section 4

Vacancy of Office

When an officer's position, other than Fire Chief, becomes vacant prior to the expiration of the term, the Fire Chief shall appoint an active member to fill the vacancy. The member so appointed by the Fire Chief shall serve as an officer for the remainder of the unexpired term.

Section 5

Duties of Officers

The duties of each of the officer positions or optional positions will be described in the Department's Standard Operating Guidelines (SOGs) as approved by the Fire Chief.

Section 6

Committees and Duties

Committees may be created by the Fire Chief so members have a voice in the Department. Committees may include but are not limited to the following:

- Membership Committee
- By-Law Committee
- Building Committee
- Apparatus Committee
- Equipment Committee
- Budget Committee

The Membership Committee will be the only required committee of the Department. The duties of each of the Committees will be described in the Department's Standard Operating Guidelines (SOGs) as approved by the Fire Chief.

Article III

Membership

The organization's goal shall be to recruit members to the Department as needed to fulfill its purpose and as authorized and commissioned by the City of Rhome.

Section 1

Application Process

Individuals interested in membership shall submit a written and signed Rhome Fire Rescue Application for Membership. Applicants must be 18 years of age.

Upon receiving an Application for Membership, the Fire Chief and Membership Committee will review the application to include but not limited to:

- Background check of driving record and all previous criminal history
- Reference checks
- Oral interview with appointed panel

Applicants with the following will be considered:

- No DWI/DUI within the past seven (7) years
- No felonies within the past ten (10) years
- No more than two (2) moving violations within the past three (3) years
- No drug convictions of any kind

After the application is reviewed by the Membership Committee, the Membership Committee may make recommendation to the Fire Chief for the application to be approved or denied. The Fire Chief will consider the recommendation along with required review results and give final determination in acceptance or denial of all applications for membership. Applicant will be required to attend two regular meetings and/or trainings followed by a vote by the active members of the Department. Upon approval by 2/3 vote of the active members both the Membership Committee and the Fire Chief, the applicant will become a probationary member and be required to adhere to all probationary requirements.

At any point in the process in which the applicant does not qualify or fails, the applicant shall be advised the Application for Membership has been denied by letter or in person with the Fire Chief.

Any applicant living outside of the immediate fire district response area including areas covered by interlocal agreements and outside the county of Wise will be required to maintain a minimum of 36 hours of verified station service hours each calendar month at the fire station to obtain an active membership status, not including time spent on emergency calls. These members will not be able to hold an officer's position.

A ~~subsequently~~~~early routine~~ driving record ~~may~~will be obtained by the Department for ~~any~~each member after acceptance on the Department as determined by the Fire Chief to ensure continued eligibility for operating city owned vehicles.

Section 2

Probationary Membership

New members will be considered probationary for a minimum period of one ~~hundred and eighty days~~year (180365 days) without previous certifications and/or training. New members with certain specific prior certifications and/or training may be considered for ~~ninetysix months (90180 days)~~ days on a case by case basis as determined by the Fire Chief. New probationary members will be issued a temporary set of gear and a copy of the current policies and procedures manual. Probationary members are required to follow all policies and procedures of the Department and will not drive any Department vehicles unless ordered by an officer to do so.

At the first regular business meeting following the end of the probation period, the ~~active members~~Fire Chief of the Department will vote complete the final probationary evaluation regarding whether the probationary member will be accepted as a full member of the Department with all the privileges and responsibilities thereof. ~~A two-thirds (2/3) majority vote is required to accept. If a two-thirds majority vote is not reached, a vote will be made to either extend probation or dismiss from the Department.~~ The probationary period may only be extended by the Fire Chief to a maximum of sixty (60) days on a case by case basis due to extenuating circumstances. After any extension of probation, the ~~active members of the Department will vote again on~~Fire Chief will complete the final probationary evaluation on whether to accept or dismiss the probationary member from the Department. ~~During any vote regarding membership, the probationary member will not be present in the room where the voting or discussion occurs.~~

Section 3

Membership Classifications

Members will be classified into one of four classifications of membership.

1. Active Member
 - a. Individual who has met the probationary requirements and who maintains the required activity level for active membership.
 - b. Full voting rights.
 - c. Given preference over Reserve, In-Active or Probationary Members on first out apparatus.
2. Reserve Member
 - a. Individual who has met the probationary requirements and who maintains the required activity level for reserve membership.
 - b. No voting rights.
 - c. Only given preference over In-Active or Probationary members on first out apparatus.
3. In-Active Member
 - a. Individual who has met the probationary requirements and who has requested temporary leave due to new commitments or unforeseen circumstances that will keep the member away for a period of time. Examples include but are not limited to military, college/work schedule or personal/family circumstances.
 - b. Members requesting a change to In-Active status will be reviewed on a case by case basis by the Fire Chief ~~and the Membership Committee~~.
 - c. No voting rights.
 - d. Any gear or equipment issued to In-Active members may be given to other members if needed during approved period of absence.
4. Probationary Member
 - a. Individual who has not met all the probationary requirements and has not completed the one ~~hundred eightyyear (180) 365 days~~ probationary period for those without previous certifications and/or training (~~906 months-days~~ for those with specific certification/training).
 - b. No voting rights.
 - c. Not given preference on first out apparatus

Section 4

Activity Levels

Required Activity Level shall mean participation and contribution to the purpose of the Department through:

- Responding to emergency and non-emergency calls for service
- Attending regular meetings
- Attending classes or training
- Participating in fundraisers
- Significantly contributing to the Department to a sufficient degree as determined by the decision and judgment of the ~~Fire Chief~~Membership Committee

Activity will be classified into one of two levels of activity:

1. Active Member Activity Level
 - a. Sixty-five (65) percent of all meetings
 - b. Sixty-five (65) percent of all training sessions
 - c. Seventy-five (75) percent of all fundraisers
 - d. Twenty-five (25) percent of all emergency and non-emergency calls for service
 - e. Anything below this Activity Level will be considered Reserve Member Activity Level
2. Reserve Member Activity Level
 - a. Fifty (50) percent of all meetings
 - b. Sixty-five (65) percent of all training sessions
 - c. Seventy-five (75) percent of all fundraisers
 - d. Fifteen (15) percent of all emergency and non-emergency calls for service
 - e. Anything below this Activity Level will be considered by the Membership Committee for In-Active Status if qualified, further discipline and/or termination of member.

The ~~Fire Chief or the Assistant Fire Chief~~Membership Committee will review each activity level for members on a quarterly basis and will disclose to the members its guidelines used for determining whether a member has demonstrated the required activity level.

Section 5

Membership Roster

A roster will be maintained with a list of all members including whether they demonstrated the required activity level for each quarter.

Section 6

Member Duties

Members will be required to do all of the following:

- Follow and obey all Articles of this Constitution and By-Laws, the Standard Operating Guidelines (SOGs) of the Department as well as the City of Rhome Ordinances.
- Follow the chain of command of the Department including the orders and commands of higher ranking officers.
- Attend all required meetings, training, classes, workdays, fundraisers to maintain minimum required levels of activity
- Respond to the fire station for all calls for service when and if available to maintain minimum required levels of activity.
- Maintain and project the highest moral and ethical positive image and attitude regarding the Department when interacting with others.

Section 7

Medical Leave

Any member may apply for a medical leave of absence by presenting a physician's report to the Fire Chief. During the leave period, the member's level of physical activity shall not be a determinant of "activity level". Following the medical leave of absence, the member shall present a physician's release to return to full duty to the Fire Chief prior to participating in any previously restricted activities at the Department.

Section 8

Termination

Termination of a member may occur in two ways:

1. By Membership Committee
 - a. May recommend to the Fire Chief the termination of a member without cause if the member fails to maintain the Required Activity Level for a consecutive quarter.
 - b. Written documentation of the reason for termination will be included in the member's personnel file.
 - c. Notice shall be sent by first class mail to the member's last known address.
2. By Fire Chief

- a. With cause, the Fire Chief may terminate a member at any time with or without notice.
- b. Written documentation of the reason for termination will be included in the member's personnel file.
- c. Notice shall be sent by first class mail to the member's last known address.

Members who are terminated for cause will not be eligible to re-apply for membership in the future and the terminated member's personnel file will be updated to reflect ineligibility to return.

Section 9

Resignation

Members may resign at any time for any reason by submitting resignation in writing and submitting to ~~the Fire Chief~~~~any officer~~ of the Department. Members who resign verbally will give notice to the Fire Chief who will document the verbal resignation and include a written statement in the member's personnel file. Members who resign in good standing ~~may~~~~by~~ return to the Department at a future time but will be treated as a new member subject to the new applicant process and probationary period.

Section 10

Return of Gear and Equipment

Upon termination or resignation of any member, the member will return all Department issued gear and equipment including but not limited to: bunker gear, gloves, helmet, T-shirts, job shirts, jackets, pagers, radios and charging stations. The officer receiving the gear and equipment will take inventory of the returned items and note the date and condition of property received in the member's personnel file.

In the event that Department gear or equipment is not returned within ten (10) days of termination or resignation or the agreed upon time period by the Fire Chief, legal actions will be taken including filing a police report. In addition, members will be automatically listed as not in good standing and will not be allowed to return to membership in the future.

Article IV

Conduct

As a member of the Department, all members must be of the highest moral and ethical character, and be willing to comply with all applicable laws and regulations, and will be expected to conduct the job functions and outside activities with the highest degree of fidelity, morality and ethics.

Section 1

Drug and Alcohol-Free Organization

Members of the Department are required to report to duty in appropriate mental and physical condition to perform their duties in a satisfactory and safe manner.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances, drug paraphernalia or alcohol by an individual anywhere on City premises, while on Department business (whether or not on City premises) or while representing the Department is strictly prohibited. Members are also prohibited from reporting to duty or being on duty while he or she is under the influence of alcohol or any controlled substance(s), except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the member to report to work.

Violations of this policy will result in disciplinary action including and up to dismissal.

Members are required to immediately report any member suspected of drug or alcohol use while on duty to an officer or higher ranking officer. Failure to report will result in disciplinary action including and up to dismissal. No member will be subject to retaliation, intimidation or disciplinary action as a result of reporting a suspected violation in good faith.

Section 2

Workplace Violence

The Department is committed to providing a safe environment. Members are strongly discouraged from engaging in any physical confrontation with a violent or potentially violent individual. Threats, threatening language or any other acts of aggression or violence made toward or by any member will not be tolerated.

All potentially dangerous situations, including threats by other members, should be immediately reported to an officer or higher ranking officer. All threats will be promptly investigated. No member will be subject to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith.

Section 3

Sexual Harassment

The Department is committed to prohibiting harassment of any member on the basis of sex or gender by other members or recipients of services provided. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include but are not limited to unwelcome sexual advances, requests for sexual favors, obscene gestures, visual images, emails, text message and other verbal or physical conduct of a sexual nature.

Incidents should be immediately reported to an officer or higher ranking officer. All complaints will be promptly investigated. No member will be subject to retaliation, intimidation or disciplinary action as a result of reporting an incident in good faith.

Section 4

Political Activity

The Department encourages involvement in civic affairs. However, members may not represent the Department when actively campaigning for or against any person running for a political office.

The Fire Chief shall be the only officer that cannot be an elected public official.

Section 5

Department Gear and Equipment

Gear and equipment will be used for official City or Department business and/or functions under the direction of the Fire Chief as commissioned by the City of Rhome.

Members will be issued gear and equipment necessary to perform required duties. Gear and equipment issued by the Department will be kept at the fire station unless being utilized in the performance of duties for the Department. Member will not use Department equipment for personal use.

Section 6

Driving Policy

The Department is committed to safe driving practices. Members will be required to meet minimum driving history standards during the application process. Prior to driving any Department apparatus, members will need to complete a Departmental approved emergency driving course and be given authorization to drive Departmental apparatus by the Fire Chief.

Driving standards and expectations for Departmental apparatus will be listed in detail in the Standard Operating Guidelines (SOGs) as approved by the Fire Chief.

Any accidents no matter how minor will be immediately reported to an officer or a higher ranking officer. Drivers will be required to submit to a drug and alcohol screening at the time of the accident. The Fire Chief will notify the City ~~Administrator~~Secretary as soon as reasonably possible to report the accident.

Accidents will be forwarded to the Accident Review Board.

Section 7

Accident Review Board

The Accident Review Board will be created and will be strictly an advisory board. Members of the board will be selected from the highest ranking officer not involved in the incident and shall include two (2) officers not involved in the incident and two (2) firefighters not involved in the incident. The board will make recommendations for disciplinary actions to the Fire Chief or the highest ranking officer not involved in the incident.

Article V

Finances

Section 1

Ownership

All property, assets and funds of the Department shall be the exclusive property of the City of Rhome.

Section 2

Fiscal Year

The fiscal year for the Department shall be October 1st through September 30th of the following year consistent with the City of Rhome's fiscal year.

Section 3

Record Keeping

The City Secretary shall be responsible for the record keeping of the Department's expenses in the city's financial software and shall keep custody of the Department bank accounts and check stock. The Fire Chief will not be a signatory on the bank accounts.

Section 4

Expenditures

Any use or expenditures of these funds shall be as provided in this Constitution and By-Laws and approved through the normal budgetary process of the City of Rhome acting in conjunction with the budgetary process of the Department. All budgeted funds shall be expended according to the annual approved budget under the authority of the Fire Chief or his designated agent.

All spending procedures shall be subject to the laws of the State of Texas as well as the directives of the City Council including any specified limitations on expenditures.

Section 5

Emergency Expenditures

Emergency expenditures outside of the approved budget will be forwarded to the City Administrator~~Mayor~~ and/or City Council as necessary for appropriate approvals.

Section 6

Reporting

The Fire Chief shall submit a monthly report to the City Council on the Department activities including any financial issues or concerns with the Department. The Fire Chief shall also keep the City Administrator~~Mayor and/or the City Council~~ advised of any anticipated necessary expenditures outside of the budget as required or of the scheduling of large non-emergency expenditures which may not be included in the approved budget including the business purpose for the expenditure request to present to City Council at the next regular meeting.

Article VI

Business Meetings

Section 1

Frequency

Business meetings will be conduct on a regular monthly basis and minutes will be recorded by the designated Secretary of the Department.

Section 2

Agenda

All business meetings will be conducted in a systematic and orderly fashion and may include any of the following items to address:

- Attendance
- Approval of Minutes from Previous Meetings
- Officer Reports
- Committee Reports
- Financial Update
- Old Business
- New Business
- Adjourn

Section 3

Rules of Order

Meetings will be conducted in an orderly fashion with one member entitled to the floor at a time to ensure proper recognition of member and recording of the minutes. Members with questions or comments during the meeting will raise hand and wait to be recognized by the presiding officer before speaking. All questions, unless otherwise decided by the Fire Chief, governing By-Laws, SOGs or City of Rhome ordinances, will be settled by a majority vote of active members.

Article VII

Amendments

Section 1

Alterations

No alterations or amendments shall be made to this Constitution without a written proposal at a regular business meeting or specially called meeting.

Section 2

Approval by Members

Any proposed alteration or amendment shall be referred to the members of the Department in attendance. Approval will be by a two-thirds (2/3) vote of the members in attendance at such meeting.

Section 3

Final Approval

All approved alterations or amendments shall then be forwarded to the City Administrator and City Council for final approval.

Article VIII

Adoption of Constitution and By-Laws

Officers

These Constitution and By-Laws have been adopted this _____ day of _____, 202018 by the Department.

Signature _____ Printed _____

Signature _____ Printed _____

Signature _____ Printed _____

Signature _____ Printed _____

Printed _____

Signature _____

Printed _____

Signature _____

Printed _____

Fire Chief

These Constitution and By-Laws have been adopted this _____ day of _____, 202018.

Signature _____

Printed _____

City Administrator~~Mayer Pro Tem~~, City of Rhome

These Constitution and By-Laws have been adopted this _____ day of _____, 202018.

Signature _____

Printed _____



Agenda Commentary

Meeting Date: December 10, 2020

Department: Administration

Contact: Shannon Montgomery

Agenda Item: E. Approval of contract with Rhyme Community Library for Fiscal Year 2020-2021

Type of Item: ☐ Ordinance ☐ Resolution ☒ Contract/Agreement ☐ Public Hearing
☐ Plat ☐ Discussion & Direction ☐ Other

Summary-Background:

Annual agreement between the City of Rhyme and the Rhyme Community Library for funding.

Funding Expected: ☐ Revenue ☒ Expenditure ☐ N/A

Budgeted Item: ☒ Yes ☐ No ☐ N/A

Funding Account: 10-66100-10 – Library Support **Amount:** \$600.00

Legal Review Required: ☐ N/A ☒ Required **Date Completed:**

Engineering Review ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☐

Supporting Documents attached:

Draft agreement; same stipulations as last year

Recommendation:

Staff recommends approval of contract

CONTRACT OF SERVICE BETWEEN CITY OF RHOME, TEXAS AND THE RHOME COMMUNITY LIBRARY FOR SERVICES AS A LIBRARY

This agreement is made between the City of Rhome, Texas, (hereinafter called "City" and the Rhome Community Library (hereinafter called "Library") an established Library located in the City of Rhome, Texas.

Witnesseth:

WHEREAS as the Library and the City of Rhome have expressed the desire to enter into a contract to provide a free library system to provide enhanced services to both the Library and the City and

WHEREAS the Library has and maintains an established free Library which is capable of and is serving the City of Rhome, Texas, and is also capable of serving a segment of the county population that lies outside the limits of any municipality.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the Library and City agree:

1. The Library shall provide library service as and assume the functions of a free library for the City and surrounding county area that lies outside the boundaries of incorporated municipalities.
2. The City shall pay annually to the Library the sum of six hundred dollars (\$600.00) for the purchase of technology whether equipment or software and provide the City with a proof of purchase and/or for purchases related to books, programs, or general operating expenses.
3. The Library, except as otherwise provided herein, shall have the sole control, administration and direction of policies over the Library.
4. All citizens of Wise County residing outside the limits of incorporated municipalities shall have equal privileges with respect to Library services provided by the Library.
5. The Rhome Community Library agrees that the Library Annual Report to the Texas State Library shall be open to inspection by the City or its designated representatives during normal business hours.
6. This contract shall be for one-year period commencing October 1, 2020 and ending September 30, 2021.

APPROVED by the governing body of the Rhome Community Library, Inc. in a meeting held on the _____ day of _____, 2020 and executed by the President of that governing body and the Library Director of the Rhome Community Library.

RHOME COMMUNITY LIBRARY

BY _____
Name: _____
Board President

BY _____
Name: _____
Library Director

APPROVED by the Rhome City Council, Texas, in a meeting held on the 10th day of December 2020.

CITY OF RHOME, TEXAS

Jo Ann Wilson,
Mayor

ATTEST:

Shannon Montgomery, TRMC
City Secretary

[CITY SEAL]

APPROVED TO AS FORM:

Carvan E. Adkins,
City Attorney



Physical Address: 501 South Main Street

Mailing Address: PO Box 228

Rhome, Texas 76078

Telephone: 817-636-2462

www.cityofrhome.com | citysecretary@cityofrhome.com

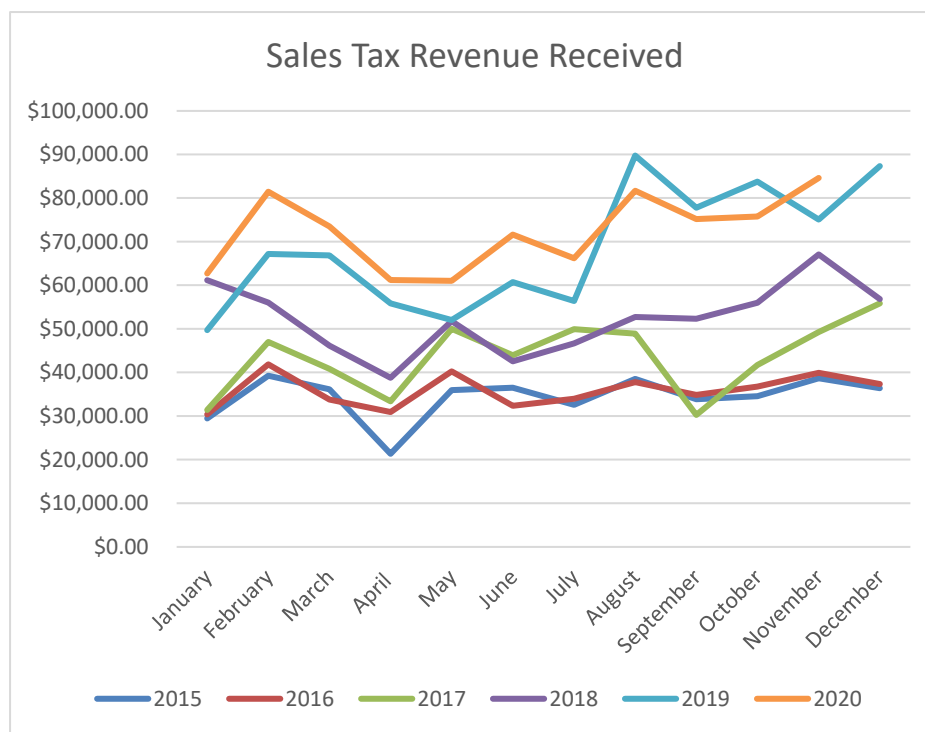
Administration by the Numbers – November 2020

Bank Statement Balances

Account Name	Balances as of November 31, 2019	Balances as of November 31, 2020
2017 Tax Note, Series 2017	\$234,963.81	\$19,720.03
2019 Bond Checking	\$20,911.79	\$642.79
Fire Dept Checking	\$103,339.80	\$72,574.19
Fire Dept Savings – Quarterly Statement	\$27,447.64	\$40,443.41
General Fund Checking	\$302,156.47	\$114,693.49
General Fund Savings	\$192,002.88	\$166,673.54
Hotel Motel Tax	\$54,438.61	\$74,652.76
Interest & Sinking	\$20,244.28	\$189,141.13
LOGIC	\$1,218,441.56	\$1,148,983.21
Meter Deposits	\$89,253.03	\$94,266.83
Muni Court Security	\$28,569.95	\$31,811.70
Muni Court Tech Fund	\$16,284.70	\$18,584.79
Muni Court Title 7	\$4,532.78	\$4,533.53
Parks & Recreation Checking	\$18,510.17	\$21,300.23
Payroll ZBA Account		\$0.00
Police Grant Account	\$2,065.59	\$2,835.84
Police Seizure Funds	\$4,343.34	\$100.41
Rhome Beautification Fund		\$118.00
Rolling V	\$22,904.86	\$22,904.86
TEXSTAR	\$1,217,366.44	\$1,144,565.92
W/S I&S Fund	\$3,428.77	\$3,428.77
Water & Sewer Checking	\$295,350.70	\$242,468.95
TOTAL	\$4,003,825.13	\$3,414,444.38

Sales Tax Revenue Received - November: \$84,636.19

Month Received	2015	2016	2017	2018	2019	2020
January	\$29,441.65	\$30,387.32	\$31,401.41	\$61,139.42	\$49,719.73	\$62,703.14
February	\$39,262.62	\$41,866.33	\$47,000.93	\$56,030.60	\$67,180.35	\$81,459.72
March	\$36,118.36	\$33,776.77	\$40,837.42	\$46,156.35	\$66,853.76	\$73,488.63
April	\$21,352.29	\$30,915.49	\$33,361.07	\$38,766.96	\$55,814.51	\$61,205.25
May	\$35,929.48	\$40,225.24	\$49,987.00	\$51,754.08	\$52,022.35	\$61,014.98
June	\$36,473.96	\$32,353.93	\$43,940.94	\$42,538.20	\$60,712.41	\$71,595.88
July	\$32,549.55	\$33,975.41	\$49,928.81	\$46,649.99	\$56,382.32	\$66,189.23
August	\$38,499.24	\$37,782.39	\$48,878.03	\$52,698.74	\$89,739.58	\$81,658.50
September	\$33,854.56	\$34,844.61	\$30,263.17	\$52,300.18	\$77,788.90	\$75,181.40
October	\$34,539.68	\$36,761.46	\$41,715.19	\$55,994.48	\$83,748.34	\$75,745.64
November	\$38,667.86	\$39,909.64	\$49,257.27	\$67,076.39	\$75,077.06	\$84,636.19
December	\$36,385.65	\$37,325.73	\$55,857.75	\$56,827.29	\$87,313.44	



Ordinances Passed – November

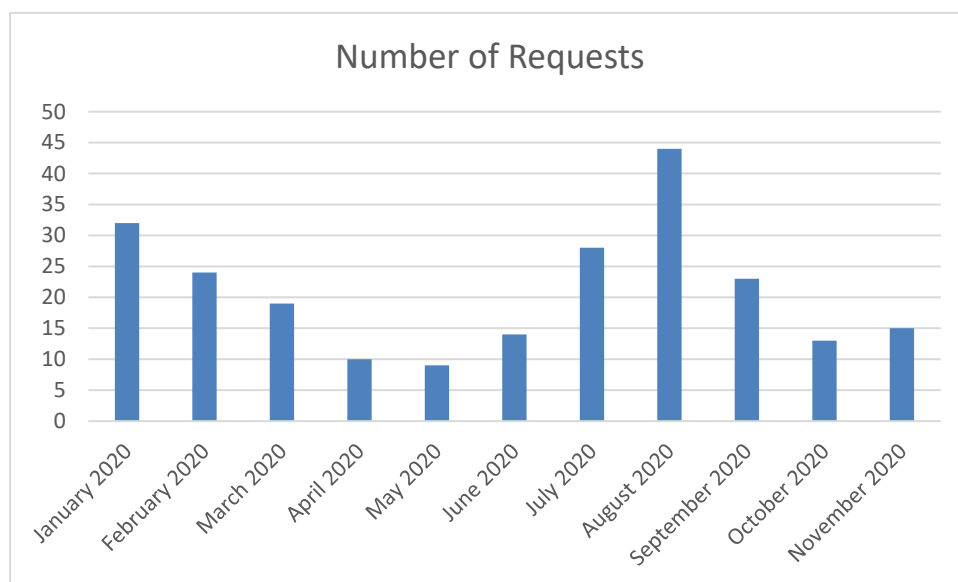
2020-20	AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS, CANVASSING THE RETURNS, INCLUDING THE RETURNS OF ABSENTEE AND EARLY VOTING BALLOTS CAST IN CONNECTION THEREWITH, AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 3, 2020 RELATING TO THE ELECTION OF ONE (1) MAYOR FOR A TWO (2) YEAR TERM, ONE (1) COUNCIL MEMBER TO PLACE NO. 4 FOR A TWO (2) YEAR TERM, ONE (1) COUNCIL MEMBER TO PLACE NO. 5 FOR A TWO (2) YEAR TERM TO THE CITY OF RHOME CITY COUNCIL; PROVIDING FOR THE CONFIRMATION OF VOTE TABULATIONS; IDENTIFYING THE OFFICIALS ELECTED AND TERMS OF OFFICE; AUTHORIZING THE ISSUANCE OF CERTIFICATE OF GENERAL ELECTION; AUTHORIZING THE ISSUANCE OF THE CANVASS OF THE GENERAL ELECTION; AND PROVIDING AN EFFECTIVE DATE.
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Resolutions Passed – November

2020-10	A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE BOND ELECTION HELD NOVEMBER 3, 2020
---------	--

Year to Date Record Requests (January 2020 – November 2020)

Month	Number of Requests
January 2020	32
Feb 2020	24
March 2020	19
April 2020	10
May 2020	9
June 2020	14
July 2020	28
August 2020	44
Sept 2020	23
Oct 2020	13
Nov 2020	15



Open Records Requests - November

Requests Received	15
Pending / Open	4
Sent for Attorney General Opinion (RFO)	0
Complete / Closed	11
Requestor Fees – <i>in an effort to streamline, responses less than 50 pages will be emailed to the requestor to reduce supply costs and staff time</i>	\$0.00
Approximate Staff Time	390 minutes / 6.50 hours
Approximate Supply Cost	\$0.00
Approximate Staff Cost	\$199.00

ORR Number	Requestor	Date Rec'd	Due Date	Request Description	Time in Mins	Release Date
2020-215	Gabe Gruszynski	11/2	11/17	I am requesting a list of all residential properties in your city that have had the water shut off any time in the last 30 days.	30	11/13
2020-216	Aica Ballesteros	11/2	11/17	I am requesting a list of all residential properties in the city of Rhome that have had the water shut off any time between October 1, 2020 and October 31, 2020.	30	11/13
2020-217	Aica Ballesteros	11/2	11/17	I am requesting a list of all residential properties in the city of Rhome that have had High or Tall Grass/Weed code violations any time between October 1, 2020 and October 31, 2020.	30	11/13
2020-218	Aica Ballesteros	11/2	11/17	I am requesting a list of all residential properties in the city of Rhome that have had Fire Damage any time between October 1, 2020 and October 31, 2020.	30	11/13
2020-219	Chris Parrot	11/4	11/19	I would like to receive information from permits for residential new construction. I am interested in: address, permit number, builder/contractor name, subdivision, date permit was issued, and any value, square footage information or floor plan name or number for permits issued for residential new construction from October 1, 2020 - October 31, 2020. If you do not have a permit report readily available, I would like to request a digital copy of each permit application for permits issued within the given time frame.	30	11/13
2020-220	Greg Saunders	11/6	11/23	It is a joint resolution between Newark and Rhome, establishing the ETJ of both cities in October, 1998. Do you have a copy of this resolution that includes the referenced Exhibit "A"?	60	11/16

ORR Number	Requestor	Date Rec'd	Due Date	Request Description	Time in Mins	Release Date
2020-221	Tommie Eason	11/17	12/3	This is an open records request for 2020 campaign financial reports for Ronnie Moore, Ashley Majors and Joann Wilson	30	11/17
2020-222	Michele Mandell	11/18	12/4	To Whom It May Concern: This serves as an official Open Record Request as allowed by the Public Information Act. I am requesting electronic copies of the following Texas Local Government Code Chapter 372 Public Improvement District ("PID") documents for each PID within the jurisdiction: 1. Each PID Petition submitted June 15, 2020 through September 30, 2020 by a property owner requesting creation of a PID. - Please include a copy of the resolution and/or ordinance approving the creation of the PID petition where applicable. 2. If applicable each Preliminary Service and Assessment Plan submitted between June 15, 2020 through September 30, 2020 for recently created and/or petitioned PIDs. 3. If applicable, each Service and Assessment Plan Update (commonly referred to as the SAP update) issued between June 15, 2020 through September 30, 2020 for existing PIDs.	30	11/18
2020-223	Richard Greene	11/20	12/8	Listening to the last city council meeting. I needed to get a copy of request from Newark to the city for the release of the CCN.	30	11/23
2020-224	Nick Tomlinson	11/23	12/9	I am requesting information about the asset management applications used by your municipality. Please include the asset management software application, if any, currently in use by Public Works, Public Safety and Facilities Management or similar departments within the municipality.	60	11/25
2020-225	Christian Pilapil	11/24	11/25	I am requesting the awarded contractor, award amount, and anticipated start date for the above referenced project.	30	11/25
2020-226	Ruby Sargento	11/30	12/14	I am requesting a list of all residential properties in the city of Rhome that have had High or Tall Grass/Weed code violations any time between November 1, 2020 and November 25, 2020.		
2020-227	Ruby Sargento	11/30	12/14	I am requesting a list of all residential properties in the city of Rhome that have had Fire Damage any time between November 1, 2020 and November 25, 2020.		

ORR Number	Requestor	Date Rec'd	Due Date	Request Description	Time in Mins	Release Date
2020-228	Ruby Sargento	11/30	12/14	I am requesting a list of all residential properties in the city of Rhome that have filed permits for a Garage Sale any time between August 1, 2020 until November 25,2020.		
2020-229	Ruby Sargento	11/30	12/14	I am requesting a list of all residential properties in the city of Rhome that have had the water shut off any time between November 1, 2020 and November 25, 2020.		



Physical Address: 501 South Main Street

Mailing Address: PO Box 228

Rhyme, Texas 76078

Telephone: 817-636-2462

www.cityofrhyme.com | permits@cityofrhyme.com

Building and Development- November 2020

Permits Issued:	6			
Irrigation Permit:	2			
Building Permit:	2			
Plumbing Permit:	1			
Mechanical Permit	1			
Type:	Address:	Assoc. Permits:	Cost:	
Irrigation Permit	231 W Morris		181.50	
Irrigation Permit	247 W Morris		181.50	
Building Permit	1131 Roe Helm		181.50	
Plumbing Permit	204 Troxell		181.50	
Mechanical/HVAC	550 Main Street		599.05	
Building Permit	1115 Meadowlark Drive	Electrical	580.70	



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Violation	# Cases Opened	# Cases Closed	# Cases Carried over from last Month	Closed Case Addresses	Open Case Addresses
Temporary Signs	3	3	0	City Wide	
High Grass/Weeds		12		401 Hickory, 135 Virginia, 300 BC Rhome, 130 Morris, 0 Main, 604 Troxell, 0 N third, 160 Dogwood, 500 Randall, 601 Old Mill, 1311 Speedway	
Junk Vehicle	1		1		1109 Sunrise, 1357 Speedway
Junk					
Fence					
Illegal parking of commercial vehicle	1				1134 Meadow Lark

Total Cases Opened..... 05 Total Resolved.....14



RHOME FIRE RESCUE

Duty • Honor • Compassion • Service

261 N. School Road - P.O. Box 228 - Rhome, Texas 76078
817-636-2001 station17@rhomefirerescue.com

November 2020 – Council Fire Report

Calls for Service Monthly:

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
2020	57	43	44	47	34	55	59	54	53	69	61	---
2019	55	41	57	41	51	56	54	45	56	47	55	46

Calls for Service by type:

	EMS	MVA	Structure Fires	Grass Fires	Vehicle Fires	Fire Invest.	Fire Alarms	Gas Leak	Road Hazard	Lift Assist	Other
Oct. 2020	31	14	5	3	0	2	1	1	0	4	0
Year-To-Date	260	116	33	37	11	26	6	6	9	40	32

Call Locations

	City	County	Auto/Mutual Aid Given	Auto/Mutual Aid Received	Cancelled	Weather Watch
Oct. 2020	25	36	6	2	2	0
Year-To-Date	273	308	60	17	20	1

Numbers above are approximate since the official numbers have not been finalized

Membership

Current Members – 17		
#	Area	+/-
5	City	-
5	In District	+1
7	Out of District	+3
EMS Certification - 12		
5	EMT Basic	-
7	Paramedics	-

3 new members going through 6-month probationary period. All 3 members have finished their initial requirements of: Courage to be safe, NIMS (100, 200, 700, 800), Traffic Incident Safety and CPR Certification. Members have currently finished Fire Fighter introduction and getting checked off on skills.

1 member completed probation requirements and has been placed as an active member.

On behalf of Rhome Fire Rescue, we would like to congratulate and welcome Preston Todd on completing the RFR probationary requirements. Preston Todd is now an official member of Rhome Fire Rescue.

Events

- **Santa Sighting** – December 7 and December 14. Route details are posted on the RFR Facebook page.

Command Staff

- Reassessed recent spikes in Covid-19 cases and updated procedures reflected in the spring and early summer as related to calls.
- Reassessed, and placed on hold, the implementation of pre-fire plans and annual inspections already in progress or scheduled, based off the 2017-2027 RFR Strategic Plan, due to the recent spike in Covid-19 cases.
- Strategically cancelled weekly meetings that coincided with Holidays and family gatherings to assist with overall department health during recent spikes in Covid-19 cases. Staff is continuing to stay alert and monitor possible additional closings and further separation of crews to not allow a delay in response to emergency calls.
- Completed a request to Council to amend the RFR Bylaws to reflect the added position of City Administrator and to update verbiage to coincide with the growth of the department.
- Working on updating the 2017-2027 RFR Strategic Plan.
- Command Staff continuing to work on required information for official ISO Survey in January 2021.
- Approved for a Texas Forestry Service grant for Personal Protective Equipment. Working on fulfilling grant based off the restrictions set up for the grant. Working on quotes.

-
- Continue to update, Covid-19 Standard Operating Guidelines. Included in guidelines are:
 - Response to Medical calls when Covid-19 is suspected.
 - Precautions and questions on Medical calls when pre-screening questions to Covid-19 are negative.
 - Equipment and Apparatus Decontamination on all Emergency responses.
 - Handling Social Distancing with Department Personnel.
 - Guidelines established in conjunction with
 - CDC Guidelines



RHOME FIRE RESCUE

Duty • Honor • Compassion • Service

261 N. School Road - P.O. Box 228 - Rhome, Texas 76078
817-636-2001 station17@rhomefirerescue.com

- Medical Director
- Wise County EMS
- Process of completing awarded State grants that had deadlines extended.
- CARES Act approval and disbursement.
 - Bunker Gear – Additional gear to use when assigned gear must be deconned due to contamination. Based on TCFP guidelines.
 - Extractor and Dryer – A means to thoroughly clean gear when dirty or contaminated. Provides a means for longevity due to proper cleaning procedures.
 - Uniforms - Additional uniforms to use when assigned uniforms need to be cleaned or deconned due to contamination.

Equipment

- Rehab Kits added to E217 and E317
- PPE bags placed on all apparatus to keep all EMS PPE (gowns, N95 mask, goggles, hand sanitizer, thermometer) together in one location to assist in quick deployment and product reordering.

Station

- Closed to non-essential personnel.

Apparatus

- N/A

Future Projects

- Inside personal lockers for members.
- Wildland Brush Truck.
- Motion stop sensors for garage doors to improve safe vehicle operations in and out along with the main benefit of safety of members and visitors entering and exiting the building.

My door is as always open if you have any questions,

Darrell Fitch
Fire Chief
Rhome Fire Rescue

City of Rhome
Municipal Court Council Report
From 11/1/2020 to 11/30/2020

12/4/2020 1:45 PM

Violations by Type

Traffic	Penal	City Ordinance	Parking	Other	Total
48	2	0	1	3	54

Financial

State Fees	Court Costs	Fines	Tech Fund	Building Security	Total
\$6,149.62	\$3,865.31	\$13,053.46	\$302.10	\$335.41	\$23,705.90

Warrants

Issued	Served	Closed	Total
8	0	35	43

FTAs/VPTAs

FTAs	VPTAs	Total
0	0	0

Dispositions

Paid	Non-Cash Credit	Dismissed	Driver Safety	Deferred	Total
38	0	18	4	31	91

Trials & Hearings

Jury	Bench	Appeal	Total
0	0	0	0

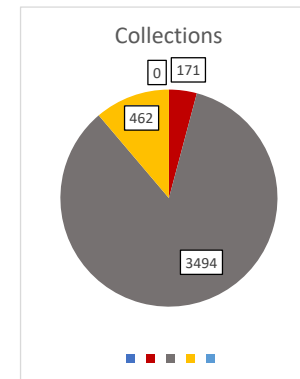
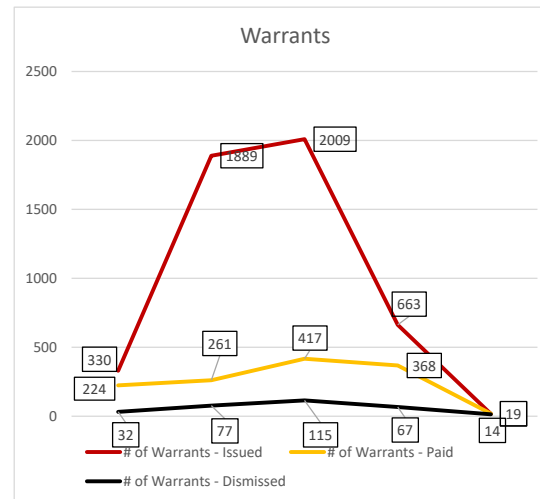
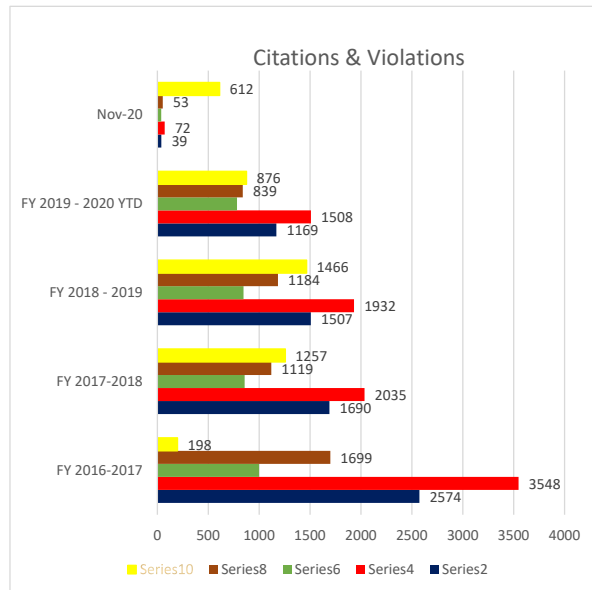
Omni/Scofflaw/Collection

Omni	Scofflaw	Collections	Total
9	0	9	18



Municipal Court Violation Trends

Statistics	FY 2016-2017	FY 2017-2018	FY 2018 - 2019	FY 2019 - 2020 YTD	Nov-20
# of Citations - Issued	2574	1690	1507	1169	39
# of Violations - Issued	3548	2035	1932	1508	72
# of Violations - Paid	998	857	846	782	38
# of Violations - Dismissed	1699	1119	1184	839	53
# of Violations - Outstanding	198	1257	1466	876	612
# of Warrants - Issued	330	1889	2009	663	17
# of Warrants - Paid	224	261	417	368	19
# of Warrants - Dismissed	32	77	115	67	14
# of Collections - Submitted	0	171	3494	462	0
# of Collections - Paid	246	157	513	543	15
# of Collections - Dismissed	120	180	265	194	30





To: Cynthia Northrop-City Administrator

From: Sean Densmore- Director of Public Works

Date: December 4, 2020

Re: November Monthly Report

Reporting:

- 1) Monthly TCEQ Reporting: GW/PWMOR
- 2) Monthly TCEQ Reporting: Wastewater MOR
- 3) Monthly Coliform Test

Equipment Issues:

- 1) Schedule replacement of Level Sensor at Well 5 for the week of Dec. 7th
- 2) Well #4 new well pump installed

Maintenance:

- 1) Normal preventative maintenance was performed for the water system.
- 2) Normal preventative maintenance was performed for the wastewater system
- 3) Monthly preventative collection system maintenance to wastewater collection line

Water:

- 1) Updated proper backflow device testing documents and record keeping
- 2) Sent Notification out to businesses to have their back-flow device inspected per TCEQ requirements.
- 3) Updating the City's Water monitoring plan and Nitrification Action Plan
- 4) Well #4 – well pump failure. Installed new well pump. Previous pump was 25 years old and pumping 20 gpm. New pump now produces 40 gpm.
- 5) Adjusting Water Storage capacity to reduce water aging

- 6) Meet with TCEQ on a complaint of low pressure. Initial test showed the City system pressure near the alleged location was 47 psi, state minimum pressure is 35 psi. TCEQ installed a monitoring device for two weeks. TCEQ has reported at no time did the City distribution system drop below 35 psi. During the investigation with City did received “alleged violations” for “failure to maintain a minimum disinfectant residual of at least 0.5 mg/L total chlorine throughout the distribution system at all times.” These “alleged violations” were resolved immediately with the TCEQ investigator while on site. No further TCEQ action required at this time.

Wastewater:

1. **East Plant; Flow-** .88 Million Gallons Total, **Average** 50,600-GPD, **Rain-** 1.25 inches, **Temperature** 36 degrees F to 68 degrees F, **average Cl2 residual-** 2.27 mg/l, at this writing no violations recorded. Permitted flow for East Plant is 100,000 GPD
2. **West Plant; Flow-** .84 Million Gallons Total, **Average-** 38,224 GPD, **Rain-** 1.25 inches, **Temperature-** 37 degrees F to 71 degrees F, **average Cl2 residual-** 2.45 Mg/l, at this writing no violations recorded. Permitted flow for West Plant is 150,000 GPD
3. One sanitary sewer overflow of less than 50 gallons from manhole on oak court, caused by sewer main blockage. On 11/31/2020.
4. On November 5, 2020, TCEQ investigation was conducted at the City of Rhome Westside WWTP based on a complaint they received that the plant was overflowing. Investigation resulted in no major overflows. However, we did receives three “alleged violation”
 - a. Failure to prevent the discharge of sludge to the receiving stream. Specifically, sludge as well as solids from the headworks was documented at the outfall and in the receiving stream downstream of the outfall. No sludge was observed in the creek upstream of the outfall. Corrective Action: Immediately remove sludge from the receiving stream, from the outfall to CR 4651, and submit photographs of the cleanup activities.

This item was correct on November 7th, contractor was hire to clean up the downstream outfall from the plant. Documentation was submitted to TCEQ showing the completion of the cleanup. The cause of this issue is due to the filter system at the West Plant is not properly working

- b. Failure to properly operate and maintain the treatment units. Specifically, the screenings container and sludge dumpster were uncovered; excessive floating sludges were observed

in the secondary clarifier flowing over the weirs; and floating sludge was documented in the chlorine contact basin.

This item was correct on November 6th, screen cover were place on the sludge dumpster box.

- c. Failure to prevent the unauthorized discharge at the wastewater treatment plant. Specifically, evidence of an unauthorized discharge was documented next to the drying beds and sludge from previous unauthorized discharges were noted next to the aeration basin.

This issue occurred when staff was pump sludge from the chlorine contact chamber to the drying beds. There was a small leak on a fitting. Once leak was noticed it was corrected. TCEQ would have been notified during the City month report. Leakage was less than 20 gallons. Issue was resolved on November 6th and TCEQ was properly notified of the small discharge within the plant.

- 5. New ordinance for liquid waste producer and haulers. The objectives of this Ordinance include:

- (A) To aid in the prevention of sanitary sewer overflows resulting from blockages and obstructions due to the accumulation of fats, oils and greases from commercial and industrial facilities;
- (B) To promote the proper maintenance of grease traps and grit traps; and,
- (C) To ensure the proper handling, disposal, transport and tracking of trap waste and other liquid waste.

Streets/Parks:

- 1) Normal preventative maintenance – Parks- mowed, trash pickup and ant killer
- 2) Ellis road repairs-Completed
- 3) Alliance Blvd road repairs- Percent 3 has completed the first part of phase one. The project is on hold. The County has been hit with Covid-19. They will resume second part of phase one, asphalt level up, once they are able to.
- 4) New flag poles on Alliance Blvd. Flag poles have been installed
- 5) New ordinance for Right of Way (ROW) Management. To establishes guidelines for construction and non-construction activities within the City's infrastructure. The purpose is to ensure public safety and mobility, through permitting. The Right-of-Way ordinance will ensure that all construction activities are well-coordinated and impacts are mitigated to reduce public inconvenience, guarantee proper street repair and ensure all regulations are enforced appropriately.

Building Maintenance:

- 1) Meet with contractor to review cost of repairs needed in City facilities

Construction:

- 1) East WWTP Equalization Basin project- Notice to proceed has been issued on 11/16/20. No further updates at this time. Length of contract is 270 days for completion.

Engineering:

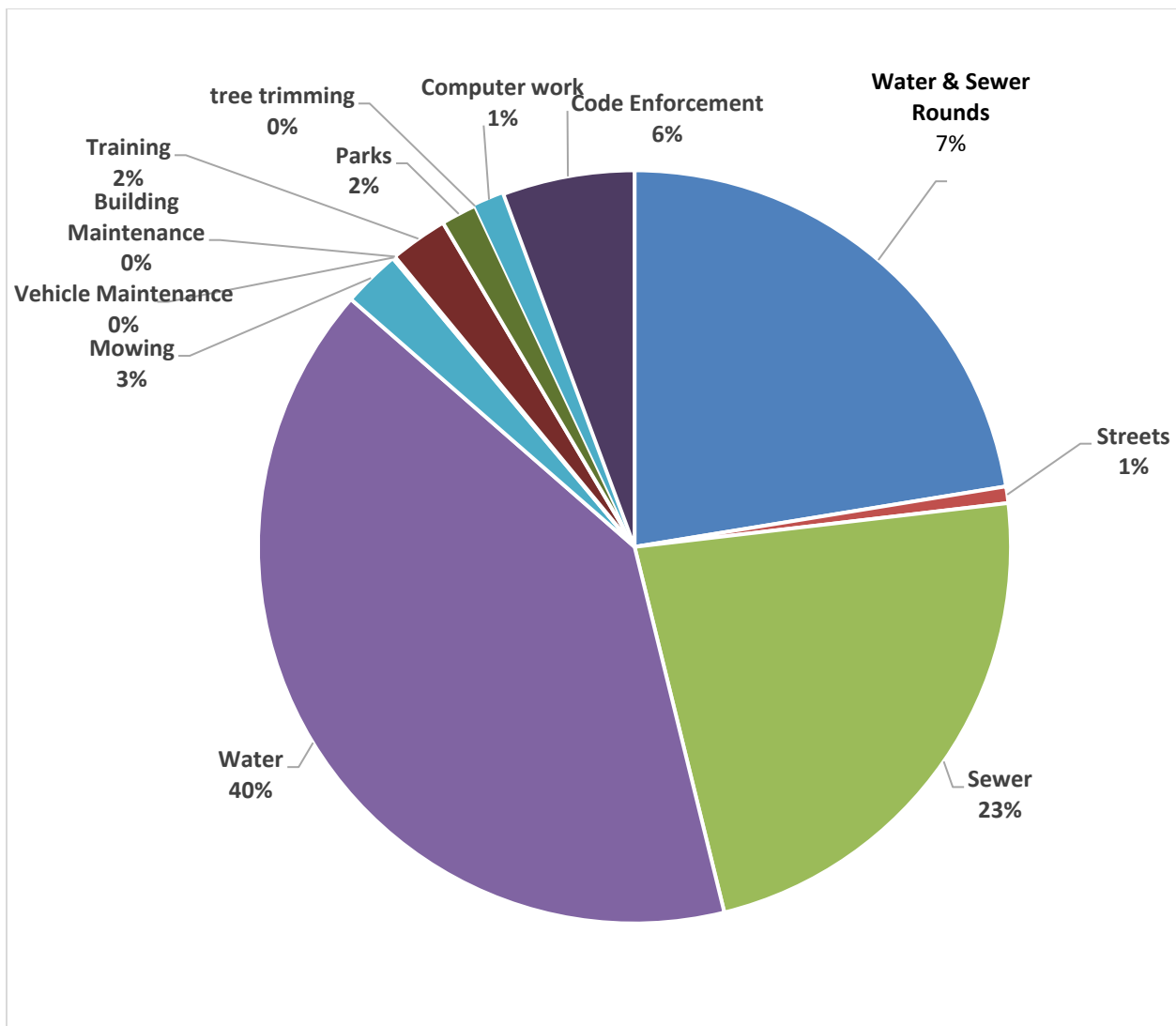
- 1) Kimley Horn – Expansion to east wastewater plant
- 2) Kimley-Horn- Long Term Water Supply and Rate Study- Staff and engineers meet with Upper trinity Water District about long term water supply availability.

Development:**Administration:**

- 1) Daily water production reporting
- 2) Daily chlorine reporting
- 3) Daily wastewater production reporting
- 4) Daily wastewater chlorine reporting
- 5) Daily employee production reporting

Citizen Issue: None

New Employees: Jesus Dominguez- Former City employee has rejoined our team. Jesus recently servicer 4 years in the United State Army. Jesus plans on attending college while working for Rhome and study Environmental Science.



If you would like to discuss any items noted above please do not hesitate to contact me;

Sean Densmore

Public Works Director



Agenda Commentary

Meeting Date: December 10, 2020

Department: Administration

Contact: Cynthia Northrop

Agenda Item: H. Update, discussion and any necessary action regarding latest developments for COVID – 19 and mitigation efforts and action within the City

Type of Item: ☐ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing ☐ Plat
☒ Discussion & Direction ☐ Other

Summary-Background:

Governor Abbott has extended the Statewide Disaster order December 6, 2020, which provides for continued virtual/telephonic meetings.

All Departments comply with COVID protocols, following Governor's Orders, Texas Department of State Health Service and Wise County. Since the inception of COVID staff also participates in weekly/biweekly county-wide conference calls appropriate to each department. The following are protocols implemented to safeguard employees and citizens:

1. All Departments and Department Heads, including PD and FD are in compliance with DSHS and Wise County COVID protocols.
2. All City Hall employees work in separate offices, have adopted required sanitizing protocols and maintain social distancing.
3. PW employees maintain social distancing, work independently and rarely have public interaction.
4. On Monday, November 23, 2020, City Hall re-instituted additional protocols including contactless mail exchange between City Hall and Department Heads.
5. Only 1 person is allowed in the lobby at a time.
6. We (again) reduced lobby hours at City Hall and PD, back to 8 – 2 pm. Phones will be answered until 4 pm and employees are working until 5 pm. This is effective Monday, November 30, 2020 thru February at which time will be re-evaluated: Mayor has approved.
7. We (again) are working staggered schedules at City Hall; this will allow us to have a backup team available to continue city operations, effective Monday, November 30, 2020 through the first of the year at which time it will be re-evaluated: Mayor has approved.
8. Deep clean city offices/facilities.
9. We are reminding all city employees to be diligent in personal protocols which includes staying home if they have a fever or are experiencing any other COVID symptoms.

Funding Expected: ☐ Revenue ☐ Expenditure ☐ N/A **Budgeted Item:** ☐ Yes ☐ No ☐ N/A

Funding Account: _____ **Amount:** _____

Legal Review Required: ☐ N/A ☐ Required

Engineering Review _____ **FD Review** _____ **PD Review** _____ **PW Review** _____

Supporting Documents attached: No

Recommendation: receive update

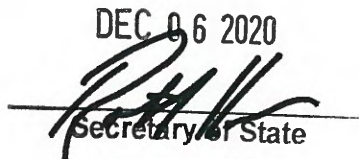


GOVERNOR GREG ABBOTT

December 6, 2020

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3pm O'CLOCK

DEC 06 2020


Secretary of State

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

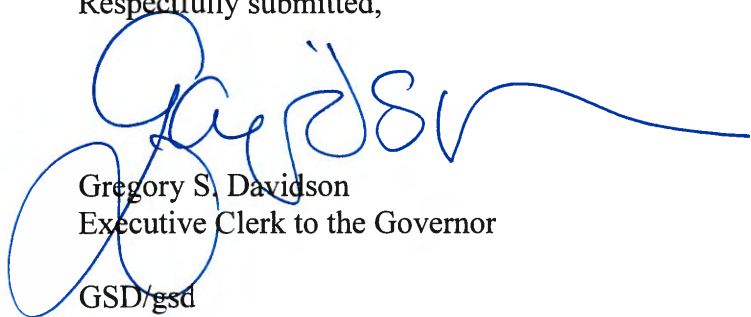
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing the declaration stating that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in Texas.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor
GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, in each subsequent month effective through today, I have issued proclamations renewing the disaster declaration for all Texas counties; and

WHEREAS, the Commissioner of the Texas Department of State Health Services, Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, a state of disaster continues to exist in all counties due to COVID-19;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation for all counties in Texas.

Pursuant to Section 418.017, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to cope with this declared disaster, I hereby suspend such statutes and rules for the duration of this declared disaster for that limited purpose.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 6th day of December, 2020.

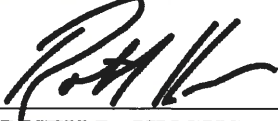
A handwritten signature in black ink, reading "Greg Abbott", is written over a horizontal line.

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:47 PM O'CLOCK

DEC 06 2020

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3pm O'CLOCK

DEC 06 2020



Agenda Commentary

Meeting Date: December 10, 2020

Department: Administration

Contact: Cynthia Northrop

Agenda Item: I. Discussion and any necessary action regarding UTA's Final Parks Master Plan

Type of Item: ☐ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing ☐ Plat
☒ Discussion & Direction ☐ Other

Summary-Background:

Alan Klein, UTA, provided a presentation on the final Parks Master Plan report at a recent City Council meeting. The final report has been received.

Funding Expected: ☐ Revenue ☐ Expenditure ☐ N/A **Budgeted Item:** ☐ Yes ☐ No ☐ N/A

Funding Account: _____ **Amount:** _____

Legal Review Required: ☐ N/A ☐ Required

Engineering Review ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☐

Supporting Documents attached: Provided to City Council Members and Parks & Rec Board members on a flash drive

Recommendation: Provide direction on next steps, recommending Parks & Rec Board to review and make recommendation(s) back to City Council.



Agenda Commentary

Meeting Date: December 10, 2020

Department: Municipal Court

Contact: Kristi Adams / Shannon Montgomery

Agenda Item: J. Discussion and any necessary action regarding an agreement for Municipal Court software, authorizing City Administrator to execute all necessary documents relating to new software agreement as well as the termination of existing software agreement and linked agreements

Type of Item: Contract/Agreement

Summary-Background:

We are in our last year of our current Municipal Court Software agreement. Staff requests entering into new contracts with a new vendor – NetData.

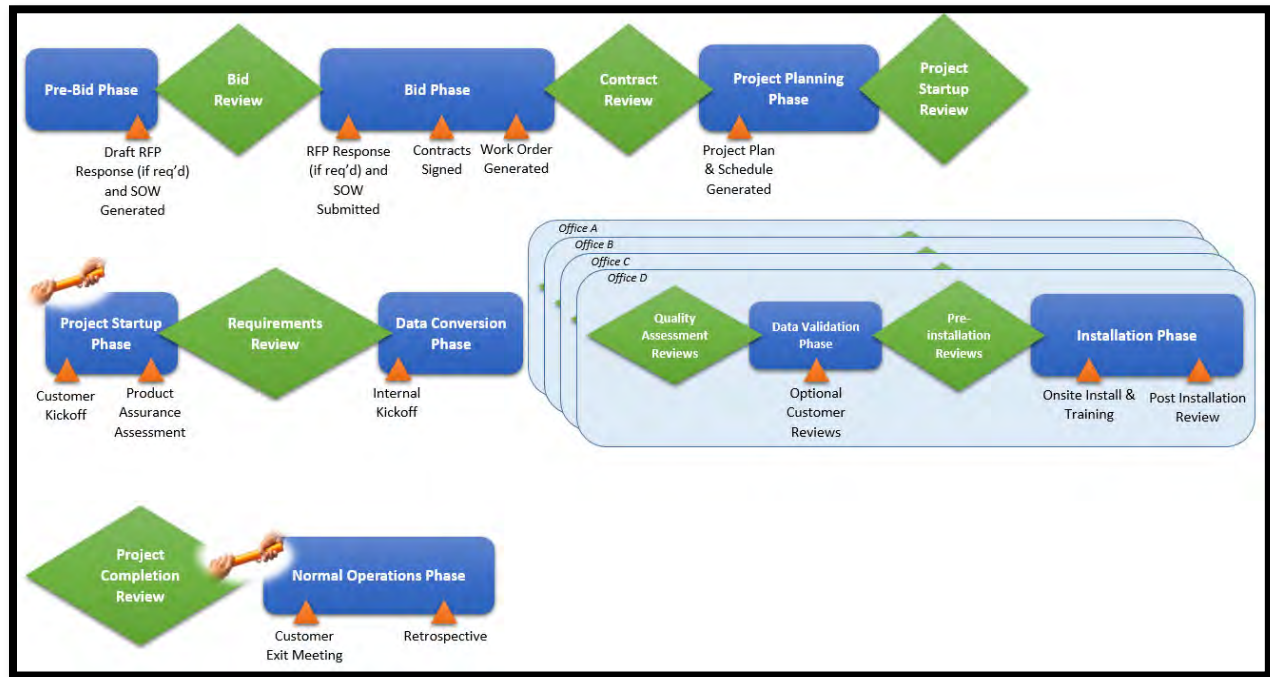
Our existing software is not meeting our current needs as it does not integrate with our financial software package, causing Staff to manually enter multiple daily Journal Entries for funds received through Municipal Court.

Staff has consulted with many vendors, reviewed demos and would like to move forward with NetData. NetData integrates with our financial software, removing the manual entries, thus reducing Staff time and possible incorrect entries.

NetData is also a one-stop shop – NetData has its own collections department and a payment portal that integrates with the current City financial software. More importantly, NetData has the ability to process and mail out all non-compliance notices required to defendants. They use a system that looks for updated addresses on returned notices reducing the number of “undelivered” or “insufficient address” mail-outs. These supplemental in-house departments will reduce costs in office supplies, postage, and staff time allowing staff to focus on more involved aspects of Municipal Court procedures.

The process of moving to NetData will take several months to complete. This process will include notification of termination of existing credit card processing and collections agreements the City is currently entered into with the existing software. The City will need to enter into a new credit card processing agreement. Staff will also need to begin the conversion process of current data to be moved into the new software. Coordination of all of these steps will take time. Staff will continue to update Council throughout the process.

Summary of Implementation Process:



Funding Expected: Expenditure

Budgeted Item: No, funding will come from Municipal Court Restricted Technology Fund

Funding Amount: \$14,100 – One-Time Charge of \$8,600- and first-year support of \$5,500; NetData is absorbing the Project Development and Implementation Costs

Legal Review: Completed

Recommendation: Approve and authorize City Administrator to execute all necessary agreements and terminate all existing agreements.



Agenda Commentary

Meeting Date: December 10, 2020

Department: Administration

Contact: Cynthia Northrop

Agenda Item P: Discussion and any necessary action considering a request for a Carport for Legal Property being described as Legal: Acres: 0.145, Lot: 20, Blk: 6, Subd: CROWN POINT PH1, Abst: A-280 EJ TADLOCK also known as 620 Stirling Road, Rhome, Texas 76078

Type of Item: ☒ **Ordinance** ☐ **Resolution** ☐ **Contract/Agreement** ☐ **Public Hearing**
☐ **Plat** ☐ **Discussion & Direction** ☐ **Other**

Summary-Background: Property owner, Cindi Crews, is requesting to build a carport at 620 Stirling Road, Rhome, TX 76078. Carports are regulated in our Building Ordinance, Chapter 3, Section 3.03.056, as well as our Zoning Ordinance, Chapter 14, Section 32.5 and Section 33A (Old Town Rhome Overlay). See attached document.

Carports must be at least ten feet (10 ft.) from the property line and at least five feet (5 ft), from the public right-of-way.

Ms. Crews meets all requirements except for the 10 ft from side property line and is asking for a variance as it is 6 inches from side property line. (see attached photos).

P&Z held a PH an recommends approval considering granting a variance from the 10 ft side set back to 6 inches.

Funding Expected: ☐ **Revenue** ☐ **Expenditure** ☒ **N/A** **Budgeted Item:** ☐ **Yes** ☐ **No** ☐ **N/A**

Funding Account: _____ **Amount:** _____

Legal Review Required: ☒ **N/A** ☐ **Required** **Date Completed:** _____

Engineering Review ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☐

Supporting Documents attached: Pertinent Carport Ordinances, application, drawings

Recommendation: Consider P&Z's recommendation.

**CITY OF RHOME, TEXAS
ORDINANCE NO. 2020-21**

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RHOME BY GRANTING A SPECIAL USE PERMIT FOR A CARPORT FOR CERTAIN PROPERTY LOCATED AT 620 STIRLING ROAD; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Rhome is a Type A general law city acting under its powers granted to it pursuant to state law, including Chapters 6 and 211 of the Texas Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance, codified as Chapter 14 of the City Code, and a comprehensive zoning map, regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, in accordance with the Comprehensive Zoning Ordinance, the owner of the property referenced below has filed an application for a Special Use Permit to permit construction of a Carport as an accessory use on the property located at 620 Stirling Road; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City on the 7th day of December 2020, and by the City Council of the City on the 10th day of December 2020, with respect to the use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the comprehensive zoning ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City does hereby deem it advisable and in the public interest to amend the Comprehensive Zoning Ordinance and the comprehensive zoning map, as amended, as described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:

**SECTION 1.
SPECIAL USE PERMIT GRANTED**

Chapter 14 of the City Code, as amended, is hereby amended so that the zoning of the hereinafter described areas shall be altered, changed and amended as shown and described below:

Zoning Case No.:	2020-1106-001 CARPORT
Owner:	Cindi Crews
Address:	620 Stirling Road Rhome, Texas
Legal Description:	Acres: 0.145, Lot: 20, Blk: 6, Subd: CROWN POINT PH1, Abst: A-280 EJ TADLOCK, Rhome, Texas
Zoning Change:	A Special Use Permit for a Carport as an accessory use is hereby granted as provided herein.

**SECTION 2.
ACCORDANCE WITH COMPREHENSIVE PLAN AND PURPOSES OF ZONING**

The zoning districts, boundaries and uses as herein established herein have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewer, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

**SECTION 3.
DIRECTION TO AMEND OFFICIAL ZONING MAP**

The official map of the City is amended and the Zoning Administrator is hereby directed to reference such change on the official zoning map to reflect the changes approved herein.

SECTION 4.
BUILDING SETBACK REDUCED

Chapter 3, Section 3.03.056 of the City Code, as amended, requiring that a carport must be at least ten feet (10') from the property line is reduced to six inches (0.6") for purposes of this 2020-1106-001 carport.

SECTION 5.
ORDINANCE CUMULATIVE

This Ordinance shall be cumulative of all other Ordinances of the City of Rhome affecting zoning and land use, as amended, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6.
PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance may be subjected to such civil penalties as authorized by law.

SECTION 7.
RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 14, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 8.
SEVERABILITY

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

of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 9.
PUBLICATION**

The City Secretary is hereby directed to publish in the official newspaper of the City the caption, penalty clause, publication clause, and effective date clause of this ordinance as required by law.

**SECTION 10.
EFFECTIVE DATE**

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

PASSED AND APPROVED by the City Council of the City of Rhome, Texas, this the 10th day of December 2020.

Jo Ann Wilson,
Mayor

[SEAL]

ATTEST:

Shannon Montgomery, TRMC
City Secretary

APPROVED TO AS FORM:

Carvan E. Adkins,
City Attorney



Agenda Commentary

Meeting Date: December 7, 2020

Department: Administration/Zoning Administrator

Contact: Cynthia Northrop

Agenda Item: Q. Discussion and any necessary action considering a recommendation to City Council amending Sections 12, 22, 24, 26, and 34 (USE CHART) of Chapter 14 "Zoning" of the Code of Ordinances, City of Rhome, Texas to revise the Sections for consistency in naming the Zoning Districts.

Type of Item: ☒ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing ☐ Plat
☐ Discussion & Direction ☐ Other

Summary-Background: Council has previously directed staff to review the Code of Ordinances for clean-up items and updates as needed on an ongoing basis. Staff is proposing a standing quarterly agenda item beginning in December to review, research and bring forward recommended action items.

Currently our Zoning Districts are referenced in several locations within our Zoning Ordinance and they are different in all sections. This clean- up item does not make substantive changes and will only update all references with consistent Zoning District naming as follows:

1. Zoning Districts Established (Chapter 14, III. Zoning Districts, Section 12
2. Use Chart (Section 34)
3. Zoning Map

Base District	Zoning District Name
ES – 10	Single Family Residential – Low Density 10-acre min.
ES – 5	Single Family Residential – Low Density 5-acre min.
ES – 3	Single Family Residential – Low Density 3-acre min.
SF – 25	Single Family Residential – 25,000 sq. ft. lots
SF – 20	Single Family Residential – 20,000 sq. ft. lots
SF – 15	Single Family Residential – 15,000 sq. ft. lots
SF – 12	Single Family Residential – 12,000 sq. ft. lots
SF – 10	Single Family Residential – 10,000 sq. ft. lots
SF – 8.4	Single Family Residential – 8,400 sq. ft. lots
SF – 7.2	Single Family Residential – 7,200 sq. ft. lots
SF – 6	Single Family Residential – 6,000 sq. ft. lots
SF – 5	Single Family Residential – 5,000 sq. ft. lots
2F	Two-Family Residential - Duplex
MF	Multifamily Residential – 20 units per acre
O	Office
R	Retail
TC	Town Center
C	Commercial
I	Heavy Industrial
LI	Light Industrial
AG	Agricultural



Overlay Districts	
PD	Planned Development
S or SUP	Specific Use Permit
OTR	Old Town Rhome

Proposed USE CHART Headings

Type of Use	*	SF ES-10	SF ES-5	SF ES-3	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F Dup	M F	O	R	TC	C	I	LI	S	OTR
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Current Headings

SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	2F	MF	O	NS	R	TC	C	IP	U	PD	S	DO
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Funding Expected: ___ Revenue ___ Expenditure ___ N/A Budgeted Item: ___ Yes ___ No ___ N/A

Funding Account: _____ Amount: _____

Legal Review Required: ___ N/A ___ X ___ Required

Engineering Review ___ FD Review ___ PD Review ___ PW Review ___

Supporting Documents attached: Yes – proposed updates to applicable section in ordinance

Recommendation: Adopt proposed updates for consistency in naming Zoning Districts

**CITY OF RHOME, TEXAS
ORDINANCE NO. 2020-22**

AN ORDINANCE OF THE CITY OF RHOME, TEXAS AMENDING SECTIONS 12, 22, 23, 26, AND 34 USE CHART CHAPTER 14 "ZONING" OF THE CODE OF ORDINANCES, CITY OF RHOME, TEXAS TO REVISE THE SECTIONS TO REFLECT THE CURRENT ZONING DISTRICTS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rhome is a Type-A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council desires to amend the Zoning Ordinance to revise certain sections to reflect the current zoning districts.

WHEREAS, a public hearing was held by the Planning and Zoning Commission on Monday, December 7, 2020, and thereafter by the City Council on Thursday, December 10, 2020, with respect to the proposed use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the comprehensive zoning ordinance and chapter 211 of the Local Government Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:

SECTION 1.

Section 34 "Use Regulations", Exhibit A of Chapter 14 "Zoning" of the Code of Ordinances, City of Rhome, Texas is hereby amended to read as follows as shown in the attached Exhibit 1 to this ordinance.

SECTION 2.

Section 22 "NS – Neighborhood Services District", Exhibit A of Chapter 14 "Zoning" of the Code of Ordinances, City of Rhome, Texas is hereby repealed and the Section is amended to be shown as follows.

"Section 22 – RESERVED"

SECTION 3.

Section 23 “R/NS Retail/Neighborhood Services”, Exhibit A of Chapter 14 “Zoning” of the Code of Ordinances, City of Rhome, Texas is hereby amended to be retitled “SECTION 23 – R RETAIL DISTRICT.”

SECTION 4.

Section 26 “HI Industrial”, Exhibit A of Chapter 14 “Zoning” of the Code of Ordinances, City of Rhome, Texas is hereby amended to be retitled “SECTION 26 – I INDUSTRIAL DISTRICT.”

SECTION 5.

Section 12.1, Exhibit A of Chapter 14 “Zoning” of the Code of Ordinances, City of Rhome, Texas is hereby amended to read as follows.

- 12.1 The City of Rhome, Texas is hereby divided into the following zoning districts. The use, height, and area regulations as set out herein apply to each district. The districts established herein shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
ES-10	Single-Family Residential - Low-Density 10 acre
ES-5	Single-Family Residential - Low-Density 5 acres
ES-3	Single-Family Residential - Low-Density 3-acre max
SF-25	Single-Family Residential - 25,000
SF-20	Single-Family Residential - 20,000
SF-15	Single-Family Residential - 15,000
SF-12	Single-Family Residential - 12,000
SF-10	Single-Family Residential - 10,000
SF-8.4	Single-Family Residential – 8,400
SF-7.2	Single-Family Residential - 7,200
SF-6	Single-Family Residential - 6,000
SF-5	Single-Family Residential - 5,000
2F	Two-Family Residential - Duplex
MF	Multiple Family - 20

O	Office
R	Retail
TC	Town Center
C	Commercial
I	Industrial
LI	Light Industrial
AG	Agricultural
OTO	Old Town Overlay

SECTION 6.

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

SECTION 7.

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

SECTION 8.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 9.

All rights and remedies of the City of Rhome, Texas are expressly saved as to any and all violations of the City's Zoning Ordinance, as amended, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10.

The City Secretary of the City of Rhome, Texas is hereby directed to publish at least twice in the official newspaper of the City of Rhome, Texas, the caption and the penalty clause of this Ordinance in accordance with Section 52.011 of the Local Government Code.

SECTION 11.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law,

PASSED AND APPROVED by the City Council of the City of Rhome, Texas, this the 10th day of December 2020.

Jo Ann Wilson,
Mayor

[SEAL]

ATTEST:

Shannon Montgomery, TRMC
City Secretary

APPROVED TO AS FORM:

Carvan E. Adkins,
City Attorney

Exhibit 1

**SECTION 34
USE REGULATIONS**

34.1 Use Regulations:

A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Schedule of Uses is:

See Definitions in the [Appendix \(A-3\)](#) for further description of uses identified with an asterisk (*).

B. Use Chart Organization:

1. Primary Residential Uses ([Chart 34.2](#)).
2. Education, Institutional, Public, and Special Uses ([Chart 34.3](#)).
3. Office and Professional Uses ([Chart 34.4](#)).
4. Retail and Related Uses ([Chart 34.5](#)).
5. Automobile, Transportation, Utility, Communication and Related Uses ([Chart 34.6](#)).
6. Amusement and Commercial Uses ([Chart 34.7](#)).
7. Light Industrial and Heavy Commercial Uses ([Chart 34.8](#)).
8. Industrial Processing Uses ([Chart 34.9](#)).

C. Classification of New/Unlisted Uses - It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City of Rhome. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Chart ([Section 34](#)) shall be made as follows:

Exhibit 1

1. Initiation:

- a. An individual, the Planning and Zoning Commission, or City Council may propose zoning amendments to regulate new and previously unlisted uses.
 - b. An individual requesting the addition of a new use shall submit to the City Secretary all information necessary for the classification of the use, including but not limited to:
 - (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (2) The type of product sold or produced under the use;
 - (3) Whether the use has enclosed or open storage, and the amount and nature of the storage;
 - (4) Anticipated employment typically anticipated with the use;
 - (5) Transportation requirements;
 - (6) The nature and time of occupancy and operation of the premises;
 - (7) The off-street parking and loading requirements;
 - (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and,
 - (9) The requirements for public utilities, such as sanitary sewer and water, and any special public services that may be required.
2. The City Secretary shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in b(1) above. An amendment to this Ordinance shall be required as prescribed in [Section 10](#).

Exhibit 1

3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.
4. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission, or make such determination concerning the classification of such use, as it deems appropriate based upon its findings.
5. Standards for new and unlisted uses may be interpreted by the City Secretary as those of similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same process outlined above shall be followed for a determination of the appropriate district. The decision of the City Secretary may be appealed according to the process outlined in (1) through (4) above.

USE CHART
CITY OF RHOME, TEXAS ZONING ORDINANCE

P Permitted

Not Permitted

S Special Use Permit

(Ordinance 2013-11 adopted 11/14/13)

SECTION 34.2 PRIMARY RESIDENTIAL USES

Exhibit 1

		SF ES-10	SF ES-5	SF ES-3	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F Dup	MF	O	R	TC	C	I	LI	S	OTR
Accessory building in excess of 200 sq. ft.	*	P			P	P	P	P	P	P	P				P	P	P	P	(1)	P	P	P	(2)	P
Accessory dwelling unit (detached)	*	S			S	S													(1)				(2)	P
Carports	*	S			S	S	S	S	S	S	S	S	S	S										
Detached private garage	*	P			P	P	P	P	P	P	P	P	P	P	P	P			(1)				(2)	P
Detached single-family dwelling	*	P			P	P	P	P	P	P	P	P	P	P	P	P			(1)				(2)	P
Family home	*	P			P	P	P	P	P	P	P	P	P	P	P	P			(1)				(2)	P
Garage accessory dwelling	*	P			P	P	P	S	S	S									(1)				(2)	P
Group family day home (child care)	*	S			S	S	S	S	S	S	S	S	S	S	S	S			(1)				(2)	
Home occupations	*	P			P	P	P	P	P	P	P	P	P	P	P	P			(1)				(2)	
Mobile home on individual lot	*	S																	(1)				(2)	

Exhibit 1

Mobile home park	*																	(1)				(2)	
Modular home	*	P			P	P	P	P	P	P	P	P	P	P				(1)				(2)	P
Multifamily dwelling	*														P			(1)				(2)	P
Private street residential development		S			S	S	S	S	S	S	S	S	S	S	S	S		(1)				(2)	
Quarters for caretakers as part of primary structure		S																(1)	P	P	P	(2)	P
Registered family home (child care)	*	P			P	P	P	P	P	P	P	P	P	P	P	P		(1)				(2)	
Retirement home and/or nursing home	*														S	P	P	(1)	P			(2)	P
Single-family attached dwelling (townhouse)	*	See Section 29																(1)				(2)	
Temporary field construction office	*	P			P	P	P	P	P	P	P				P	P		(1)	P	P		(2)	P
Two-family dwelling	*														P	P		(1)				(2)	P

Exhibit 1

Zero lot line dwelling (patio home)	*	See Section 29																(1)				(2)	
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* See definition section in the appendix for further explanation

(1) See [Section 24](#) for uses permitted in the Town Center District

(2) See [Section 32](#) for Specific Use Permit procedure

(Ordinance 2013-11 adopted 11/14/13; Ordinance 2016-6, sec. 1, adopted 3/10/16)

SECTION 34.3 EDUCATIONAL, INSTITUTIONAL, PUBLIC AND SPECIAL USES

		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Airport	*																(1)				(2)	
Athletic stadium or field (private)																	(1)				(2)	
Athletic stadium or field operated by the city or school district		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)	P	P		(2)	P
Bingo parlor																P	(1)	P			(2)	
Child care or day care center	*														S	P	(1)	P	S	S	(2)	P
Church	*	P	P	P	P	P	P	P	P				P	P	P	P	(1)	P	P	P	(2)	P
City, county, state & governmental offices		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)	P	P	P	(2)	P

Exhibit 1

		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
College, university or private boarding school													S	S	P	P	(1)	P	P		(2)	P
Community center (private)	*													S	P	P	(1)	P	P		(2)	P
Farm, ranch, livestock, garden or orchard	*	P	P													P	(1)	P	P	P	(2)	P
Halfway house	*															S	(1)	S			(2)	
Heliports and helistops	*														S		(1)	S	S	S	(2)	
Hospital	*													S	S	S	(1)	P	P	P	(2)	S
Hospital for insane, liquor or narcotic related patients															S		(1)	S	P		(2)	
Landing fields (private)																	(1)		S		(2)	
Library (public)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)	P	P		(2)	P
Metal accessory building in excess of 200 sq. ft.		S	S	S													(1)				(2)	

Exhibit 1

Metal building (primary or main)																	(1)			S	(2)	
Municipal uses operated by the City of Rhome	*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)	P	P	P	(2)	P
Museum or art gallery (private)															P	P	(1)	P	P		(2)	P
Private park		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)	P	P		(2)	P
Private school	*	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	(1)	P	P		(2)	P
Public park or playground		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)	P	P		(2)	P
Religious or philanthropic institutions not listed		S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	(1)	P	P		(2)	P
School business or trade															S	P	(1)	P	P		(2)	P
School (public)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)	P	P		(2)	P
Seasonal uses	*																(1)				(2)	
Usable open space as part of a planned development	*															P	(1)				(2)	

Exhibit 1

Utility structures		S	S	S	S	S	S	S	S				S	S	S	S	(1)	S	S	S	(2)	S
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*See definition section in the appendix for further explanation

(1) See [Section 24](#) for uses permitted in the Town Center District

(2) See [Section 32](#) for Specific Use Permit procedure

SECTION 34.4 OFFICE AND PROFESSIONAL USES

	SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Accountant or bookkeeping office														P	P	(1)	P	P	P	(2)	P
Armed services recruiting center														P	P	(1)	P			(2)	P
Architect's office														P	P	(1)	P		P	(2)	P
Bank, savings & loan & credit unions	*													S	P	(1)	P	P	P	(2)	P
Check cashing services & loan agency															P	(1)	P			(2)	P
Dental clinic, laboratory or office																(1)	P		P	(2)	P
Medical clinic or office	*													P	P	(1)	P			(2)	P

Exhibit 1

Medical laboratory	*														P	P	(1)	P	P		(2)	P
Minor medical emergency clinic																S	(1)	P	P	P	(2)	S
Office, general professional	*														S	P	(1)	P	P	P	(2)	P
Optician or optometrist	*														P	P	(1)	P	P	P	(2)	P
Radio broadcasting without tower	*														P	P	(1)	P			(2)	P
Real estate office (on-site leasing)															S	P	(1)	P	P	P	(2)	P
Real estate sales (office)															P	P	(1)	P	P	P	(2)	P
Telegraph office															P		(1)	P	P		(2)	P

*See definition section in the appendix for further explanation

(1) See [Section 24](#) for uses permitted in the Town Center District

(2) See [Section 32](#) for Specific Use Permit procedure

SECTION 34.5 RETAIL & RELATED USES

	SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Art & craft supply store															P	(1)	P			(2)	P

Exhibit 1

Bakery (retail)																P	(1)	P			(2)	P
Barber shop or beauty salon																P	(1)	P			(2)	P
Bookstore																P	(1)	P	P		(2)	P
Boot & shoe sales																P	(1)	P			(2)	P
Building materials & hardware (inside)	*															S	(1)	P		P	(2)	P
Building materials & hardware (outside)	*															P	(1)	P		P	(2)	S
Ceramics store																P	(1)	P			(2)	P
	SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR	
Computer sales																P	(1)	P	P	P	(2)	P
Convenience store w/ gas pumps																P	(1)	P	S	P	(2)	P
Convenience store w/o gas pumps																P	(1)	P	P	P	(2)	P
Copy shop or printing shop																P	(1)	P	S	S	(2)	P

Exhibit 1

Dance studio or aerobics															P	(1)	P			(2)	P
Department store (retail)															P	(1)	P			(2)	P
Donut shop															P	(1)	P	S		(2)	P
Driving school															P	(1)	P		P	(2)	P
Dry cleaning (small shop)															P	(1)	P	P	P	(2)	P
Fabric store															P	(1)	P			(2)	P
Feed store	*														S	(1)	P			(2)	S
Florist	*														P	(1)	P			(2)	P
Grocery store or food market															P	(1)	P			(2)	P
Gunsmith (repair only)																(1)			P	(2)	P
Hobby or toy store															P	(1)	P			(2)	P
Ice cream or frozen yogurt sales															P	(1)	P			(2)	P
Jewelry repair															P	(1)	P			(2)	P

Exhibit 1

Key shop or locksmith															P	(1)	P	S	P	(2)	P
Kiosk	*												S	S	P	(1)	P	P	P	(2)	P
Laundromat (self-service)	*														P	(1)	P			(2)	P
Meat market (retail)															P	(1)	P			(2)	P
Metal recycling collection center																(1)	S	S	S	(2)	S
Miscellaneous retail	*														P	(1)	P			(2)	P
Musical instrument sales & repair															P	(1)	P			(2)	P
Novelty or gift shop															P	(1)	P			(2)	P
Nursery (retail) w/ outside storage	*														S	(1)	P		S	(2)	P
Optical store															P	(1)	P			(2)	P
Paint store															P	(1)	P			(2)	P
Pawnshop	*															(1)	P			(2)	P
Pet grooming															P	(1)	P			(2)	P

Exhibit 1

Pet shop	*															P	(1)	P			(2)	P
Pharmacist or drugstore																P	(1)	P			(2)	P
Radio sales & installation																P	(1)	P			(2)	P
Restaurant, cafe or cafeteria	*															P	(1)	P			(2)	P
		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Restaurant, drive-in	*															S	(1)	P			(2)	P
Restaurant, w/ drive-thru																P	(1)	P			(2)	P
Retail service incidental	*														P	P	(1)	P			(2)	P
Security systems installation company																P	(1)	P	S		(2)	P
Sporting goods including firearm sales																P	(1)	P			(2)	P
Trophy sales & engraving																S	(1)	P			(2)	P
TV sales & repair																P	(1)	P			(2)	P

Exhibit 1

Used clothing store															P	(1)	P			(2)	P
Vacuum cleaner sales & service															P	(1)	P			(2)	P
Veterinarian office (no outside pens)	*														P	(1)	P			(2)	P
Wallpaper, flooring & carpet supply															P	(1)	P		S	(2)	P
Weight & aerobic center															P	(1)	P	S		(2)	P

* See definition section in the appendix for further explanation

(1) See [Section 24](#) for uses permitted in the Town Center District

(2) See [Section 32](#) for Specific Use Permit procedure

SECTION 34.6 AUTOMOBILE, TRANSPORTATION, UTILITY, COMMUNICATION, & RELATED USES

		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
All local utilities (municipal or franchised)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)	P	P	P	(2)	P
Amateur radio, TV, or CB antenna	*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1)	P	P	P	(2)	P
Antenna (commercial radio, TV, relay or microwave over 50')	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(1)	S	S	S	(2)	S

Exhibit 1

Auto glass sales & repair																S	(1)	P			(2)	P
Automobile renting	*															S	(1)	P			(2)	P
Automobile parts and sales, wholly enclosed	*															P	(1)	P			(2)	P
Automobile reconditioning, body/fender repair																	(1)	P		S	(2)	
		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Automobile repair, major	*																(1)	P		S	(2)	
Automobile repair, minor	*															P	(1)	P			(2)	P
Automobile sales, new w/outside storage																S	(1)	P	S	S	(2)	P
Automobile sales, used w/outside storage																	(1)	S			(2)	
Automobile service station	*															P	(1)	P	S	P	(2)	P
Auto upholstery																	(1)	P		P	(2)	S
Boat sales w/outside storage																	(1)	S			(2)	

Exhibit 1

Bus terminal																(1)	S		S	(2)	
Freight or truck terminal yard																(1)	S		P	(2)	
Heavy machinery sales and service	*															(1)	S		S	(2)	
Heavy vehicle storage	*															(1)	S		S	(2)	
Motorcycle sales	*														S	(1)	P			(2)	P
Motor raceway																(1)			S	(2)	
Trailer rental	*															(1)	P		S	(2)	
Truck rental or leasing	*															(1)	S		S	(2)	
Truck repair and overhaul																(1)	S		S	(2)	
Truck sales	*															(1)	S		S	(2)	
Utility structures		S	S	S	S	S	S	S	S	S	S	S	S	S	S	(1)	S	S	S	(2)	S
Vehicle or carwash (automatic)															P	(1)	P			(2)	P
Vehicle or carwash (self-service)	*														S	(1)	P		S	(2)	P

Exhibit 1

*See definition section in the appendix for further explanation

(1) See [Section 24](#) for uses permitted in the Town Center District

(2) See [Section 32](#) for Specific Use Permit procedure

SECTION 34.7 AMUSEMENT & COMMERCIAL

		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Amusement arcade	*															S	(1)	S			(2)	P
Antique shop & used furniture	*															P	(1)	P			(2)	P
Appliance rental																P	(1)	P			(2)	P
Ballroom dancing or dance hall	*																(1)	P			(2)	
Banking, automated teller only															P	P	(1)	P	P	P	(2)	P
Bar	*																(1)			S	(2)	
		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Cabinet & furniture upholstery shop	*																(1)	P		P	(2)	P
Cemetery or mausoleum (new or expansion)	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(1)	S	S	S	(2)	S

Exhibit 1

Clothing or apparel store (new)															P	(1)	P			(2)	P
Commercial amusement, indoor	*														S	(1)	S			(2)	P
Commercial amusement, outdoor	*															(1)	S			(2)	
Fraternal clubs, lodges, sororities & fraternities, etc.	*													S	P	(1)	P			(2)	P
Funeral parlor or mortuary															S	(1)	P		S	(2)	P
Furniture store, home furnishings - retail	*														P	(1)	P			(2)	P
Furniture store - warehouse																(1)			P	(2)	
Golf course and country club	*															(1)				(2)	
Miniature golf, driving range & putting course																(1)	S			(2)	
Greenhouse & nurseries (commercial)																(1)	P		S	(2)	P
Hotel or motel	*														P	(1)	P	S		(2)	P

Exhibit 1

Interior decorator's office															P	P	(1)	P			(2)	P
Insurance or insurance estimator's office															P	P	(1)	P			(2)	P
Kennel, outdoor or indoor pens																	(1)	P			(2)	P
Leather goods shop																P	(1)	P			(2)	P
Open or outside storage of products or materials (not screened)																	(1)			S	(2)	
Outside storage (with opaque screening)	*																(1)	P	S	P	(2)	
Printing company (commercial)																S	(1)	P	P	P	(2)	
Private club w/ alcoholic beverage sales	*															S	(1)	S			(2)	S
Public parking garage															S	S	(1)	P	P	P	(2)	P
		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Roller skating rink																S	(1)	S			(2)	P

Exhibit 1

Sexually oriented uses	*															(1)			S	(2)	
Silk screening studio or tee shirt shop															P	(1)	P			(2)	P
Stable (commercial) on two acres or more	*	S	S												P	(1)				(2)	
Stable (private)	*	P	P	P	P											(1)				(2)	
Stained glass studio															P	(1)	P			(2)	P
Studio (photography)															P	(1)	P	S		(2)	P
Theater, indoor	*													S	S	(1)	P			(2)	P
Theater, outdoor	*															(1)	S			(2)	
Tire dealer (new)	*														P	(1)	P			(2)	P
Tool & machinery rental shop	*														S	(1)	P		S	(2)	P
Tourist home (bed and breakfast)	*	S	S	S	S	S	S	S	S	S	S	S	S	S	P	(1)	P			(2)	P

*See definition section in the appendix for further explanation

(1) See [Section 24](#) for uses permitted in the Town Center District

(2) See [Section 32](#) for Specific Use Permit procedure

Exhibit 1

SECTION 34.8 LIGHT INDUSTRIAL & HEAVY COMMERCIAL USES

	SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Administrative or corporate headquarters														P	P	(1)	S	P	S	(2)	P
Amusement & other commercial																(1)	S			(2)	
Assembly of light electronic instruments & devices (encl. bldg.)																(1)	P	P	P	(2)	
Assembly of products including packaging																(1)		P	P	(2)	P
Assembly of radios & other audio or visual equipment																(1)	P	P	P	(2)	
Bakery (commercial)	*															(1)	S	S	P	(2)	
Batching plant (concrete or asphalt)	*															(1)				(2)	
Batching plant (temporary)	*				(1)				(2)												
	SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR

Exhibit 1

Battery manufacturing																(1)			S	(2)	
Book bindery																(1)	P	P	P	(2)	
Boot or shoe manufacturer																(1)		P	P	(2)	
Bottling or canning works																(1)		P	P	(2)	
Brick company																(1)			S	(2)	
Building materials and lumber sales	*															(1)	P		P	(2)	
Building materials w/ storage yards																(1)			P	(2)	
Candy manufacturing																(1)		S	P	(2)	P
Commercial engraving														S		(1)	S	S	P	(2)	
Contractor's shop																(1)	P		P	(2)	
Cosmetics manufacturing (enclosed building)																(1)	S	S	P	(2)	
Drapery manufacturing and sales														S		(1)	P		P	(2)	P

Exhibit 1

Drug and pharmaceutical manufacturing (enclosed bldg.)																(1)	S	P	P	(2)	
Dry cleaning plant or commercial laundry																(1)	P		P	(2)	
Food products manufacturing																(1)		S	P	(2)	
Foundry casting, nonferrous (enclosed building)																(1)			S	(2)	
Frozen foods locker																(1)	P		P	(2)	
Fur goods manufacturing, but no tanning, dyeing, or slaughters																(1)			P	(2)	
Furniture manufacturer																(1)		P	P	(2)	
Furniture restoration																(1)	P		P	(2)	P
Glass products from previously manufacturing glass																(1)		P	P	(2)	P

*See definition section in the appendix for further explanation

(1) See [Section 24](#) for uses permitted in the Town Center District

(2) See [Section 32](#) for Specific Use Permit procedure

Exhibit 1

SECTION 34.9 INDUSTRIAL PROCESSING USES

		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Canvas																	(1)				(2)	
Cellophane																	(1)				(2)	
Cement or hydrated lime manufacturer																	(1)				(2)	
Clay products utilizing previously pulverized clays or electric kilns																	(1)				(2)	
Cork																	(1)				(2)	
Feathers																	(1)				(2)	
Felt																	(1)				(2)	
Fiber																	(1)				(2)	
Fur																	(1)				(2)	
Glass																	(1)				(2)	
High risk or hazardous																	(1)				(2)	

Exhibit 1

industrial manufacturing not wholly enclosed within a building (see section 27.2)																					
High risk or hazardous industrial manufacturing wholly enclosed within a building (see section 27.2)															(1)			S	(2)		
Horn															(1)				(2)		
Industrial manufacturing	*														(1)				(2)		
Leather															(1)				(2)		
Low risk industrial manufacturing not wholly enclosed within a building															(1)			P	(2)		
Low risk industrial manufacturing wholly enclosed within a building															(1)		P	P	(2)		
Meat packing plant															(1)				(2)		
Oil or gas extraction															(1)				(2)		

Exhibit 1

Paint, not employing boiling process																	(1)				(2)	
Paper																	(1)				(2)	
Plastics																	(1)				(2)	
Precious/semi- precious metal or stone																	(1)				(2)	
		SF LD	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F	MF	O	R	TC	C	I	LI	S	OTR
Shell																	(1)				(2)	
Textiles																	(1)				(2)	
Tobacco																	(1)				(2)	
Wood																	(1)				(2)	
Yarn																	(1)				(2)	

*See definition section in the appendix for further explanation

(1) See [Section 24](#) for uses permitted in the Town Center District

(2) See [Section 32](#) for Specific Use Permit procedure



Agenda Commentary

Meeting Date: December 7, 2020

Department: Administration/Zoning Administrator

Contact: Cynthia Northrop

Agenda Item: R. Discussion and any necessary action considering a recommendation from P&Z regarding amending Appendix, A-3 – Definitions, Exhibit A of Chapter 14, “Zoning” of the Code of Ordinances, City of Rhome, Texas to define Mobile Food Unit; Amending Section 34.5 Retail & Related Uses to, Exhibit A of Chapter 14 “Zoning” adding Mobile Food Unit to be allowed in the “R” Retail, “C” Commercial, “I” Industrial, and “LI” Light Industrial.

Type of Item: ☒ **Ordinance** ☐ **Resolution** ☐ **Contract/Agreement** ☒ **Public Hearing** ☐ **Plat**
☐ **Discussion & Direction** ☐ **Other**

Summary-Background: Council has previously directed staff to review the Code of Ordinances for clean-up items and updates as needed on an ongoing basis. Staff is proposing a standing quarterly agenda item beginning in December to review, research and bring forward recommended action items.

Currently our Code of Ordinances allows mobile food units but it is confusing and lacks clarity on how and where. This proposed update to Chapter 14 – Zoning, Section 34.5, adds ‘Mobile Food Unit’ to our Use Chart and provides clarity on the ‘where’ specifically to be allowed in Retail, Commercial, Industrial and Light Industrial.

While a corresponding update providing clarity on the ‘how’ is not required to go through P&Z, you should be aware that there will be another proposed update that Council will consider on December 10, 2020, located in Chapter 6 – Health and Sanitation, again, providing more clarity on ‘how.’

P&Z conducted a PH and has recommended approval.

Section 34.5 Retail and Related Uses

Type of Use	*	SF ES-10	SF ES-5	SF ES-3	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F Dup	M F	O	R	TC	C	I	LI	S	OTR
Mobile Food Unit	*																	P		P	P	P		

Funding Expected: ☐ **Revenue** ☐ **Expenditure** ☐ **N/A** **Budgeted Item:** ☐ **Yes** ☐ **No** ☐ **N/A**

Funding Account: _____ **Amount:** _____

Legal Review Required: ☐ **N/A** ☒ **Required**

Engineering Review ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☐

Supporting Documents attached: Yes – proposed ordinance

Recommendation: Adopt proposed Zoning Ordinance Update to Chapter 14, Section 34.5, adding mobile food unit to be allowed in Retail, Commercial, Industrial and Light Industrial Zoning Districts.

**CITY OF RHOME, TEXAS
ORDINANCE NO. 2020-23**

AN ORDINANCE AMENDING APPENDIX A-3 – DEFINITIONS, EXHIBIT A OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF RHOME, TEXAS TO DEFINE MOBILE FOOD UNIT; AMENDING SECTION 34.5 RETAIL & RELATED USES TO, EXHIBIT A OF CHAPTER 14 “ZONING” ADDING MOBILE FOOD UNIT TO BE ALLOWED IN THE “R” RETAIL, “C” COMMERCIAL, “I” INDUSTRIAL, AND “LI” LIGHT INDUSTRIAL ZONING DISTRICTS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rhome is a Type-A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council desires to amend the Zoning Ordinance to define to use “mobile food unit” and allow mobile food units in particular zoning districts.

WHEREAS, a public hearing was held by the Planning and Zoning Commission on Monday, December 7, 2020, and thereafter by the City Council on Thursday, December 10, 2020, with respect to the proposed use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the comprehensive zoning ordinance and chapter 211 of the Local Government Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:

SECTION 1.

Appendix A-3 – Definitions, Exhibit A of Chapter 14 “Zoning” of the Code of Ordinances, City of Rhome, Texas is hereby amended to add the definition of “Mobile Food Unit” to read as follows:

Mobile Food Unit. A self-contained, licensed, motorized vehicle, fee-based food service operation designed to be readily movable and commonly referred to as a “food truck.” A Mobile Food Unit shall not require utility access in order to operate. A human pushed or pulled cart or trailer or mobile devise is not a permissible form of mobile food unit.

SECTION 2.

Section 34, "Use Regulations," Exhibit A of Chapter 14 "Zoning" of the Code of Ordinances, City of Rhome, Texas is amended by amending Section 34.5, "Retail & Related Uses" to add Mobile Food Unit as type of use and to permit the Mobile Food Unit use as follows:

Type of Use	*	SF ES- 10	SF ES- 5	SF ES- 3	SF 30	SF 25	SF 20	SF 15	SF 12	SF 10	SF 8.4	SF 7.2	SF 6	SF 5	2F Dup	M F	O	R	TC	C	I	LI	S	OTR
Mobile Food Unit	*																	P		P	P	P		

SECTION 3.

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

SECTION 4.

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

SECTION 5.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6.

All rights and remedies of the City of Rhome, Texas are expressly saved as to any and all violations of the City's Zoning Ordinance, as amended, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Rhome, Texas is hereby directed to publish at least twice in the official newspaper of the City of Rhome, Texas, the caption and the penalty clause of this Ordinance in accordance with Section 52.011 of the Local Government Code.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law,

PASSED AND APPROVED by the City Council of the City of Rhome, Texas, this the 10th day of December 2020.

Jo Ann Wilson,
Mayor

[SEAL]

ATTEST:

Shannon Montgomery, TRMC
City Secretary

APPROVED TO AS FORM:

Carvan E. Adkins,
City Attorney



Agenda Commentary

Meeting Date: December 10, 2020

Department: Administration

Contact: Cynthia Northrop

Agenda Item: S. Discussion and any necessary action regarding amending Sections 4, 7, and 10 of Exhibit A "Subdivision Ordinance" of Chapter 10 "Subdivision Regulation" of the Code of Ordinances, City of Rhome, Texas to require two-year Maintenance Bonds.

Type of Item: ☒ **Ordinance** ☐ **Resolution** ☐ **Contract/Agreement** ☐ **Public Hearing**
☐ **Plat** ☐ **Discussion & Direction** ☐ **Other**

Summary-Background: Council has previously directed staff to review the Code of Ordinances for clean-up items and updates as needed on an ongoing basis. Staff is proposing a standing quarterly agenda item beginning in December to review, research and bring forward recommended action items.

Currently, our Subdivision Regulation Ordinance (Chapter 10) only requires a one-year maintenance bond. The proposed revision would update current requirement from one-year Maintenance Bond to a two-year Maintenance Bond which is current industry standard. This revision will update references of maintenance bond in Chapter 10 (specifically: Chapter 10, Section 4, "Procedure for approval of plat," Section 7, "Improvements prior to acceptance," and Section 10, "Maintenance bond.")

Funding Expected: ☐ **Revenue** ☐ **Expenditure** ☐ **N/A** **Budgeted Item:** ☐ **Yes** ☐ **No** ☐ **N/A**

Funding Account: _____ **Amount:** _____

Legal Review Required: ☐ **N/A** ☒ **Required**

Engineering Review ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☒

Supporting Documents attached: No

Recommendation: Adopt updates to Chapter 10 references of 1-yr maintenance bond to 2-yr maintenance bond as listed above.

**CITY OF RHOME, TEXAS
ORDINANCE NO. 2020-24**

AN ORDINANCE AMENDING SECTIONS 4, 7, AND 10 OF EXHIBIT A “SUBDIVISION ORDINANCE” OF CHAPTER 10 “SUBDIVISION REGULATION” OF THE CODE OF ORDINANCES, CITY OF RHOME, TEXAS TO REQUIRE TWO-YEAR MAINTENANCE BONDS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rhome is a Type-A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council desires to amend Sections 4, 7, and 10 of Exhibit A “Subdivision Ordinance” of Chapter 10 “Subdivision Regulation” of the Code of Ordinances, City of Rhome, Texas to revise regulations to require a two-year maintenance bond instead of just one-year; and

WHEREAS, the City Council finds that this ordinance is in the best interests of the citizens of the City of Rhome.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:

SECTION 1.

Section 4.5.6 of Exhibit A “Subdivision Ordinance” of Chapter 10 “Subdivision Regulation” of the Code of Ordinances, City of Rhome, Texas is hereby amended to read as follows:

4.5.6. Subdivider shall:

- a. Direct his engineer to design, stake, and supervise the construction (to be inspected by the City) of facilities in accordance with approved plans and specifications and these regulations.
- b. Direct his contractor(s) to construct all improvements as identified in the approved engineering plans and to provide to the City of Rhome a two (2) year maintenance bond in the amount of ten percent (10%) of the contract price, along with three (3) line sets and one (1) sepia set of “AS-BUILT” plans, checked and corrected by the Engineer.

SECTION 2.

Section 7.2 of Exhibit A "Subdivision Ordinance" of Chapter 10 "Subdivision Regulation" of the Code of Ordinances, City of Rhome, Texas is hereby amended to read as follows:

7.2. Streets and Alleys

Before approval and acceptance of any final plat, the developer shall prepare and submit three (3) copies of the complete engineering plans of streets, alleys, curbs and gutters, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the final plat. The developer shall have these plans prepared by qualified engineer(s), subject to the approval of the plans by the City. The Zoning Administrator shall review the plans and specifications and, if approved, shall mark them "APPROVED" and return one set to the developer. If not approved, two (2) sets shall be marked, with the objections noted, and returned to the developer for corrections.

After approval of the plat and of the plans and specifications, the developer shall cause a contractor to install the facilities in accordance with the approved plans and specifications and the regulations of this article. The developer shall cause the engineer(s) to design, stake, and supervise the construction of such improvements, and shall cause the contractor to construct the said improvements in accordance with these regulations.

The City will inspect the installation of the improvements. After the improvements have been completed and have been found to be installed in accordance with the approved plans and specifications, upon receipt by the City of a two-year maintenance bond in the amount of ten percent (10%) of the contract price from each separate contractor, along with three (3) sets of "as-built" plans and one set of "as-built" sepias, and upon receipt of a letter of the contractor's compliance with these regulations, then the Zoning Administrator shall receive and approve for the City the title, use, and maintenance of the improvements.

SECTION 3.

Section 10 "Maintenance Bond" of Exhibit A "Subdivision Ordinance" of Chapter 10 "Subdivision Regulation" of the Code of Ordinances, City of Rhome, Texas is hereby amended to read as follows:

In the event a subdivider develops independently of the City of Rhome furnishing engineering and inspection of required improvements, the subdivider shall furnish a good and sufficient maintenance bond with a reputable and solvent corporate surety, in favor of the City, to indemnify the City against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two years from the date of final acceptance of the entire project. Final acceptance will be withheld until said maintenance bond is furnished to the City Attorney for approval. The maintenance bond shall have attached thereto

a copy of the contract for such improvements and such other information and data necessary to determine the validity and enforceability of such bond. When the bond has been examined and approved, the City Attorney shall furnish the City Council with a written certification that the maintenance bond is valid and enforceable as regards all improvements required by subdivisions, which have not been approved as provided by law and further, no permits shall be issued by the Building Inspector of the City on any piece of property other than an original or a resubdivided lot in a duly approved and recorded subdivision or on a lot of separate ownership of record prior to the adoption of the subdivision ordinance.

SECTION 4.

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

SECTION 5.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$1,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6.

All rights and remedies of the City of Rhome, Texas are expressly saved as to any and all violations of the City's Subdivision Ordinance, as amended, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Rhome, Texas is hereby directed to publish at least twice in the official newspaper of the City of Rhome, Texas, the caption and the penalty clause of this Ordinance in accordance with Section 52.011 of the Local Government Code.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law,

PASSED AND APPROVED by the City Council of the City of Rhome, Texas, this the 10th day of December 2020.

Jo Ann Wilson,
Mayor

[SEAL]

ATTEST:

Shannon Montgomery, TRMC
City Secretary

APPROVED TO AS FORM:

Carvan E. Adkins,
City Attorney



Agenda Commentary

Meeting Date: December 10, 2020

Department: Administration

Contact: Cynthia Northrop

Agenda Item: T. Discussion and any necessary action regarding amending Chapter, "Health and Sanitation" of the Code of Ordinances, City of Rhome, Texas by adding Article 6.07, "Liquid Waste Regulations"

Type of Item: ☒ **Ordinance** ☐ **Resolution** ☐ **Contract/Agreement** ☐ **Public Hearing**
☐ **Plat** ☐ **Discussion & Direction** ☐ **Other**

Summary-Background: Council has previously directed staff to review the Code of Ordinances for clean-up items and updates as needed on an ongoing basis. Staff is proposing a standing quarterly agenda item beginning in December to review, research and bring forward recommended action items.

The proposed Liquid Waste Ordinance (Chapter 6) is to help protect human health and the environment, this Ordinance sets forth uniform requirements for liquid waste generators and liquid waste haulers operating in the City of Rhome.

The objectives of this Ordinance include:

- (A) To aid in the prevention of sanitary sewer overflows resulting from blockages and obstructions due to the accumulation of fats, oils and greases from commercial and industrial facilities;
- (B) To promote the proper maintenance of grease traps and grit traps; and,
- (C) To ensure the proper handling, disposal, transport and tracking of trap waste and other liquid waste.

Funding Expected: ☐ **Revenue** ☐ **Expenditure** ☒ **N/A** **Budgeted Item:** ☐ **Yes** ☐ **No** ☐ **N/A**

Funding Account: _____ **Amount:** _____

Legal Review Required: ☐ **N/A** ☒ **Required**

Engineering Review ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☒

Supporting Documents attached: Yes – Proposed Ordinance

Recommendation: Adopt Liquid Waste Ordinance (Chapter 6, Article 6.07)

**CITY OF RHOME, TEXAS
ORDINANCE NO. 2020-25**

AN ORDINANCE AMENDING CHAPTER 6 "HEALTH AND SANITATION" OF THE CODE OF ORDINANCES, CITY OF RHOME, TEXAS BY ADDING ARTICLE 6.07 LIQUID WASTE REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rhome is a Type-A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council desires to amend Chapter 6 "Health and Sanitation" of the Code of Ordinances, City of Rhome, Texas by adding Article 6.07 "Liquid Waste Regulations" in order to provide for regulations of the generation, transportation and disposal of grease trap waste, grit trap waste, and septage, and for the protection of the sanitary sewer system and the environment within the City; and

WHEREAS, the City Council finds that this ordinance is in the best interests of the citizens of the City of Rhome.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:

SECTION 1.

Chapter 6 "Health and Sanitation" of the Code of Ordinances, City of Rhome, Texas is hereby amended by adding Article 6.07 "Liquid Waste Regulations" to read as follows:

See attached Exhibit A.

SECTION 2.

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

SECTION 3.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 4.

All rights and remedies of the City of Rhome, Texas are expressly saved as to any and all violations of the City's liquid waste regulations which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

The City Secretary of the City of Rhome, Texas is hereby directed to publish at least twice in the official newspaper of the City of Rhome, Texas, the caption and the penalty clause of this Ordinance in accordance with Section 52.011 of the Local Government Code.

SECTION 6.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law,

PASSED AND APPROVED by the City Council of the City of Rhome, Texas, this the 10th day of December 2020.

Jo Ann Wilson,
Mayor

[SEAL]

ATTEST:

Shannon Montgomery, TRMC
City Secretary

APPROVED TO AS FORM:

Carvan E. Adkins,
City Attorney

EXHIBIT A

ARTICLE 6.07 LIQUID WASTE REGULATIONS

Sec. 6.07.001 Definitions and Purpose

(a) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

Administration. The director of the department of water and the director's authorized representative are authorized to administer, implement, and enforce the provision of this article.

Approved. Accepted as satisfactory under the terms of this article and given formal and official sanction by the approving authority.

Approving Authority. The director or any other official designated by the city manager or his/her designee.

Commission. The state commission on environmental quality (TCEQ).

Director. The director of the department of water or the director's authorized representative.

Disposal. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or semisolid grease trap waste, grit trap waste, and/or septage into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Disposal Site. A permitted site or part of a site at which grease trap waste, grit trap waste, or septage is processed, treated and/or intentionally placed into or on any land at which will remain after closure.

Disposer. A person who receives, stores, retains, processes, or disposes of liquid waste.

Generator. A person who causes, creates, generates, or otherwise produces liquid waste.

Grease Trap. A watertight receptacle designed and constructed to intercept and prevent the passage of petroleum-based oil, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

Grease Trap Waste. Greasy, fatty liquid, semiliquid and/or solid wastes removed from commercial operations by a grease trap.

Grit Trap. A watertight receptacle designed and constructed to intercept and prevent the passage of petroleum-based oils, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.

Grit Trap Waste. Petroleum based oil, grease wastes and solids from commercial automotive or heavy machinery repair and/or washing facilities.

Chemical Toilet. A toilet that is not connected to a sewage system but has a compartment in which waste is treated with chemicals for temporary storage.

Hazardous Waste. Any liquid, semiliquid or solid waste (or combination of wastes), which because of its quality, concentration, physical, chemical or infectious characteristics may:

- (1) Have any of the following characteristics: toxic, corrosive, an irritant, a strong sensitizer, flammable or combustible, explosive or otherwise capable of causing substantial personal injury or illness; or
- (2) Pose a substantial hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise improperly managed, and is identified or listed as a hazardous waste as defined by the Texas Solid Waste Disposal Act or by the Administrator, U.S. Environmental

Protection Agency (EPA) pursuant to the federal "Solid Waste Disposal Act," as amended by the "Resource Conservation and Recovery Act of 1976" and as may be amended in the future.

Liquid Waste. Waterborne solids, liquids, and gaseous substances derived from a grease trap, grit trap, chemical/portable toilet and/or septic tank and described as a grease trap waste, grit trap waste or septage.

Manager. The person conducting, supervising, managing, or representing the activities of a generator, transporter or disposer.

Manifest System. The system consisting of a five-part trip ticket used to document the generation, transportation, and disposal of liquid.

Owner. The person who owns a facility or part of a facility.

Permit. The formal written document issued to a person by the approving authority authorizing collection of grease trap waste, grit trap waste and septage.

Permittee. A person granted a permit under this article.

Person. An individual, corporation (including a government corporation), organization, government, governmental subdivision or agency, federal agency, state, political subdivision of a state, interstate agency or body, business or business trust, partnership, association, firm, company, joint stock company, commission, or any other legal entity.

POTW. Publicly-owned treatment works.

Sanitary Sewer. A sewer which carries sewage and to which storm, surface, and groundwaters are not normally admitted.

Septage. Wastes removed from a portable toilet, chemical or septic tank.

Shall. The word "shall" wherever used in this article will be interpreted in its mandatory sense; "may" is permissive.

Special Wastes. Any solid waste or combination of solid wastes that, because of its quality, concentration, physical or chemical characteristics or biological properties, require special handling and disposal to protect the human health or the environment.

Spill. The accidental or intentional loss or unauthorized discharge of grease trap waste, grit trap waste, and septage.

TCEQ. Texas Commission on Environmental Quality.

TDH. Texas Department of State Health Services.

Tank. A device, designed to contain an accumulation of grease trap waste, grit trap waste, and septage which is constructed primarily of nonearthed materials (e.g., concrete, steel, plastic) to provide structural support for the containment.

Toxic Waste. Any liquid, semiliquid, or solid waste material which has the ability to chemically produce injury once it reached a susceptible site in or on the body.

Transporter. A person who operates a vehicle for the purpose of transporting liquid waste.

Trip Ticket. The shipping document originated and signed by the transporter which contains the information required by the approving authority.

Vehicle. A mobile device in which or by which liquid waste may be transported upon a public street or highway.

(b) Purpose. The purpose of this article is to regulate the generation, transportation and disposal of grease trap waste, grit trap waste, and septage, for the protection of the sanitary sewer system and the environment. The wastes regulated by this article do not include hazardous wastes or class 1 nonhazardous industrial solid wastes. With an increase in recycling, the city feels the need to regulate every type of waste transported within the city, including waste oil recyclers, Fry-O-Later grease recyclers and nonhazardous waste haulers such as waste groundwater, i.e. companies that haul to a centralized waste treatment facility.

Sec. 6.07.002 Permits; Generally

(a) Permit Required.

(1) A person commits an offense if the person collects or transports liquid waste without a valid permit issued by the director.

(2) It is an affirmative defense to an enforcement action for a violation of subsection (1) above, that:

(A) The person was disposing of the person's own waste from the person's own recreational vehicle, boat, travel trailer; or

(B) The person was transporting liquid waste through the city that was collected outside of the city and which was disposed of outside of the city.

(b) Permit Application Procedures. A person required by subsection (a) to have a permit shall do the following:

(1) Complete and file a permit application on a form prescribed by the director;

(2) Submit with the application a photocopy of applicant's driver's license. If the applicant is a person other than an individual, the driver's license shall be that of the applicant's chief operating officer or manager;

(3) Submit with the application a copy of the applicant's current registration issued by the commission, pursuant to 30 TAC Section 312.142, to collect and transport liquid wastes;

(4) Submit with the application a copy of the state registration license receipt issued to each vehicle the applicant elects to register under the permit;

(5) Submit with the application a list of all disposers the applicant proposes to use;

(6) Submit to the director proof that applicant's vehicles which will be registered under the permit are insured in at least the minimum amounts as required by state law, or are self-insured as provided by state law to secure payment of all lawful and proper claims arising out of the operation of each vehicle. A written statement from an authorized agent of the applicant's insurance carrier verifying the issuance of such insurance shall be filed with the director before a permit is issued. All such verifications of insurance shall provide for thirty-day cancellation notice to the director;

(7) Provide any additional information requested by the director;

(8) Demonstrate to the director that the applicant and applicant's drivers have sufficient knowledge of the vehicles they will be operating and the liquid waste facilities they will be servicing, to collect and transport liquid waste in a safe and competent manner; and

(9) Submit for inspection by the director each vehicle the applicant proposes to register under the permit. Each vehicle shall meet the following requirements:

(A) The business name, telephone number, and address of the applicant shall be permanently displayed on both sides of the vehicle in letters of a minimum height of three (3) inches, in a color contrasting to their background. An address is sufficient if it includes the applicable city and state. If the applicant's business is not within a municipality, the name of the county and state will be sufficient.

(B) The vehicle shall display current state vehicle registration tags and inspection certificate.

(C) The vehicle shall display the commission-assigned registration number in accordance with state regulations.

(D) The vehicle shall have a single waste tank which shall be of a minimum 1,000-gallon capacity, unless otherwise approved by the director, permanently mounted on the vehicle, and designed to transport wastes. Portable tanks or other containers temporarily installed in a vehicle are prohibited. This paragraph does not apply to vehicles used to transport chemical toilet wastes.

(E) The vehicle's engine which powers its movement, drive train, and emissions system shall not be modified for the purpose of creating a vacuum to empty liquid waste facilities.

(F) The vehicle shall have a power take off (PTO) unit to create vacuum sufficient to remove the entire contents of the liquid waste facilities it services.

(G) The vehicle shall be clean and odor free.

(H) All piping, valves and connectors shall be permanently attached to the tank or vehicle.

(I) The tank shall be liquid tight.

(J) The tank shall be constructed so that every interior and exterior portion can be easily cleaned.

(K) All piping, valves, and connections shall be accessible and easy to clean.

(L) Any inlet, or opening of the tank, shall be constructed so that collected waste will not spill during filling, transfer, or during transport.

(M) All outlet connections shall be constructed so that no waste will leak, run, or spill out of the vehicle.

(N) All outlets shall be of a design and type suitable for the waste handled and capable of controlling flow or discharge without spillage or undue spray on or flooding of immediate surroundings while in use.

(O) All pumps, valves, cylinders, diaphragms and other appurtenances shall be of a design and type suitable for the type of waste handled; be capable of being easily disassembled for cleaning; and operate without spillage, spray, or leakage.

(P) All tank valves shall have a safety plug or cap.

(Q) All closed vehicles, tanks, or containers used to transport liquid wastes regulated by this article shall have sight gauges installed and maintained in such a manner that they can be used to determine whether a vehicle is loaded and the approximate capacity of the load. Gauges are not required to read in gallons or liters, but shall show what percentage of the tank capacity is filled. An alternate method to measure actual volumes may be utilized if the transporter has received prior written approval from the Commission's executive director and has provided a copy of that approval to the director.

(R) All discharge valves and ports shall be prominently marked. All discharge ports shall be visible and readily accessible.

(c) Issuance and Display of Permit.

- (1) The approving authority shall not issue a permit to an applicant until the appropriate established fee is paid. An applicant shall pay a fee of one hundred dollars (\$100.00) for the first vehicle and fifty dollars (\$75.00) for each additional vehicle operated by the applicant.
- (2) A permit shall be valid for one year from the date of its issuance, unless suspended or revoked.
- (3) A permit shall not be transferable.
- (4) The director shall issue a vehicle registration number to each vehicle registered under a permit, and shall list this number on the permit. A vehicle registration number is not transferable.
- (5) The approving authority shall number permits consecutively and each permit holder shall cause to be displayed on each side of each vehicle in a color contrasting with the background and in three-inch letters or larger, the business name, TDH registration number and the following:

RHM (Rhome)

The first three (3) letters (RHM) shall represent the city issuing the permit, followed by the assigned permit number. The permit holder shall place business name, TCEQ registration number and the vehicle permit number on each vehicle before the vehicle is operated.

- (6) The permit holder shall cause a copy of the permit to be kept in each vehicle at all times and presented to the director or any peace officer upon demand. A copy of the permit holder's transporter registration issued by the commission shall be kept in each vehicle at all times and presented to the director or any peace officer upon demand.
- (7) A person commits an offense if the person operates or causes to be operated a liquid waste transportation vehicle without the vehicle registration number assigned to that vehicle by the director displayed as required by subsection (5) above.
- (8) A person commits an offense if the person operates or causes to be operated a liquid waste transportation vehicle which is not permitted by the city.
- (9) A person commits an offense if the person operates a liquid waste transportation vehicle and fails to display to the director or any peace officer upon demand, a copy of a valid city permit.
- (10) A person commits an offense if the person operates a liquid waste transportation vehicle and fails to display to the director or any peace officer upon demand, a copy of a valid liquid waste transporter registration issued by the commission.

(d) Grounds for Permit Denial.

- (1) The director may deny the issuance of a permit if:

(A) The applicant, a partner of the applicant, a principal in the applicant's business, or applicant's manager or operator has:

- (i) Within the five (5) years preceding the date of the application been convicted of a misdemeanor that is punishable by confinement and/or by a fine exceeding \$500.00, and which relates directly to the duty or responsibility in operating a liquid waste transportation business; or
- (ii) Been convicted of a felony which relates directly to the duty or responsibility in operating a liquid waste transportation business;

(B) The applicant fails to provide evidence of liability insurance or self-insurance as required by this section;

- (C) The applicant had a permit, that was issued under this article or its predecessor, suspended or revoked within the twelve (12) months preceding the date of the application;
 - (D) The application contains a false statement of material fact;
 - (E) The application or any other required information is incomplete;
 - (F) The applicant's vehicle submitted for inspection does not meet the criteria of [Section 6.07.002\(b\)\(9\)](#) above. However, the director may issue a permit but exclude from registration those vehicles not meeting said criteria;
 - (G) The applicant has not shown proof that the applicant and the applicant's drivers are qualified under [Section 6.07.002\(b\)\(8\)](#) above;
 - (H) The applicant has violated a provision of this article within the preceding twelve (12) months; or
 - (I) The applicant does not have a valid liquid waste transporter registration issued by the commission.
- (2) An applicant whose permit is denied will be notified by the director, in writing, of the denial and the grounds therefor. Such notice will be sent certified mail, return receipt requested, to the mailing address listed on the application.
- (e) Permit Conditions. A person who has been issued a permit by the director shall comply with the following:
- (1) A permit holder shall immediately notify the director of any management changes in the business during the time the permit is in effect, and shall provide the director with a photocopy of the new manager's or chief operating officer's driver's license;
 - (2) The permit holder shall notify the director of all changes in disposal sites it wants to utilize during the permit periods, and shall use only those disposal sites permitted or approved by the commission and the director;
 - (3) The permit holder shall maintain insurance required by [Section 6.07.002 \(b\)\(6\)](#) above and immediately notify the director of any changes in its insurance carrier or policy, and insured status or self-insured status;
 - (4) The permit holder shall maintain all vehicles registered under the permit in compliance with the requirements of [Section 6.07.002 \(b\)\(9\)](#);
 - (5) The permit holder shall immediately notify the director when it sells or otherwise disposes of vehicle registered under the permit;
 - (6) The permit holder shall maintain vehicle registration numbering in compliance with [Section 6.07.002 \(c\)\(5\)](#);
 - (7) The permit holder shall immediately notify the director when the permit holder's waste transporter registration issued by the commission expires or is suspended or revoked;
 - (8) A permit holder shall ensure that all of the permit holder's employees collecting and transporting liquid waste in vehicles registered under the permit remain sufficiently knowledgeable of such vehicles and of liquid waste facilities they service, so that they are able to collect and transport liquid waste in a safe and competent manner; and
 - (9) The permit holder shall ensure that none of the vehicles registered under a permit exceeds state weight limits while transporting liquid waste.
- (f) Permit Modification.

- (1) The permit holder may request a modification to the permit during the permit year to register additional liquid waste transportation vehicles.
- (2) A request to register additional vehicles shall be submitted to the director for consideration in a manner determined by the director.
- (3) Additional vehicles shall be submitted to the director for inspection and shall meet the requirements of [Section 6.07.002\(b\)\(9\)](#).
- (4) The permit holder shall provide to the director proof of liability insurance or self-insurance for such additional vehicles in accordance with [Section 6.07.002\(b\)\(6\)](#).
- (5) Before the director modifies the permit, the applicant shall remit a permit fee for each additional vehicle in accordance with [Section 6.07.002\(c\)\(1\)](#).
- (6) All additional vehicles are subject to the requirements of this article.
- (7) A permit modification shall not extend the term of the permit.

Sec. 6.07.003 Transporter Responsibilities

- (a) Before accepting a load of liquid waste, a transporter shall determine the nature of the liquid waste and whether the transporter's equipment is sufficient to properly handle the transportation without spillage, leaks, or release of toxic, odorous or harmful gasses. Upon delivery of the waste to the disposer, the transporter shall inform the disposer of the nature of the waste.
- (b) A transporter pumping waste from a liquid waste facility shall remove one hundred percent (100%) of the contents of such facility. However, in the case of septic tanks, a small residual of sludge may be left for seeding purposes.
- (c) A transporter operating under a city permit shall not transport hazardous waste or class 1 nonhazardous industrial solid waste in a vehicle registered under the permit.
- (d) A transporter operating under a city permit shall not commingle hazardous waste or class 1 nonhazardous industrial solid waste with liquid waste.
- (e) A transporter shall not mix incompatible wastes within the same container. A transporter shall not use the same container or pumping equipment to collect or transport liquid waste which is incompatible with previously handled waste, without first emptying and cleaning the container and equipment. A transporter may mix wastes with different characteristics if the disposer to which the waste is being transported is authorized to store, process, or dispose of such mixed wastes.
- (f) A transporter shall handle and dispose of grease trap wastes or grit trap wastes commingled with septage at an authorized, licensed, disposal site. This waste shall not be disposed of in a publicly-owned treatment works.
- (g) A transporter shall not operate a vehicle that fails to meet the requirements of [Section 6.07.002\(b\)\(9\)](#).
- (h) A transporter shall allow the director or any peace officer to inspect vehicles registered under a permit, upon their request.
- (i) A transporter shall allow the director or any peace officer to obtain samples of liquid waste from the transporter's vehicle, upon their request.
- (j) A transporter shall not empty liquid waste into a generator's solid waste receptacles.

(k) A transporter operating under a city permit shall use a manifest system book consisting of five-part tickets, purchased from the director in packs of twenty-five (25) for forty dollars (\$40.00), in the following manner:

- (1) Each manifest system book shall be used exclusively for a single vehicle.
- (2) A transporter will complete one (1) trip ticket for each individual collection, with the exception of chemical toilet companies servicing their own units. Such companies shall be exempt from trip ticket requirements, but shall be required to submit to the director a monthly total of volumes disposed of and the locations of such disposal, no later than the (10th) day of the month following the month in which the disposal occurred.
- (3) The transporter shall sign the original part of a trip ticket and request the generator to do the same at the time of the liquid waste collection. The transporter shall not remove liquid waste from the generator's premises until the generator signs the trip ticket. The transporter shall leave the first copy (yellow) of the trip ticket with the generator.
- (4) The transporter shall have the disposer sign the original part of the trip ticket at the time the waste is disposed of, and shall leave the second (pink) copy of the trip ticket with the disposer.
- (5) The transporter shall retain the third copy (green) of the trip ticket for the transporter's own records.
- (6) The transporter shall return the fourth copy of the trip ticket to the generator within fifteen (15) days after the waste is received at the disposal facility.
- (7) The transporter shall deliver to the director all completed original trip tickets no later than the tenth (10th) day of the month following the month in which they were completed.
- (8) The transporter shall retain its copies of all trip tickets for a period of five years and shall make such copies available to the director, upon request, for inspection at all reasonable times.
- (9) A person commits an offense if the person engages in the transportation of liquid waste and fails to comply with any provision of this section.

Sec. 6.07.004 Suspension or Revocation of Permit

After notice and hearing the director may suspend for up to six (6) months or may revoke a permit if the director determines that:

- (1) The permit holder, a partner of the permit holder, a principal in the permit holder's business, a permit holder's manager or operator, or an officer of the permit holder:
 - (A) Has within the five (5) years preceding the date of the hearing been convicted of a misdemeanor that is punishable by confinement and/or by a fine exceeding \$500.00, and which relates directly to the duty or responsibility in operating a liquid waste transportation business; or
 - (B) Has been convicted of a felony which relates to the duty or responsibility in operating a liquid waste transportation business;
- (2) The permit holder failed to comply with any of the permit conditions stated in [Section 6.07.002](#) (e);
- (3) The permit holder or an employee failed to use the manifest system book in compliance with this article, or to maintain manifests for five years, or to allow the director to inspect the manifest;
- (4) The permit holder or an employee improperly disposed of liquid waste;
- (5) The permit holder or an employee commingled liquid waste with hazardous waste or class 1 nonhazardous industrial solid waste in a city-permitted vehicle;

- (6) The permit holder or an employee refused to allow the director or a peace officer to inspect a liquid waste transportation vehicle or obtain liquid waste samples from such vehicle;
- (7) The permit holder or any employee thereof, within the twelve months preceding the hearing, was convicted of violating this article; or
- (8) The permit holder's liquid waste transporter registration issued by the commission expired, or was suspended or revoked.

Sec. 6.07.005 Generator Responsibilities

- (a) A generator shall have liquid waste removed from its liquid facilities only by a transporter holding a valid permit issued by the director to do so.
- (b) Prior to liquid wastes being removed from its premises a generator shall determine whether the disposer who will be disposing of the waste is permitted or approved for such by the commission.
- (c) A generator shall determine whether its liquid waste contains hazardous waste or class 1 nonhazardous industrial solid waste and shall not have hazardous wastes, class 1 nonhazardous industrial solid waste, or hazardous wastes or class 1 nonhazardous industrial solid wastes combined with liquid wastes removed from its premises by a transporter operating under a city permit.
- (d) Prior to a transporter leaving a generator's premises with a load of liquid waste, a generator shall sign the original of a city trip ticket prepared by the transporter.
- (e) A generator shall keep a copy of all city trip tickets for liquid waste collected from its premises, for a period of five years, and shall make such trip ticket copies available to the director for inspection at all reasonable times.
- (f) A generator shall install or provide liquid waste facilities on its premises of such type and size as specified by the director.
- (g) A generator shall maintain its liquid waste facilities as follows:
 - (1) Liquid waste facilities shall be maintained in continuous, proper working condition.
 - (2) Pumping Out of Wastes.
 - (A) Grease traps located upon the premises of food establishments shall be one hundred percent (100%) pumped out a minimum of once every ninety (90) days, and at all other times as necessary to maintain their effectiveness. The director may order a generator to have its grease traps pumped out more frequently than every ninety (90) days if the director determines such is necessary for the protection of the sanitary sewer.
 - (B) Grit traps shall be one hundred percent (100%) pumped out a minimum of once per year; and at all other times as necessary to maintain their effectiveness. The director may order a generator to have its grit traps pumped out more frequently than once per year if the director determines such is necessary for the protection of the sanitary sewer.
 - (C) Septic tanks shall be pumped out as often as necessary to maintain their effectiveness, and shall be inspected a minimum of once per year. The tanks shall be one hundred percent (100%) pumped out except for a small residual of sludge left for seeding purposes.
 - (3) Liquid waste facilities shall be inspected for seepage into the surrounding media whenever the trap has been pumped. The generator shall repair, replace, or install apparatus and equipment as necessary to ensure the proper operation and function of the liquid waste facilities.

- (h) A generator shall supervise the servicing of the generator's liquid waste facilities and shall insure that they are completely emptied by the transporter during such servicing.
- (i) A generator shall maintain records of liquid waste facility inspections for three (3) years and shall make such records available to the director for inspection at all reasonable times.
- (j) A generator shall report all spills occurring during collection to the director within 24 hours.
- (k) A generator shall immediately clean up or cause to be cleaned up all spills of liquid waste and shall have the waste properly disposed of by a transporter.
- (l) A person commits an offense if the person is a generator of liquid waste and fails to comply with any provision of this article or any order of the director authorized by this article.
- (m) A person commits an offense if the person is a generator of liquid waste and allows liquid waste that emits noxious odors or offensive odors, or that creates an unsanitary condition or which is injurious to the public health, to accumulate upon premises under the person's control.

Sec. 6.07.006 Disposer Responsibilities

- (a) A disposer shall sign the original of a city trip ticket prepared by a transporter operating under a city permit for all liquid waste received on the disposer's premises from such transporter.
- (b) The disposer shall note any significant discrepancies on each copy of the trip ticket.
 - (1) Trip ticket discrepancies are differences between the quantity or type of waste designated on the trip ticket and the quantity or type of waste a disposer actually receives.
 - (2) Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis. Significant discrepancies in quantity are:
 - (A) For bulk weight, variations greater than ten percent (10%) in weight; and
 - (B) For liquid waste, any variation greater than fifteen percent (15%) in gallons.
- (c) A person commits an offense if the person disposes of liquid waste in violation of subsections (a) or (b) of this section.
- (d) In order to retain city approval of its disposal site, a disposer shall comply with subsections (a) and (b) of this section, and shall:
 - (1) Maintain all valid federal, state, and local permits required to operate a disposal site;
 - (2) Comply with all federal, state, and local laws pertaining to the operations of the disposal site;
 - (3) Accept only those classes of liquid waste authorized under federal, state, and local laws; and
 - (4) Dispose of liquid waste in accordance with federal, state, and local laws.

Sec. 6.07.007 Additional Permit Holder Responsibilities

- (a) A permit holder shall immediately notify the director in writing when the liquid waste transportation business is sold or ceases to operate.
- (b) In addition to the written notification required in subsection (a) above, the permit holder shall immediately deliver to the director:
 - (1) All completed original trip tickets in the permit holder's possession;
 - (2) All unused trip tickets in the permit holder's possession; and

- (3) The permit holder's permit.
- (c) The permit holder shall remove the city registration number from all liquid waste transportation vehicles upon the sale or cessation of operation of the liquid waste transportation business.
- (d) A person commits an offense if the person has a permit to transport liquid waste and violates any provision of this section.
- (e) A permit shall be invalid upon the sale or cessation of operation of a liquid waste transportation business.

Sec. 6.07.008 Previously Issued Permits

All permits issued by the director to liquid waste transporters pursuant to the previous version of this article shall remain valid until their expiration or until their revocation pursuant to the ordinance under which they were issued.

Sec. 6.07.009 Interference with Grease Trap, Grit Trap or Sanitary Sewer

A person commits an offense if the person causes or permits the plugging or blocking of, or otherwise interferes with or permits the interference with a grease trap, grit trap, or the sanitary sewer.

Sec. 6.07.010 Bioremediation of Grease Traps

- (a) A person commits an offense if the person introduces, causes, permits, or suffers the introduction of any bioremediation media into a grease trap.
- (b) It is an affirmative defense to an enforcement of subsection (a) above that the use of the bioremediation media had been approved by the director, and the media and the use of the media met all criteria of subsection (c).
- (c) Bioremediation media may be used with the director's approval if the person has proved, to the satisfaction of the director, that:
 - (1) Laboratory testing which is valid for the type of grease trap to be used has verified that:
 - (A) The media is a pure live bacterial product and does not contain any surfactants, emulsifiers, or substances which act as solvents for fat.
 - (B) The total mass of oil and grease discharge to the sanitary sewer after the use of the media will not exceed the discharge limits for oil and grease established in the industrial waste regulations contained in [Article 13.04 of Chapter 13](#) of this Code.
 - (C) The pH of the discharge is not less than 5 nor greater than 12.
 - (D) The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential of oil and grease to be discharged to the sanitary sewer.
 - (E) The media is not destroyed by the use of domestic or commercial disinfectants and detergents, or by hot water.
 - (F) Any waste pumped from the grease trap after use of the media is acceptable at disposal sites for grease trap waste.
 - (G) The use of the bioremediation media does not cause foaming or obstruction in the sanitary sewer.

Sec. 6.07.011 Nuisances

- (a) A vehicle transporting liquid waste which is leaking or spilling from such vehicle is hereby declared to be a nuisance.
- (b) Any premises upon which liquid waste has accumulated and which is emitting noxious or offensive odors, or which is creating an unsanitary condition, or which is injurious to the public health is hereby declared to be a nuisance.

DRAFT



Agenda Commentary

Meeting Date: December 10, 2020

Department: Administration

Contact: Cynthia Northrop

Agenda Item: U. Discussion and any necessary action regarding amending Chapter 6, "Health and Sanitation" of the Code of Ordinances, City of Rhome, Texas to add regulations for Food Trucks and Food Truck Operation Sites

Type of Item: ☒ **Ordinance** ☐ **Resolution** ☐ **Contract/Agreement** ☐ **Public Hearing**
☐ **Plat** ☐ **Discussion & Direction** ☐ **Other**

Summary-Background: Council has previously directed staff to review the Code of Ordinances for clean-up items and updates as needed on an ongoing basis. Staff is proposing a standing quarterly agenda item beginning in December to review, research and bring forward recommended action items.

Some of the clean-up items include clean up items to provide clarification on mobile food units/food trucks in Chapter 6, Health & Sanitation. While our ordinance currently allows mobile food units, the treatment and specifics of how and where is unclear. This clean up item provides clarity on the 'how' question needed to allow staff to better manage the administration and permitting of such use.

Funding Expected: ☐ **Revenue** ☐ **Expenditure** ☐ **N/A** **Budgeted Item:** ☐ **Yes** ☐ **No** ☐ **N/A**

Funding Account: _____ **Amount:** _____

Legal Review Required: ☐ **N/A** ☒ **Required**

Engineering Review ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☐

Supporting Documents attached: Yes – proposed updates to applicable section in ordinance

Recommendation: Adopt updates regarding mobile food units/food trucks (Chapter 6)

**CITY OF RHOME, TEXAS
ORDINANCE NO. 2020-26**

AN ORDINANCE AMENDING CHAPTER 6 "HEALTH AND SANITATION" ARTICLE 6.06 "FOOD ESTABLISHMENT RULES" OF THE CODE OF ORDINANCES, CITY OF RHOME, TEXAS TO ADD REGULATIONS FOR FOOD TRUCKS AND FOOD TRUCK OPERATION SITES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rhome is a Type-A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council desires to amend Article 6.06 Food Establishment Rule of Chapter 6 of the Code of Ordinances, City of Rhome, Texas to add regulations regarding Food Trucks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:

SECTION 1.

Section 6.06.002, "Definitions" of Article 6.06 of Chapter 6 of the Code of Ordinances, City of Rhome, Texas is hereby amended to read as follows:

Authorized agent or employee. The employees of the regulatory authority.

Food establishment. A food service establishment, a retail food store, a temporary food establishment, a mobile food unit, and/or a roadside food vendor.

Regulatory authority. City of Rhome City Administrator

State rules. The state rules found at 25 Texas Administrative Code, chapter 228. These rules are also known as the Texas Food Establishment Rules.

Food Truck. (Also known as mobile food unit) shall mean a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food. Mobile units must completely retain their mobility at all times. A mobile food unit does not include a stand or a booth. A roadside food vendor is classified as a mobile food unit. The terms food truck and mobile food unit shall be interchangeable.

Food truck operation site. Shall mean the geographic area, not located within a food truck park, within which a food truck will park, prepare, and sell food and/or beverages. This also includes areas where the food truck's customers go to consume food and/or beverages sold from the food truck.

SECTION 2.

Article 6.06, "Food Establishment Rules" of Chapter 6 of the Code of Ordinances, City of Rhome, Texas is hereby amended to have the following Sections re-numbered as follows:

Sec. 6.06.004 "Application for permit and fees" is renumbered to "Sec. 6.06.005"

Sec. 6.06.005 "Review of plans" is renumbered to "Sec. 6.06.006"

Sec. 6.06.006 "Suspension of permit" is renumbered to "Sec. 6.06.007"

Sec. 6.06.007 "Revocation of permit" is renumbered to "Sec. 6.06.008"

Sec. 6.06.008 "Administrative process" is renumbered to "Sec. 6.06.009"

Sec. 6.06.009 "Penalties" is renumbered to "Sec. 6.06.010"

SECTION 3.

Section 6.06.004 of Article 6.06 of Chapter 6 of the Code of Ordinances, City of Rhome, Texas is hereby amended to read as follows:

Sec. 6.06.004 Food Truck

General Provisions Addition

Food truck operation site permit required (for a food truck operation site only).

- a. Except as part of a food truck park, the food truck operator must have written permission from the owner or the owner's authorized representative of a property containing a food truck operation site where a food truck may be located from time to time. Food Truck Operator must apply for a food truck operation site permit from the regulatory authority prior to allowing a food truck to operate on said property. The permit application shall include information that details where the food truck will be located on the property along with the location of any refuse receptacle(s), restroom(s), vehicle parking, dining area(s), and any other pertinent information regarding the operation of the food truck on and about the food truck operation site. Additional information requested by the city, as may be deemed necessary by the city administrator or his/her designee, to thoroughly review the application in unique circumstances shall also be submitted as part of the permit application.
- b. A food truck operation site permit for a food truck operation site shall only be valid for a maximum period of six months. The food truck operator may make application for renewal of the food truck operation site permit at the end of the six-month permit period, with property owner's written permission. Renewal application should be made prior to the expiration date in order to prevent gaps in operation, but should not be submitted any earlier than the start of the sixth month of the existing permit.

- c. A food truck operation site permit may accommodate any licensed food truck that the food truck operation site permit holder deems acceptable for the food truck operation site.
- d. The city administrator or his/her designee, in approving or denying such applications, shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this Code. The city administrator or his/her designee shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any food truck operation site permit at any time or to deny any extension. After such revocation, the use shall immediately cease and all temporary accessories, such as, refuse receptacle(s), dining, parking barriers, etc. shall be removed within ten days of notification of such revocation.
- e. The required permit fee for food truck operation site will be collected in accordance to the fee schedule.
- f. Other permits required.
 - 1. Each food truck must have a valid vehicle registration, motor vehicle operator's license, proof of liability insurance, and a state sales tax permit.
 - 2. Each food truck must obtain all proper health permits, and must be constructed and operated in accordance with the Texas Food Establishment Rules as adopted in Chapter 6 of this Code.
 - 3. The owner of each food truck shall be responsible for identifying and obtaining all other applicable permits and shall be responsible for conforming to all applicable city, county, state, and federal regulations.
- g. Safety. The environmental health specialist, chief building official, fire marshal, or their designees shall have the authority to require additional safety measures be provided at the food truck park or individual mobile food unit to ensure the health, safety, and welfare of the general public. These additional safety measures may include but are not limited to limitations governing the provision of utilities (water, wastewater, electricity, gas, etc.) to the mobile food unit, providing fire extinguishers, and adding limitations to the use of deep fat fryers or flat top grills in specific instances.
- h. Inspections. Food truck parks, food truck operation sites, and food trucks may be inspected from time to time by appropriate city personnel or health authority to ensure compliance with applicable regulations. Food truck parks, food truck operation sites, and food trucks shall immediately be made available for inspection upon request of such city or health authority personnel.
- i. Acceptable location—Permitted land use in retail, commercial, planned development and industrial zoning district.

SECTION 4.

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

SECTION 5.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6.

All rights and remedies of the City of Rhome, Texas are expressly saved as to any and all violations of the City's Zoning Ordinance, as amended, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The City Secretary of the City of Rhome, Texas is hereby directed to publish at least twice in the official newspaper of the City of Rhome, Texas, the caption and the penalty clause of this Ordinance in accordance with Section 52.011 of the Local Government Code.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Rhome, Texas, this the 10th day of December 2020.

Jo Ann Wilson,
Mayor

[SEAL]

ATTEST:

Shannon Montgomery, TRMC
City Secretary

APPROVED TO AS FORM:

Carvan E. Adkins,
City Attorney



Agenda Commentary

Meeting Date: December 10, 2020

Department: Administration

Contact: Cynthia Northrop

Agenda Item: V. Discussion and any necessary action regarding amending Chapter 13, "Utilities" of the Code of Ordinances, City of Rhyme, Texas by adding Article 13.08, "Rights-of-Way Management"

Type of Item: ☒ **Ordinance** ☐ **Resolution** ☐ **Contract/Agreement** ☐ **Public Hearing**
☐ **Plat** ☐ **Discussion & Direction** ☐ **Other**

Summary-Background: Council has previously directed staff to review the Code of Ordinances for clean-up items and updates as needed on an ongoing basis. Staff is proposing a standing quarterly agenda item beginning in December to review, research and bring forward recommended action items.

The City of Rhyme's proposed Right of Way (ROW) Management Ordinance (Chapter 13) establishes guidelines for construction and non-construction activities within the City's infrastructure. The purpose is to ensure public safety and mobility, through permitting. The Right-of-Way ordinance will ensure that all construction activities are well-coordinated and impacts are mitigated to reduce public inconvenience, guarantee proper street repair and ensure all regulations are enforced appropriately.

Funding Expected: ☐ **Revenue** ☐ **Expenditure** ☐ **N/A** **Budgeted Item:** ☐ **Yes** ☐ **No** ☐ **N/A**

Funding Account: _____ **Amount:** _____

Legal Review Required: ☐ **N/A** ☒ **Required**

Engineering Review ☐ **FD Review** ☐ **PD Review** ☐ **PW Review** ☒

Supporting Documents attached: Yes - Proposed Ordinance

Recommendation: Adopt ROW Management Ordinance (Chapter 13)

**CITY OF RHOME, TEXAS
ORDINANCE NO. 2020-27**

AN ORDINANCE AMENDING CHAPTER 13 “UTILITIES” OF THE CODE OF ORDINANCES, CITY OF RHOME, TEXAS BY ADDING ARTICLE 13.08 RIGHTS-OF-WAY MANAGEMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Rhome is a Type-A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council desires to amend Chapter 13 “Utilities” of the Code of Ordinances, City of Rhome, Texas by adding Article 13.08 “Rights-of-Way Management” in order to provide for regulations governing construction and excavation activities within rights-of-way within the City; and

WHEREAS, the City Council finds that this ordinance is in the best interests of the citizens of the City of Rhome.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS:

SECTION 1.

Chapter 13 “Utilities” of the Code of Ordinances, City of Rhome, Texas is hereby amended by adding Article 13.08 “Rights-of-Way Management” to read as follows:

See attached Exhibit A.

SECTION 2.

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

SECTION 3.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$500.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 4.

All rights and remedies of the City of Rhome, Texas are expressly saved as to any and all violations of the City's rights-of-way regulations which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

The City Secretary of the City of Rhome, Texas is hereby directed to publish at least twice in the official newspaper of the City of Rhome, Texas, the caption and the penalty clause of this Ordinance in accordance with Section 52.011 of the Local Government Code.

SECTION 6.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law,

PASSED AND APPROVED by the City Council of the City of Rhome, Texas, this the 10th day of December 2020.

Jo Ann Wilson,
Mayor

[SEAL]

ATTEST:

APPROVED AS TO FORM:

Shannon Montgomery, TRMC
City Secretary

Carvan E. Adkins,
City Attorney

EXHIBIT A

ARTICLE 13.08 RIGHTS-OF-WAY MANAGEMENT

Sec. 13.08.001 Purpose and Administration

(a) Responsibility. It shall be the duty and responsibility of the director to administer, implement and enforce the provisions of this article.

(b) Scope of Article.

(1) This article governs the location, placement, installation, repair, maintenance and removal of all utility facilities within all rights-of-way of the city.

(2) A utility provider with a valid unexpired franchise agreement or other authorization from the city to use the rights-of-way of the city may continue to operate under and comply with that agreement until the agreement expires or is terminated.

(3) To the extent the provisions of this article conflict with an unexpired franchise agreement or other authorization from the city to use the right-of-way, the provisions of the franchise shall prevail during the term of the franchise. To the extent that the provisions of this article can be reconciled, both the franchise and this article shall be given effect.

(c) Findings and Purpose. The purpose of this article is to:

(1) Assist in the management of facilities placed in, on, or over the rights-of-way of the city in order to provide for the orderly maintenance of such rights-of-way, avoid costly interruption of utility service to the citizens, minimize congestion, inconvenience, unsightly visual impact and other adverse effects of utility service, and minimize the costs to the citizens resulting from the placement of facilities within the rights-of-way;

(2) Govern the use and occupancy of the rights-of-way;

(3) Assist the city in its efforts to protect the public health, safety and welfare;

(4) Conserve the limited physical capacity of the rights-of-way held in public trust by the city;

(5) Preserve the physical integrity of the streets and highways;

(6) Control the orderly flow of vehicles and pedestrians;

(7) Prevent interference between the different entities using the rights-of-way;

(8) Protect the safety, security, appearance and condition of the rights-of-way; and

(9) Comply with the requirements of applicable federal and state laws.

(d) Right-of-Way Occupancy. Except as otherwise exempted by law, any person prior to constructing facilities in, on or over the public rights-of-way, must first obtain separate municipal authorization. A registration obtained pursuant to this article does not constitute such municipal authorization.

Sec. 13.08.002 Definitions

As used in this article, the following terms shall have the meaning subscribed herein:

City. The City of Rhome, Texas or the designated agent of the city.

City Council. The city council of the city of Rhome, Texas.

Construction. Any work above the surface, on the surface or beneath the surface of a public right-of-way, including, but not limited to, installing, servicing, repairing or modifying any facility(ies) in, above or under the surface of the public right-of-way, and restoring the surface and subsurface of the public right-of-way.

Director. The director of public works of the city or his or her designee.

Emergency. A condition that the city or director determines; (1) poses a clear and immediate danger to life or health, or an immediate and significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

Excavation. Any digging, hollowing, directional drilling or boring more than six (6) inches below the surface of the ground.

Facility or Facilities. The plant, equipment and property, including but not limited to lines, poles, mains, pipes, pipelines, conduits, ducts, cables, wires, splice boxes, tracks, tunnels, utilities, vaults, and other appurtenances or tangible things located, or are proposed to be located, under, on or above the surface of the ground within the rights-of-way of the city.

Municipal Authorization. An individual grant to use the public rights-of-way issued by the city and accepted by a utility owner in accordance with the ordinances of the city, a franchise agreement, a license agreement, or under operation of state law which provides a specific grant of authority to use the rights-of-way.

Permit or Permit to Construct. A permit to perform construction granted in accordance with the city's ordinances.

Person. A natural person, corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, public or private agency, sole proprietorship, a utility or any other legal entity; including a successor or assign of any of the foregoing. The term shall also mean a political subdivision, other than the city.

Registration. The document confirming the city's approval only of a particular proposed location within specific right(s)-of-way of specifically identified proposed utility facilities. Registration does not constitute consent by the city for utility facilities to be placed in the right-of-way, which consent must also be obtained unless otherwise provided by law or other agreement.

Restore or Restoration. The process by which a right-of-way is returned following completion of construction to a condition that is equal to or better than the condition that existed prior to commencement of construction.

Right-of-Way. The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the city has an interest. The term does not include

the airwaves above the right-of-way with regard to wireless telecommunications, or a public right-of-way owned, regulated and maintained by a political subdivision other than the city.

Stormwater Pollution Prevention Plan (SWPPP). Prepared by a licensed professional engineer in the state according to the Texas Commission on Environmental Quality (TCEQ) regulations.

Utility Construction Permit. That document giving consent to construct, install, repair, relocate or remove facilities within the right-of-way. A utility construction permit only allows the holder to construct those specific facilities described in such permit, and in that part of the right-of-way described in such permit.

Utility Owner. Any person who owns any facility or facilities that are or are proposed to be installed or maintained in the rights-of-way. Included within this definition is the owner's contractor, subcontractor, agent or authorized representative.

Utility Provider. A business that offers a public utility service including, but not limited to, gas, electricity, cable or telecommunications services, and that owns, rents, or has an agreement which authorizes it to utilize facilities within the right-of-way. Utility provider includes the utility provider's contractor, subcontractor, agent or authorized representative.

Sec. 13.08.003 Registration Required

(a) In order to protect the public health, safety and welfare, all utility owners shall register with the city on a form provided by the director, and comply with the requirements therefore.

(b) The utility owner applying for registration shall furnish the city the following information, which shall be subscribed and sworn to before a notary public:

- (1) The name, address, and telephone number of the utility owner;
- (2) Any trade names under which the utility owner does or proposes to do business;
- (3) The name, address, telephone number, fax number, and email address of the person(s) who will be the contact person(s) for the utility owner;
- (4) The names, addresses and telephone numbers of any contractor or subcontractor, if known, who will be working in the right-of-way on behalf of the utility owner;
- (5) The name(s) and telephone number of an emergency contact who shall be available twenty-four (24) hours a day to respond to emergencies; and
- (6) Proof of insurance and bonds, as follows:
 - (A) Except as otherwise specified, the utility owner and a contractor of any tier will be required at their own expense to maintain in effect at all times during the performance of the work insurance coverage's with limits not less than those set forth below with insurers and under forms of policies satisfactory to the city. It shall be the responsibility of the utility owner to insure utility owner and a contractor of any tier are adequately insured at all times. The existence of such insurance shall not relieve the utility owner or a contractor of any tier of any legal responsibility or obligation, whether in contract or tort.

(B) The utility owner shall submit to the director certificates of insurance for each policy, required by this subsection, prior to the commencement of any work and during each year of the

registration term, as evidence that utility owner and a contractor of any tier have the policies providing the required coverages and limits of insurance which are in full force and effect. The certificates of insurance or insurance policies shall provide that any company issuing an insurance policy required by this subsection shall provide not less than thirty (30) days advance written notice of any cancellation. Additionally, the utility owner shall immediately provide written notice to the director upon receipt of any notice of cancellation of an insurance policy or a decision to terminate or alter any insurance policy required by this subsection.

(C) All policies, other than those for worker's compensation, shall be written on an occurrence basis and not on a claims-made basis, and shall name the city, its officers and employees as additional insureds.

(D) All insurance policies required by this subsection shall contain an endorsement requiring the insurer to provide the director with at least thirty (30) days prior written notice of any intention not to renew or to cancel such policy, such notice to be given by certified or registered mail.

(E) All insurance shall be provided through valid and enforceable policies, insured by insurers licensed to do business in the state. All insurance carriers and surplus line carriers shall be rated A- or better by A.M. Best Company. Insurance policies must provide that the issuing company waives all right to recovery by way of subrogation against the city in connection with damage covered by the policy.

(F) The utility owner, and thereafter, for renewal purposes, the registration holder, shall pay all insurance premiums and assessments required to maintain such insurance. A company which issues an insurance policy has no recourse against the city for payment of a premium or assessment.

(G) The city will accept certificates of self-insurance issued by the state or letters written by the utility owner, in those instances where the state does not issue such letters, provided that the utility owner demonstrates by written information to the city that it has adequate financial resources to be a self-insured entity satisfying the requirements of this section for insurance and bonds. Certificates of self-insurance and letters written by the utility owner shall provide the same coverage as required herein.

(H) The utility owner and a contractor of any tier shall maintain workers' compensation and employers' liability insurance in accordance with the laws of the state or, in those instances where the state does not issue such letters, and provided that the utility owner demonstrates by written information to the city that it has adequate financial resources to be a self-insured entity after the date of passage of this article, satisfies the requirements of this subsection for insurance and bonds, letters written by the utility owner which provide the same coverage as required herein.

(I) The utility owner and a contractor of any tier shall also maintain commercial general liability insurance with minimum limit of five million dollars (\$5,000,000.00) as the combined single limit for each occurrence of bodily injury, sickness, disease or death of any person, other than the policy holder's employees, or damage to property of the city or any other person arising out of an act or omission of the policy holder, policy holder's subcontractor, agents or employees. This

policy shall also include protection against claims insured by usual personal injury liability coverage as well as coverage for completed operations, products liability, contractual liability premises/operations, and independent contractors, as well as coverage that does not contain an XCU coverage exclusion.

(J) The utility owner and the utility owner's contractor shall also maintain automobile liability insurance covering the policy holder, its employees and agents, subcontractors and the additional insureds against all claims for injuries to members of the public and damage to property of others arising from the use of motor vehicles, and shall cover operation on-site and off-site of all motor vehicles whether they are owned, non-owned or hired. The liability shall not be less than two million dollars (\$2,000,000.00) as the combined single limit for each occurrence for bodily injury and property damage.

(K) The coverage amounts set forth above may be met by a combination of underlying and umbrella policies, so long as in combination the limits equal or exceed those stated.

(L) The utility owner, and thereafter, the registration holder, without cost to the city, shall file performance and maintenance surety bonds for any construction to occur in the right-of-way. The surety bonds shall be issued by a surety company authorized to do business in the state. The maintenance bond shall be for a period not less than two (2) full years after the completion of the construction, and both bonds shall be in the amount of the estimated amount of the cost to restore the right-of-way given the work to be done, to protect the city in the event the registration holder leaves a jobsite in the right-of-way unfinished, incomplete or unsafe.

(M) A utility provider with a franchise in effect on the date of this article satisfies the requirements of this subsection if the city determines that the provider's franchise adequately provides for insurance and bonds; otherwise the utility provider shall comply with the requirements of this subsection.

(N) Failure of the city to verify compliance with the requirements of this section shall not waive any such requirements.

(7) Such other information as the director may determine is reasonably necessary for proper consideration of the application.

Sec. 13.08.004 Registration Issuance

(a) The director shall issue a registration to the utility owner if after review of the application the director determines that the utility owner:

- (1) Has complied with all requirements for issuance of the registration;
- (2) Has not made a false or inaccurate statement as to a material matter on the application for registration; and
- (3) Has not failed to pay any fees owed the city as a result of work performed in the right-of-way.

(b) A person who has in effect an existing franchise or license agreement with the city to use the right-of-way at the time of this article shall still comply with the provisions of this article,

except to the extent the terms of the franchise or license agreement conflict with this article, after which the director shall issue a registration.

Sec. 13.08.005 Term of Registration and Fee

- (a) A registration shall be valid for a period of five (5) years. A person may renew a registration by making application as provided by [Section 13.08.003](#). A registration is not transferrable.
- (b) Each registration holder shall pay to the city a fee for the use of the right-of-way in an amount established by the city council, except to the extent an existing franchise or license agreement or applicable state or federal law provides otherwise.

Sec. 13.08.006 Revocation of Registration

The director shall revoke a registration if the director determines that the registration holder has:

- (1) Given false or inaccurate information on the application for registration or in a hearing concerning the registration;
- (2) Violated any provision of this article; or
- (3) Violated the terms of its franchise, license, or other agreement, if the registration holder has a franchise, license, or other agreement with the city.

Sec. 13.08.007 Appeal from Denial or Revocation of Registration

If the director denies or revokes a right-of-way registration, the city shall give written notice to the utility owner or registration holder by one of the following methods: (1) personal service; (2) certified mail, return receipt requested; or (3) electronic mail with delivery and receipt confirmed by return e-mail. The utility owner or registration holder may appeal the decision to deny or revoke a right-of-way registration by filing written notice of such appeal with the city secretary within five (5) business days after receipt of the notice. The city secretary shall give written notice of the time and place of the appeal hearing to the person appealing by one of the following methods: (1) personal service; (2) certified mail, return receipt requested; or (3) electronic mail with delivery and receipt confirmed by return e-mail. The city manager shall conduct a meeting and shall make a decision based on a preponderance of the evidence at the hearing. The burden of proof shall be on the utility owner or registration holder. Compliance with formal rules of evidence shall not be required. The decision of the city manager may be appealed to the city council. The decision of the city council shall be final.

Sec. 13.08.008 As-Built Plans

- (a) A utility provider which has facilities in the right-of-way existing as of the effective date of adoption of this article and has not provided the city “as-built plans” shall provide such information to the director no later than one (1) year after the effective date of this article in the format specified by the director and with sufficient detail to convey the type, size and location (within two feet (2') horizontally and vertically), including depth, of its facilities. The utility owner shall submit “as-built plans” in digital PDF format as required by the director. If the utility owner does not submit “as-built plans” as required by this section, it waives all claims against the city for any damage caused to such utility owner’s facilities by any future construction or utility installation activities, regardless of who performs such work.

(b) For facilities constructed after the effective date of this article, a utility owner shall provide the director with “as-build plans” within ninety (90) days of completion of facilities in the right-of-way. The plans shall be provided in digital PDF format as required by the director in accordance with the provisions of subsection (a) above.

(c) The director, for good cause, may waive all, or portions, of the requirements of subsections (a) and (b) above. Determination of good cause shall include an assessment of the following: (1) the utility owner’s ability to feasibly and economically remove customer specific, proprietary or confidential information from its plans, and (2) the utility owner’s standard business practice relative to the preparation of construction and “as-built plans.” The director may impose conditions on any waiver granted under this subsection. The director may reassess a waiver granted under this subsection, from time to time, to determine whether the utility owner’s ability to provide “as-build plans” has changed.

(d) Nothing contained in this article shall create, expand or enlarge the liability of the city for damage to any utility facilities of any utility owner, or create any duty of the city to any utility owner or other third party, except as expressly provided in this article.

Sec. 13.08.009 Tree Trimming or Removal; Temporary Removal of Facilities

(a) A utility owner or its contractor may trim trees in or over the rights-of-way for the safe and reliable operation, use and maintenance of its facilities. All tree trimming in rights-of-way and easements shall be performed in accordance with guidelines established by the National Arborist Association and the requirements of the city’s tree preservation article. The registration holder shall trim the trees in such a manner to preserve as much vegetation and natural shape of trees as reasonably possible, and still accomplish a safe and effective tree trimming program. The utility owner shall make reasonable efforts to contact affected property owners prior to necessary tree trimming operations.

(b) Should the utility owner or its contractor fail to remove the trimmings within 24 hours of trimming, unless a longer period is required for extraordinary conditions and conditions beyond the control of the registration holder, the city may remove the trimmings. Should the city remove the trimmings, the utility owner shall reimburse the city for all costs incurred within 30 days of receipt of an invoice from the city.

(c) A utility owner shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the city first gives written notice of no less than five days. Should the utility owner or its contractor contact the city prior to the expiration of the five-day period and provide information indicating that the movement of the aerial facilities will require additional time, the director may authorize an alternate schedule. The expense of the temporary rearrangements shall be paid by the party requesting and benefiting from the temporary rearrangement. The utility owner may require prepayment or the posting of a bond from the party requesting the temporary rearrangement.

Sec. 13.08.010 Utility Construction Permit Required; Exceptions

(a) A utility owner shall obtain a utility construction permit prior to performing any excavation, construction, relocation, removal, installation, repair or maintenance of facilities within the right-

of-way, except as expressly provided otherwise herein. A utility construction permit is required for new construction and replacement or upgrading of a utility provider's network in the right-of-way, whether located above the surface, on the surface, or underground. A utility construction permit application shall be signed by an authorized representative.

(b) The following work undertaken by a utility owner does not require a utility construction permit:

(1) Work to existing facilities required by emergency conditions, provided that the utility owner complies with subsection (c) below;

(2) Work that does not require any excavation or construction, and which obstructs vehicular or pedestrian traffic on a street, alley or sidewalk for less than two (2) hours and which does not occur between the hours of 7:00 a.m. to 9:00 a.m. and 4:30 p.m. to 6:30 p.m. on weekdays, provided the utility owner has complied with the following requirements:

(A) The utility owner has submitted a traffic-control plan prepared in accordance with the Manual on Uniform Traffic-Control Devices and in a form approved by the director;

(B) The director has approved the traffic-control plan;

(C) The work is performed in compliance with the traffic-control plan; and

(D) Unless the work is performed under emergency conditions, the person has given the director four (4) hours written notice of the proposed work.

(c) When performing work required by emergency conditions, the utility owner shall notify the director as soon as practical, but in no event more than seventy-two (72) hours after commencing such work, and shall submit to the city director within seventy-two (72) hours after commencing such work a reasonably detailed description of the work performed in the right-of-way. An updated "as-build plans" of facilities relocated during emergency work shall be provided to the director within ninety (90) days of completion of the work.

(d) A utility owner applying for a utility construction permit shall pay to the city a utility construction permit fee in an amount established by the city council except to the extent an existing franchise or license agreement or applicable state or federal law provides otherwise.

Sec. 13.08.011 Utility Construction Permit Application

(a) An applicant shall submit an application for a utility construction permit at least ten (10) working days before the commencement of work proposed in the application. Such application shall be signed by the applicant or the applicant's authorized agent or representative. Upon request of the utility owner, the director may approve a shorter time period for submittal of an application.

(b) Except as otherwise permitted by this article, prior to the commencement of any work, the person requesting a utility construction permit will provide the director with three (3) sets of engineering plans in the format specified by the director showing the following information:

(1) The proposed location and route of all facilities to be constructed or installed and the utility owner's plan for right-of-way construction;

- (2) Description of the proposed facilities on a scale of one inch (1") equals fifty feet (50'), unless otherwise approved by the director;
 - (3) Description of the location of all right-of-way and utility easements that the utility owner plans to use for such construction or installation;
 - (4) Description of all existing city and, to the extent known, other utility facilities which intersect, are impacted by, or in close proximity (ten feet) to the utility owner's proposed facilities and/or work;
 - (5) Description of the facilities the utility owner proposes to install, including but not limited to: pipe size, number and size of ducts, number and size of valves, location and size of stub outs;
 - (6) The typical details of manholes and/or handholes the utility owner plans to use or access;
 - (7) A complete legend; and
 - (8) A stormwater pollution prevention plan (SWPPP) in accordance with city ordinances and other applicable laws and regulations.
- (c) The applicant shall also submit documentation showing the following:
- (1) The name, address and phone numbers of the contractor or subcontractor who will perform the actual construction, including the name and telephone number of a representative of the contractor who may be reached twenty-four (24) hours a day during construction;
 - (2) The methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way, and the dates and times work will occur, all of which (methods, dates, times, etc.) are subject to approval of the director, which approval will not be unreasonably withheld;
 - (3) A statement that the proof of insurance, bond or other financial information, as required by this article, are current and on file with the city;
 - (4) A copy of any permit or approval issued by any federal or state authorities for work in federal or state right-of-way located in the city;
 - (5) Verification that the applicant has a valid right-of-way registration from the city;
 - (6) Evidence that all of the utility providers in the area have been given notice of the construction. (Notice to utilities subject to chapter 251 of the Texas Utilities Code may be accomplished by providing the city with the reference number assigned by the notification center established pursuant to chapter 251 of the Texas Utilities Code. If this reference number is not known at the time of application, the reference number shall be provided at least forty-eight (48) hours prior to commencement of construction); and
 - (7) A copy of the applicant's traffic-control plan and policy for work performed in the right-of-way.
- (d) The director may require a preconstruction meeting with the utility owner and its contractor.

Sec. 13.08.012 Utility Construction Permit Issuance

(a) The director shall process and administratively complete the utility construction permit application and shall issue a utility construction permit, provided that the utility owner is in compliance with the provisions of this article.

(b) The utility construction permit shall state to whom it is issued, location of work, identification of facilities to be installed, repaired or upgraded or maintained, dates and times of work that is to take place, and any other condition set out by the director.

(c) The permit holder shall:

(1) Maintain a copy of the utility construction permit and approved engineering plans at the construction site, which shall be made available for inspection by the director at all times when construction or installation work is occurring;

(2) Complete all construction work authorized by the utility construction permit in the time specified, unless the permit holder has obtained an extension from the director;

(3) Provide the director access to the worksite, and such further information that may reasonably be required by the director to ensure compliance with the utility construction permit; and

(4) Immediately notify the director of any conflicts discovered with existing facilities, damage to any existing facilities, or other circumstances that reasonably require the city to take corrective action.

(d) The utility construction permit shall expire if the work authorized by the permit does not commence within one hundred twenty (120) days from the date of issuance of the permit or work is suspended or abandoned for a period of 90 days at any time after work is commenced. The director may authorize renewal of the permit for two additional sixty (60) day periods without resubmission of an application, provided that the scope of work set forth in the original application is not changed.

Sec. 13.08.013 Revocation of Utility Construction Permit

The director shall revoke a utility construction permit if the director determines that the permit holder has:

(1) Given false or inaccurate information on the application for a utility construction permit or in a hearing concerning the utility construction permit; or

(2) Has violated any provisions of this article.

Sec. 13.08.014 Appeal from Denial or Revocation of Utility Construction Permit

If the director denies or revokes a utility construction permit, the director shall give notice to the utility owner or registration holder by one of the following methods: (1) personal service; (2) certified mail, return receipt requested; or (3) electronic mail with delivery confirmed by return e-mail. The utility owner or registration holder may appeal the decision to deny or revoke the utility construction permit by filing written notice with the city secretary within five (5) business days after receipt of notice. The city secretary shall give written notice of the time and place of

the hearing to the person appealing by one of the following methods: (1) personal service; (2) certified mail, return receipt requested; or (3) electronic mail with delivery confirmed by return e-mail. The city manager shall conduct a hearing and shall make a decision based on a preponderance of the evidence presented at the hearing. The burden of proof shall be on the utility owner or registration holder. Compliance with formal rules of evidence shall not be required. The decision of the city manager may be appealed to the city council. The decision of the city council shall be final.

Sec. 13.08.015 Placement of Facilities

(a) All facilities constructed within the right-of-way after the effective date of this article shall:

(1) Conform to the city's design standards (standard details of construction), which provide design standards for use and occupancy of the right-of-way and all codes and ordinances in effect at the time of submittal of the application;

(2) Be installed in accordance with plans and at the specific location within the right-of-way approved by the city; and

(3) Be installed or constructed so as not to unreasonably interfere with:

(A) Traffic over city streets; and

(B) The health, safety or welfare of the owners of property adjoining the right-of-way; or

(C) The operation of other facilities or equipment situated within the right-of-way, whether owned or maintained by the city or other utility providers; and

(D) Be located and situated so as to minimize the space used and maximize the space available for other utility facilities.

(b) To the extent permitted by law, the director may require the location of facilities underground.

(c) Any utility owner doing work in the right-of-way shall properly install, repair, and maintain its facilities so as to preserve the integrity of the right-of-way.

(d) Facilities shall be considered to be improperly installed, repaired, upgraded or maintained if:

(1) The installation, repair, upgrade or maintenance endangers people or property;

(2) The facilities do not meet the applicable city codes;

(3) The facilities are not capable of being located using standard practices; or

(4) The facilities are not located in the proper place at the time of construction in accordance with the plans approved by the director.

(e) Whenever by reasons of widening or straightening of streets, water or sewer line projects, or any other public works projects, (e.g., install or improve storm drains, water lines, sewer lines, etc.) it shall be deemed necessary by the city council to remove, alter, change, adapt, or conform the underground or overhead facilities of a utility owner to another part of the right-of-way, such alterations shall be made by the utility owner of the facilities at their expense (unless provided

otherwise by applicable state or federal law, or a valid franchise, a license or other municipal authorization) within the time limits set by the director working in conjunction with the utility owner, or if no time frame can be agreed upon, within ninety (90) days from the day the notice was sent to make the alterations. Facilities not moved after ninety (90) days or within the approved schedule, if such exists, as same may be extended from time to time, shall be deemed abandoned, and, after thirty (30) days written notice, the city may remove the facilities itself or have the facilities removed by a qualified contractor and the utility owner shall be responsible for all costs incurred by the city to perform such work and shall submit payment for said costs within thirty (30) calendar days from the date of the city's invoice.

(f) The city shall have the right to, and may at any time, order and require a utility owner to remove and abate any facility that the director determines is necessary to address a public health or safety emergency. If, after written notice, the utility owner or registration holder fails or refuses to act within the time limits set by the director working in conjunction with the utility owner, or if no time frame can be agreed upon, within ninety (90) days from the day the notice was sent, the city may remove the facilities itself or have the facilities removed by a qualified contractor. The utility owner shall be responsible for all costs incurred by the city under this section and shall submit payment for said costs within thirty (30) calendar days from the date of the city's invoice.

Sec. 13.08.016 Notification

(a) An applicant for a utility construction permit or its contractor shall notify a notification center established pursuant to chapter 251 of the Texas Utility Code, prior to conducting any work in the right-of-way such as excavating, drilling, underground boring, jacking, or open cutting.

(b) A permit holder shall provide the director with the following information at least forty-eight (48) hours before beginning work under the utility construction permit:

- (1) The reference number received from the notification center;
- (2) The exact dates and time work will be performed under the utility construction permit; and
- (3) The name, address and telephone number of the person or entity who will perform the work, including a representative who will be available at all times during construction, and who may be contacted twenty-four (24) hours a day.

(c) The notice of work to the director must be in writing and may be sent by personal service, facsimile transmission or certified mail, return receipt requested. If notice is by certified mail, it shall be sent no later than four (4) business days before work is to commence work.

(d) The utility owner shall coordinate and communicate with private property owners whenever access to private property is restricted.

Sec. 13.08.017 Worksite Regulations

(a) The utility owner or the utility owner's contractor shall notify the director at least twenty-four (24) hours in advance that construction is ready to commence.

- (b) All construction shall be in conformance with all city codes and applicable local, state and federal laws.
- (c) Three-by-three foot (3' x 3') informational signs stating the identity of the person doing the work, telephone number and utility owner's identity and telephone number shall be placed at the location where construction is to occur forty-eight (48) hours prior to the beginning of work in the right-of-way and shall continue to be posted at the location during the entire time the work is occurring. An informational sign stating the construction work is underway shall be posted on public right-of-way one hundred (100) feet before the construction location commences unless other posting arrangements are approved or required by the director.
- (d) Lane closures on major thoroughfares will be limited to between 9:00 a.m. and 4:30 p.m. unless the director grants prior approval for more extensive closures. Arrow boards will be required for lane closures on all major thoroughfares and collectors, and with all safety devices and procedures required by the Texas Manual on Uniform Traffic-Control Devices.
- (e) Utility owners are responsible for the workmanship of, and any damages caused by, the utility owner's contractors or subcontractors. An authorized representative of the utility owner shall be available to the director at all times during construction.
- (f) The utility owner or contractor or subcontractor will notify the director immediately of any damage to any other utilities, including city utilities.
- (g) It is the city's policy not to cut streets or sidewalks unless reasonably necessary; therefore, when a street or sidewalk cut is required, prior approval must be obtained from the director and all requirements of the city shall be followed. Repair of all street and sidewalk removals must be made to avoid safety hazards to vehicle and pedestrian traffic, and shall be in accordance with all applicable city specifications and details for restoration within public rights-of-way.
- (h) Installation of facilities must not interfere with city utilities, including gravity dependent facilities. Facilities shall not be located over, or within two feet, horizontally or vertically, of any water or sanitary sewer mains, unless approved in advance by the director in writing.
- (i) All directional boring shall have a locator place bore marks and depths while the bore is in progress. Locator shall place mark at each stem with paint dot and depth at least every other stem.
- (j) The working hours in the rights-of-way are 9:00 a.m. to 4:30 p.m., Monday through Saturday. Work that needs to be performed after 4:30 p.m. or on Sunday must be approved in advance by the director. No work will be done, except for emergencies, on official city holidays.
- (k) Persons working in the right-of-way are responsible for obtaining line locates from all affected utilities or others with facilities in the right-of-way prior to any excavation. Use of a geographic information system or reference to the "as-build plans" does not satisfy this requirement.
- (l) When required by the director, the utility owner shall verify locations of existing facilities by potholing, hand-digging or other method approved by the director prior to any mechanical excavation or boring.

- (m) Placement of all manholes and/or handholes must be approved in advance by the director. Handholes or manholes will not be located in sidewalks, unless approved by the director.
- (n) Locate flags shall not be removed from a location while facilities are being constructed.
- (o) When construction requires pumping of water or mud, the water or mud shall be contained in accordance with the SWPPP.
- (p) A utility owner shall perform operations, excavations and other construction in the public rights-of-way in accordance with all applicable city requirements, including the obligation to use boring and other trenchless technology whenever feasible and commercially reasonable. The city shall waive the requirement for trenchless technology if it determines that the field conditions warrant the waiver, based upon information provided to the city. All excavations and other construction in the public rights-of-way shall be conducted so as to minimize interference with the use of public and private property. A utility owner shall follow all reasonable construction directions given by the city in order to minimize any such interference.
- (q) Backfilling of all bore pits, potholes, trenches or any other holes shall be completed daily, unless other safety requirements are approved by the director. Holes with only vertical walls shall be covered and secured to prevent entry. Bore pits, trenches or other holes shall be left open for continuation of work overnight only if approved by the director, and shall be fenced and barricaded according to industry best practices.

Sec. 13.08.018 Traffic and Streets

- (a) Except in an emergency, all street closures or detours that will exceed twenty-four (24) hours shall be posted by a sign at least two (2) days prior to the closure or detour. If a cut or opening in a street is left open after 4:30 p.m., safety measures shall be taken by the utility construction permit holder, including but not limited to:
 - (1) Covering the cut with steel plates;
 - (2) A barricade or temporary fencing must be placed on both sides of the cut; and
 - (3) Flares or red or amber flashing lights shall be placed in front of each barricade.
- (b) Any construction abutting a school must be coordinated with the director so as to minimize traffic conflicts and street closures during school days.

Sec. 13.08.019 Restoration of the Right-of-Way and Private Property

- (a) The utility owner shall be responsible for any damage caused by construction, whether to public or private property, and shall immediately repair or replace said property.
- (b) The utility owner shall restore the property affected by construction to a condition that is equal to or better than existed prior to construction, and in accordance with applicable city specifications, unless otherwise approved by the director. The restoration shall, at a minimum, include the following:
 - (1) Replacing all ground cover with the type of ground cover damaged during work to a condition equal to or better either by sodding or seeding, or as directed by the director;
 - (2) Installation of all manholes and handholes, as required;

- (3) Backfilling of all bore pits, potholes, trenches or any other holes, unless other safety requirements are approved by the director;
 - (4) Leveling of all trenches and backhoe lines;
 - (5) Restoration of excavation site;
 - (6) Restoration of all hardscape, paving and driveways;
 - (7) Restoration of all landscaping, ground cover and sprinkler systems; and
 - (8) Removal of all locate-flags during the clean-up process.
- (c) Restoration work must be commenced within five (5) working days of completion of construction, and completed no later than thirty (30) days after the completion of all construction, unless otherwise approved by the director in writing. Access to private property shall be given priority during construction.
- (d) If restoration work does not meet the quality approved by the director or is not performed timely, the director shall give written notice to the utility owner by one of the following methods: (1) personal service; (2) certified mail; or (3) electronic mail with delivery and receipt confirmation by return e-mail. If after notice the deficiencies are not remedied within ten (10) business days, the director may issue a stop-work order and place a hold on all future permits. Stop-work orders and holds placed on future permits shall remain in effect until restoration work is completed to the quality approved by the director.
- (e) Upon failure of a utility owner to perform such restoration, and after written notice has been given to the utility owner by the director as provided above, the city may repair such portion of the public rights-of-way as may have been disturbed by the utility owner, its contractors or agents, and invoice the utility owner for all costs incurred. Upon receipt of an invoice from the city, the utility owner will reimburse the city for the costs so incurred within thirty (30) calendar days from the date of the city invoice.
- (f) Should the city reasonably determine, within one year (1) from the date of the completion of construction, that the restoration work, including, but not limited to, the surface, base, irrigation system and landscape treatment requires additional restoration work to meet existing city standards, the utility owner shall perform such additional restoration work to meet pre-construction conditions or existing standards of the city.
- (g) This section is intended to provide the general minimum requirements for restoration following construction activities in the right-of-way, but other ordinances, laws and regulations may contain additional or more specific provisions. Therefore, nothing contained in this section shall relieve the utility owner from the requirements of any other city ordinance, or other applicable law or regulation.

Sec. 13.08.020 Failure to Complete Work

If the utility owner, the utility owner's contractor or the utility owner's subcontractor fails to diligently perform any construction permitted under a utility construction permit, abandons the job or for other reasons does not complete the construction within a timely manner, or fails to restore the right-of-way or other property as required by this article, the city, after written notice

to the utility owner by one of following methods: (1) personal service; (2) certified mail; or (3) electronic mail with delivery and receipt confirmation by return e-mail shall have the authority to take any action necessary to restore right-of-way to a good and safe condition, in accordance with applicable city specifications. If the failure to complete construction causes a safety hazard, the city may commence restoration immediately and shall notify the utility owner. The utility owner shall be responsible for all costs incurred by the city under this section and shall submit payment for said costs within thirty (30) calendar days from the date of the city's invoice. If the utility owner fails to do so, the director may issue a stop-work order and place a hold on all future permits. Stop-work orders and holds placed on future permits shall remain in effect until all amounts owed are repaid.

Sec. 13.08.021 Indemnity

(a) Unless otherwise provided by law, each utility owner placing facilities in the public rights-of-way shall agree, and by requesting use of the rights-of-way does agree, to promptly defend, indemnify and hold the city harmless from and against all damages, costs, losses or expenses for the repair, replacement, or restoration of city's property, equipment, materials, structures and facilities which are damaged, destroyed or found to be defective as a result of the utility owner's acts or omissions, and from and against any and all claims, demands, suits, causes of action, and judgments for:

(1) Damage to or loss of the property of the utility owner, any other utility owners, owners of other property, their contractors and subcontractors, the city's agents, officers, and employees, and other third parties; and/or

(2) Death, bodily injury, illness, disease, loss of services, or loss of income or wages to any person arising out of, incident to, concerning or resulting from the negligent or willful act or omissions of the utility owner, its agents, employees, and/or subcontractors, in the performance of activities pursuant to this article.

(b) This indemnity provision shall not apply to any liability resulting from the negligence of the city, its officers, employees, agents, contractors, or subcontractors.

(c) The provisions of this indemnity are solely for the benefit of the city and not intended to create or grant any rights, contractual or otherwise, to any other property or utility owner or other entity.

(d) A utility owner shall immediately advise the director and the city of actual or potential litigation that may develop or may affect the utility owner's obligation to defend and indemnify the city.

Sec. 13.08.022 Enforcement and Penalties

(a) A person commits an offense if the person attempts to place, places, attempts to cause to be placed or causes to be placed any facilities within the right-of-way in any manner other than the manner provided by this article.

(b) A person commits an offense if the person owns or operates facilities within the right-of-way without first having obtained a registration from the city, except as expressly permitted otherwise in this article.

(c) Whenever it appears that a person has violated, or continues to violate, any provision of this article that relates to:

(1) The preservation of public safety relating to the methods or procedures for construction of any utility facility or improvement; or

(2) The preservation of public health or safety; the city may petition the state district court or the county court at law, through the city attorney, for either the injunctive relief in this section, and may obtain against the utility owner, or the utility owner's contractor or subcontractor, or any other person regulated by this article, a temporary or permanent injunction, as appropriate, that:

(A) Prohibits any conduct that violates any provision of this article; or

(B) Compels the specific performance of any action that is necessary for compliance with any provision of this article.

(d) Any person who has violated any provision of this article, or any order issued hereunder, shall be strictly liable for such violation, and shall, upon conviction, be subject to a fine in accordance with [Section 1.01.009](#), the general penalty provision of the city code.

Sec. 13.08.023 Network nodes in public right-of-way

(a) Generally. This section shall be construed in accordance with chapter 284 of the Texas Local Government Code to the extent not in conflict with the constitution and laws of the United States or of the state. To extent of any conflict between this section and the remainder of this article, this section controls.

(b) Definitions. For the purpose of this section, the definitions found in the city's design manual for the installation of network nodes and node support poles are hereby incorporated into this section and shall apply unless the context clearly indicates or requires a different meaning. In addition, the definitions from section 284.002 of the Texas Local Government Code are specifically incorporated into this section by reference. In addition, in this section:

Applicable codes.

(1) The city's uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

(2) Local amendments to those codes to the extent not inconsistent with chapter 284.

City. The City of Rhome, Texas.

City council. The governing body of the City of Rhome, Texas.

Chapter 284. Chapter 284 of the Texas Local Government Code.

Design manual. The city's design manual for the installation of network nodes and node support poles.

Easement. Any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Federal Communications Commission or FCC. The federal administrative agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Street. Only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements. A “street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

Wireless facilities. “Micro network nodes,” “network nodes,” and “node support poles” as those terms are defined in chapter 284.

(c) Use and occupancy of public rights-of-way. Pursuant to this section and subject to the design manual and chapter 284, a wireless network provider has the nonexclusive right to use and occupy the public rights-of-way in the city for the purpose of constructing, maintaining, and operating its facilities used in the provision of wireless facilities. The terms of this section shall apply to all wireless network providers’ facilities used, in whole or part, in the provision of wireless services throughout the city, including any annexed areas upon the effective date of annexation or the date the city provides the company written notice, whichever date occurs later.

(d) Compliance with this article, the design manual, applicable codes, and chapter 284. All wireless network providers shall comply with the terms of this section and the remainder of this article, and are hereby included in the definition of a “utility owner” for the purposes of this article. All wireless network providers shall also comply with applicable codes, the terms and conditions of the city’s design manual, and chapter 284.

(e) Permit applications.

(1) Except as otherwise provided in chapter 284, a network provider shall obtain a permit or permits from the city to install a network node, node support pole, or transport facility in a public right-of-way.

(2) As required by chapter 284, the city shall not require a network provider to perform services for the city for which the permit is sought.

(3) A network provider that wants to install or collocate multiple network nodes inside the municipal limits of the city is entitled to file a consolidated permit application with the city for not more than 30 network nodes, and upon payment of the applicable fee(s), receive a permit or permits for the installation or collocation of those network nodes.

(4) The network provider shall provide the following information in its permit applications:

(A) Applicable construction and engineering drawings and information to confirm that the applicant will comply with this article, the city’s design manual, chapter 284, and applicable codes;

(B) Any additional information reasonably related to the network provider’s use of the public rights-of-way to ensure compliance with the design manual and this section;

(C) A certificate that the network nodes comply with applicable regulations of the Federal Communications Commission; and certification that the proposed network nodes will be placed into active commercial service by or for the network provider not later than the 60th day after the date of construction and final testing of each network node is completed.

(5) Exception. As provided in section 284.157 of chapter 284, a network provider is not required to apply, obtain a permit, or pay a rate to the city for:

(A) Routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;

(B) Replacing or upgrading a network node or network pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or

(C) The installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles in compliance with the National Electrical Safety Code.

(D) The network provider or its contractors shall notify the city at least 24 hours in advance of work described in this subsection (5).

(f) Installation in historic districts or design districts. A network provider must obtain advance written consent from the city council before collocating new network nodes or installing new node support poles in an area of the city that has been zoned or otherwise designated as a historic district or as a design district if the district has decorative poles. The network provider shall be required to comply with the requirements described in the city's design manual. The city has the authority to designate new historic districts and design districts in the future.

(g) Installation in municipal parks and residential areas. A network provider may not install a new node support pole in a public right-of-way without the city council's discretionary, nondiscriminatory, and written consent if the public right-of way:

(1) Is in a municipal park; or

(2) Is adjacent to a street or thoroughfare that is:

(A) Not more than 50 feet wide; and

(B) Adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

(C) In addition to the above, a network provider installing a network node or node support pole in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

(D) The network provider shall be further required to comply with guidelines set out in the city's design manual.

(h) Municipal review process by the city.

(1) Determination of application completeness. The city shall determine whether the permit application is complete and notify the applicant of that determination:

(A) For network nodes and node support poles, no later than 30 days after the date the city receives the permit application; and

(B) For a transport facility, no later than 10 days after the date the city receives the permit application.

(2) Approval or denial of application. The city shall approve or deny a completed application after the date it is submitted to the city:

(A) For network nodes, no later than 60 days after the date the city receives the complete application;

(B) For network support poles, no later than 150 days after the date the city receives the complete application; and

(C) For transport facilities, no later than 21 days after the city receives the complete application.

(3) Basis for denial of application. If an application is denied by the city, it shall document the basis for the denial, including the specific applicable city code provisions or other city rules, regulations, or other law on which the denial is based. The documentation for the denial must be sent by electronic mail to the applicant on or before the date that the city denies the application.

(4) Resubmission of denied application. The applicant may cure the deficiencies identified in the denial application.

(A) The applicant has 30 days from the date the city denies the completed application to cure the deficiencies identified in the denial documentation without paying an additional application fee, other than any fee for actual costs incurred by the city.

(B) The city shall approve or deny the revised completed application after a denial not later than the 90th day after the city receives the revised completed application. The city's review shall be limited to the deficiencies cited in the denial documentation.

(i) Time of installation. A network provider shall begin installation for which a permit is granted not later than six months after final approval of the application and shall diligently pursue installation to completion. The city manager may in his or her sole discretion grant reasonable extensions of time as requested by the network provider.

(j) Applicable fees and rental rates to the city.

(1) As compensation for the network provider's use and occupancy of the public rights-of-way, the network provider shall pay application fees and annual public right-of-way rental rates as set forth below, which shall be in lieu of any lawful tax, license, charge, right-of-way permit, use, construction, street cut or inspection fee; or other right-of-way related charge or fee, whether charged to the network provider or its contractor(s) within the city, except the usual general ad valorem taxes, special assessments and sales tax levied in accordance with state law and equally applicable to all general businesses in the city.

(2) Network nodes.

(A) The application fee shall be \$100.00 for each network node for up to but not more than 30 network nodes.

(B) The annual public right-of-way rate shall be \$250.00 per network node installed in the city public rights-of-way.

(C) As provided in section 284.054 of chapter 284, the city may adjust the amount of the annual public right-of-way rate not more than annually by an amount equal to one-half the annual change, if any, in the consumer price index (CPI). The city shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the city on or after the 60th day following the written notice.

(3) Node support poles. The application fee for each network support pole shall be \$100.00.

(4) Transfer facilities.

(A) The application fee for each transfer facility shall be \$100.00.

(B) The annual transfer facility rental rate shall be \$28.00 monthly for each network node site located in a public right-of-way. However, no rate is required if the network provider is already paying the city an amount equal to or greater than the amount of other city right-of-way fees for access lines under chapter 283 of the Texas Local Government Code or cable franchise fees under chapter 66 of the Texas Utilities Code.

(5) Micro network nodes. No application fee is required for a micro network node if the installation is attached on lines between poles or node support poles.

(6) Collocation of network nodes on service poles. Subject to the city's license agreement, the collocation of network nodes on city service poles shall be at a rate of \$20.00 per year per service pole.

(7) City-owned municipal utility poles. A network provider shall pay an annual pole attachment rate for the collocation of a network node supported by or installed on a city-owned utility pole based upon the pole attachment rate consistent with section 54.024 of the Texas Utilities Code, applied on a per-foot basis.

(k) Indemnity. As provided in section 284.302 of chapter 284, a network provider shall indemnify, defend, and hold the city harmless from and against all liability, damages, cost, and expense, including reasonable attorney's fees, arising from injury to person or property proximately caused by the negligent act or omission of the network provider. The city shall promptly notify the network provider of any claims, demands, or actions ("claims") covered by this indemnity after which the network provider shall defend the claims. The network provider shall have the right to defend and compromise the claims. The city shall cooperate in the defense of the claims. The foregoing indemnity obligations shall not apply to claims arising solely from the negligence of city; however, they shall apply in the case of all claims which arise from the joint negligence of the network provider and the city; provided that in such cases, the amount of the claims for which the city shall be entitled to indemnification shall be limited to that portion attributable to the network provider. Nothing in this section shall be construed as waiving any governmental immunity available to the city under state law or waiving any defenses of the parties under state law.

(l) Effect on other utilities and telecommunication providers. Nothing in this section shall govern attachment of network nodes on poles and other structures owned or operated by investor-owned electric utilities, electric cooperatives, telephone cooperatives, or telecommunication providers.

(m) License agreement. The city manager is authorized to require and enter into a license agreement governing a network provider's use of the public rights-of-way for any purpose authorized by chapter 284 of the Texas Local Government Code and in conformance with this article to the extent said article is not in conflict with chapter 284 of the Local Government Code, and the design manual.

DRAFT



Agenda Commentary

Meeting Date: December 10, 2020

Department: Administration

Contact: Cynthia Northrop

Agenda Item: W. Update and Discussion regarding construction status of the East Wastewater Treatment Plant

Type of Item: ☐ Ordinance ☐ Resolution ☐ Contract/Agreement ☐ Public Hearing ☐ Plat
☐ Discussion & Direction ☒ Other

Summary-Background:

Council authorized needed updates to the East Wastewater Treatment Plant, issuing a \$2.6 million bond for design and construction. The project was bid, bids were received and Council awarded \$1,808,900 million construction contract to Rey Mar Construction.

- a. City of Rhome requested and received TCEQ TPDES permit
- b. Notice to Proceed – November 16, 2020
- c. Project duration – 270 calendar days
- d. Ongoing weekly construction meetings with Rey-Mar, KH and city staff

Funding Expected: ☐ Revenue ☐ Expenditure ☐ N/A **Budgeted Item:** ☒ Yes ☐ No ☐ N/A

Funding Account: _____ **Amount:** _____

Legal Review Required: ☐ N/A ☐ Required

Engineering Review _____ **FD Review** _____ **PD Review** _____ **PW Review** _____

Supporting Documents attached: No

Recommendation: receive update
