



AGENDA
WATAUGA ECONOMIC DEVELOPMENT CORPORATION
REGULAR MEETING
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148
TUESDAY, SEPTEMBER 17, 2019
6:00 PM

CALL TO ORDER

PUBLIC TESTIMONY Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. Individuals desiring to speak during Public Testimony shall be called upon to speak only after completing a Request to Speak form provided. The Request to Speak form for Public Testimony shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of that respective item by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the Body. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and efficiency of the meeting. Reasonable time limitations may be placed on public testimony by the presiding officer in order to conduct an efficient and effective public meeting.

PRESENTATIONS

1. Presentation of Certificate of Congratulations for 15 Years of Business Service to Kip Woodruff Insurance
2. Presentation of Certificate of Congratulations for 15 Years of Business Service to Rufe Snow Farmers Market

REPORTS FROM STAFF

1. Monthly Financial Report for the period ending July 31, 2019
Sandra Gibson, CGFO, CGFM, Director of Finance

APPROVAL OF MINUTES

1. Approval of July 16, 2019 Minutes

PUBLIC HEARING

ACTION ITEMS

1. Discuss and consider action on a resolution of the Watauga Economic Development Corporation declaring the location for the Official Agenda and Public Notice Bulletin Board and the official email address for receiving Requests for Public Information
2. Discuss and provide direction to the City Manager on logo options for the Watauga Economic Development Corporation
3. Discuss and consider action on a Request For Qualifications for Legal Services

EXECUTIVE SESSION The Watauga Economic Development Corporation Board will convene in executive session pursuant to (Texas Open Meetings Act), Chapter 551 of the Texas Government Code, Section 551.087 to deliberate regarding economic development negotiations and Section 551.072 deliberations about real property.

ADJOURNMENT

Meeting Notices and Reservation of Rights

The Watauga Economic Development Corporation Board of Directors may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the to address a subject matter on the agenda. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625.

I, Andrea Gardner, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday, September 13, 2019, before 6:00 p.m. in accordance with Chapter 551 of the Texas Government Code.



Andrea Gardner, City Secretary





AGENDA MEMORANDUM

DATE: September 11, 2019

TO: Watauga Economic Development Corporation Directors

FROM: Sandra Gibson, CGFO, CGFM, Director of Finance

SUBJECT: Monthly Financial Report for the period ending July 31, 2019

BACKGROUND/INFORMATION:

The monthly financial report for the period ending July 31, 2019 is attached for the Board's review.

FINANCIAL IMPLICATIONS:

N/A

RECOMMENDATION/ACTION DESIRED:

This item does not require a recommendation as it is a presentation/report.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. EDC Monthly Financial - July 2019 REPORT

REVIEWED BY:

Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager
Approved as to form for inclusion on Agenda

Approved - 9/13/2019
Final Approval - 9/13/2019



AGENDA MEMORANDUM

DATE: September 12, 2019

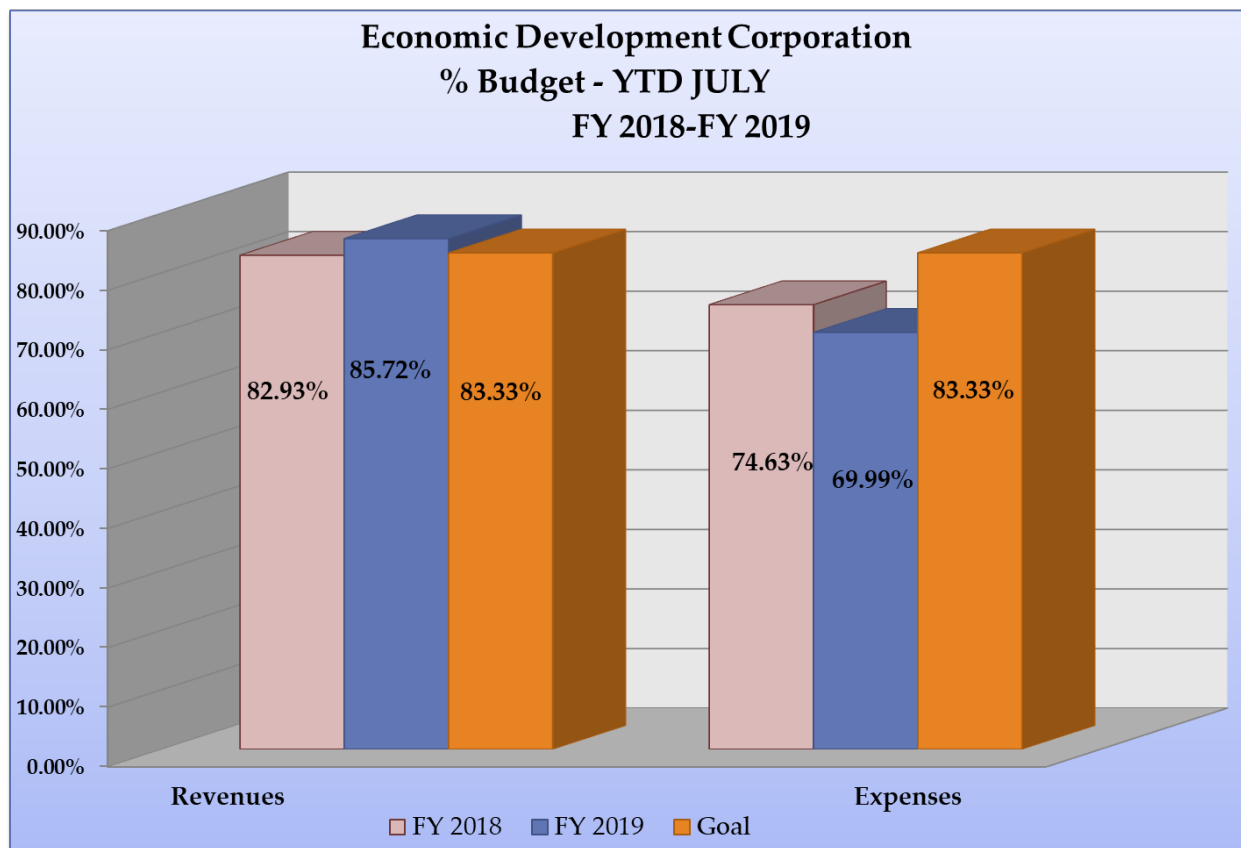
TO: Watauga Economic Development Board

FROM: Sandra Gibson, Director of Finance

SUBJECT: Financial Report for the Month of July, 2019

The attached report and below graph represent the results of transactions through July, 2019 which is the 10th month of the fiscal year and 83% through the FY2018-19 budget.

The year-to-date sales tax distribution is \$621,481 which is 85.4% of budgeted sales tax revenues. Total year-to-date expenditures are \$556,128 which is 70% of the budget expended for the year.



CITY OF WATAUGA
BUDGET TO ACTUAL COMPARISON
FISCAL YEAR 2019
For the period ending July 31, 2019 (4th FY Qtr.)

ECONOMIC DEVELOPMENT CORP - 04

	CURRENT BUDGET	7/31/2019 YTD ACTUAL	% USED	% REMAINING	7/31/2018 YTD ACTUAL	\$ CHG 19 vs 18	% CHG 19 vs 18
REVENUE:							
SALES TAX	728,000	621,481	85.37%	14.63%	602,821	18,659	3.10%
INTEREST EARNINGS	7,500	8,987	119.82%	-19.82%	7,547	1,439	19.07%
INTEREST/ESCROW	-	-	-	-	-	-	-
CONTRIBUTIONS/OTHER	-	-	-	-	-	-	-
TOTAL REVENUE	\$735,500	\$630,467	85.72%	14.28%	\$610,369	20,099	3.29%
PERSONNEL SERVICES	447,400	334,714	74.81%	25.19%	362,371	(27,657)	-7.63%
NON-DEPARTMENTAL	21,390	14,813	69.25%	30.75%	13,276	1,538	11.58%
SUPPLIES	63,100	28,312	44.87%	55.13%	27,536	776	2.82%
MAINTENANCE	62,200	28,472	45.77%	54.23%	46,346	(17,874)	-38.57%
CONTRACTUAL & SUNDRY	144,100	101,159	70.20%	29.80%	79,717	21,443	26.90%
TRANSFERS	50,900	43,157	84.79%	15.21%	30,127	13,030	43.25%
CAPITAL OUTLAY	5,500	5,500	100.00%	0.00%	6,200	(700)	0.00%
TOTAL EXPENDITURES	794,590	556,128	69.99%	30.01%	\$ 565,572	(9,444)	-1.67%
EXCESS REVENUE OVER (UNDER) EXPENDITURES	(\$59,090)	\$74,340			\$44,796	\$29,543	

100.00%



AGENDA MEMORANDUM

DATE: September 11, 2019

TO: Watauga Economic Development Corporation Directors

FROM: Andrea Gardner, City Manager

SUBJECT: Approval of July 16, 2019 Minutes

BACKGROUND/INFORMATION:

Draft minutes of the Regular Meeting of the Watauga Economic Development Corporation are attached for your review.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

Respectfully request the Board review and take action on this item as presented.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. 7-16-19

REVIEWED BY:

Andrea Gardner, City Manager

Final Approval - 9/12/2019

Approved as to form for inclusion on Agenda

MINUTES
WATAUGA ECONOMIC DEVELOPMENT CORPORATION
REGULAR MEETING
7105 WHITLEY ROAD, WATAUGA, TEXAS 76148
July 16, 2019
6:00 P.M.

DIRECTORS PRESENT:

Art Miner, President, Place 1
Pete Beierschmitt, Vice-President, Place 7
Becky Hartless, Secretary, Place 4
Jan Hill, Place 3
Joy Longerbeam, Place 5

DIRECTORS ABSENT:

None

City Staff Present:

Andrea Gardner, City Manager
Sandra Gibson, Finance Director
Deby Woodard, Assistant Finance Director
Paul Hackleman, Public Works Director
Denise Wilkinson, Economic Development Specialist
Clint Harmon, Building & Facilities Superintendent

CALL TO ORDER:

President Miner called the meeting to order at 6:00 PM.

CITIZENS OPEN FORUM

No public input was received.

PRESENTATIONS

1. Presentation of Certificate of Congratulations for 15 Years of Business Service to Party City. A representative of Party City was not able to attend the meeting. President Miner recognized the Business Anniversary and stated the certificate would be presented at Party City on July 30, 2019.

REPORTS FROM STAFF

1. Monthly Financial Report for June 2019
Ms. Gibson presented the June 2019 Financial Report.
2. Report on Branding Signs
Ms. Gibson gave a report. Mr. Harmon gave a presentation about the proposed branding signs. Discussion was held and questions were asked about costs for replacement signage, locations of new signs and the reasons for the new signage. It was reported that the proposed new 5 CEVMS signs will cost approximately \$250,000, will replace the current signs in their present locations, and the purpose for the new signs is that the current signs are small and are not noticed by drivers.

APPROVAL OF MINUTES:

1. Regular Meeting Minutes of June 18, 2019

Mr. Beierschmitt motioned to approve the minutes of June 18, 2019 as presented. Ms. Hill seconded the motion with all members present voting aye.

AYES: Hill, Hartless, Longerbeam, Beierschmitt
NAYS: None

PUBLIC HEARING

1. Conduct a public hearing to receive public input for the 2019-2020 Proposed Budget of the Watauga Economic Development Corporation

Ms. Gibson gave a brief summary of the proposed budget. President Miner opened the public hearing at 6:09 PM. Ms. Danielle Tucker had a question about the \$550,000 bid and engineering fees, she asked to upgrade existing business signs and why was the Youth Advisory Committee not funded. Ms. Gardner answered that the \$550,000 bid was for the retaining wall, funded by a CO which will be paid in increments for the life of the bond, the EDC will be considering signs to Shop Watauga and others that will be to promote shopping local businesses, and that the Youth Advisory Committee is funded through the general fund, not the EDC budget. No other speakers were present. The public hearing was closed at 6:17 PM.

2. Conduct a public hearing in support of an economic development grant agreement to provide funding to support costs for a branding signs project

President Miner opened the public hearing at 6:18 PM. No public input was received and the public hearing was closed at 6:18 PM.

NEW BUSINESS

1. Consider action on a resolution approving a City of Watauga Economic Development Grant Agreement with the City of Watauga to provide funding to support costs for a Branding Signs project

NEW BUSINESS: (continued)

Mr. Beierschmitt made a motion to table consideration of this item. Discussion was held and the motion died for lack of a second. Ms. Hill made a motion to recommend a resolution approving a City of Watauga Economic Development Grant Agreement with the City of Watauga to provide funding to support costs for a Branding Signs Project. Ms. Longerbeam seconded the motion. The vote tied and the motion carried President Miner voting to break the tie as follows:

Ayes: Hill, Longerbeam, Miner
Noes: Hartless, Beierschmitt

2. Consider action on a Staffing and Reimbursement Agreement between the Watauga Economic Development Corporation and the City of Watauga for personnel and services.

Ms. Hill made a motion to approve a Staffing and Reimbursement Agreement between the Watauga Economic Development Corporation and the City of Watauga for personnel and services. Ms. Longerbeam seconded and the motion carried with the following vote:

Ayes: Hill, Hartless, Longerbeam
Noes: Beierschmitt

3. Consider action on a resolution to appoint the legal counsel of the City of Watauga, Texas to serve as the legal counsel of the Watauga Economic Development Corporation

Ms. Gardner explained that until requests for qualifications are received and reviewed, and the committee provides a recommendation for WEDC counsel, the board can appoint current interim city attorney. Mr. Beierschmitt made a motion to appoint current interim city attorney for counsel until a new attorney is contracted for the Watauga EDC. Ms. Hill seconded and the motion carried unanimously with the following vote:

Ayes: Hill, Hartless, Longerbeam, Beierschmitt
Noes: None

4. Consideration and action on the proposed Fiscal Year 2019-2020 Economic Development Corporation Budget.

Ms. Hill made a motion to recommend the proposed Fiscal Year 2019-2020 Economic Development Corporation Budget. Ms. Hartless seconded the motion and the motion carried with the following vote:

Ayes: Hill, Hartless, Longerbeam
Noes: Beierschmitt

ANNOUNCEMENTS

None

ADJOURNMENT

With no further business to discuss, President Miner adjourned the meeting at 6:51 PM.

APPROVED: this the _____ day of _____ 2019.

SIGNED: this the _____ day of _____ 2019.

APPROVED: _____
Arthur L. Miner, President

ATTEST: _____
Becky Hartless, Secretary



AGENDA MEMORANDUM

DATE: September 4, 2019

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

THROUGH:

SUBJECT: Discuss and consider action on a resolution of the Watauga Economic Development Corporation declaring the location for the Official Agenda and Public Notice Bulletin Board and the official email address for receiving Requests for Public Information

BACKGROUND/INFORMATION:

The attached resolution is proposed for approval as a means to alleviate confusion regarding the locations or email addresses related to postings and availability under the Texas Open Meetings Act and the Public Information Act.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the WEDC Board approve Resolution 2019-03.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Resolution to Declare Locations and Emails for WEDC

REVIEWED BY:

Tara Rogers, Deputy City Secretary

George Hyde, Legal

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 9/12/2019

Approved - 9/13/2019

Final Approval - 9/13/2019

WATAUGA ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2019-03

A RESOLUTION OF THE WATAUGA ECONOMIC DEVELOPMENT CORPORATION DECLARING THE LOCATION FOR THE PRINCIPAL BULLETIN BOARD OF THE WATAUGA ECONOMIC DEVELOPMENT CORPORATION FOR MEETING AND OTHER REQUIRED NOTICES; DECLARING THE OFFICIAL EMAIL ADDRESS FOR PUBLIC INFORMATION ACT REQUESTS SUBMITTED TO THE WATAUGA, ECONOMIC DEVELOPMENT CORPORATION; PROVIDING THAT ALL RESOLUTIONS IN CONFLICT HERewith ARE HEREBY REPEALED TO THE EXTENT THAT THEY ARE IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Directors of the Watauga Economic Development Corporation pursuant to Texas Government Code 551.050, declares the outside bulletin board located at 7105 Whitley Road, Watauga, Texas as the official Bulletin Board for Watauga Economic Development Corporation meeting notices and other notices as required by law; and

WHEREAS, the Board of Directors of the Watauga Economic Development Corporation pursuant to Chapter 552 of the Texas Government Code, declares PIARequests@wataugatx.org as the official email address for submitting requests for public information under the Texas Public Information Act; and

WHEREAS, the action authorized by this Resolution is in furtherance of the public interest, for the good of the community, and necessary and proper for carrying out the authority granted by federal and state laws to the Watauga Economic Development Corporation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Watauga, Texas Economic Development Corporation that:

I.

The Board of Directors hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Board of Directors hereby incorporates such recitals as a part of this Resolution.

II.

The President of the Watauga, Texas Economic Development Corporation is hereby authorized to execute for and on behalf of the Watauga Economic Development Corporation, and the City Secretary is hereby authorized to attest the execution of this resolution.

III.

This Resolution shall be and is hereby cumulative of all other resolutions of the Watauga Economic Development Corporation and this resolution shall not operate to repeal or affect any such other resolutions except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this resolution, in which event such conflicting provisions, if any, in such other resolution or resolutions are hereby repealed.

IV.

If any section, subsection, sentence, clause or phrase of this resolution shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this resolution.

V.

This resolution shall become effective and be in full force and effect from and after the date of passage and adoption by the Board of Directors of the Watauga Economic Development Corporation, and upon approval thereof by the President of the Watauga Economic Development Corporation and publication hereof as prescribed by law.

PASSED AND ADOPTED by the Board of Directors of the Watauga Economic Development Corporation on this 17th day of September 2019.

APPROVED

Arthur L. Miner, President

ATTEST:

Andrea Gardner, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Corporation Attorney



AGENDA MEMORANDUM

DATE: September 12, 2019

TO: Watauga Economic Development Corporation Directors

FROM: Andrea Gardner, City Manager

SUBJECT: Discuss and provide direction to the City Manager on logo options for the Watauga Economic Development Corporation

BACKGROUND/INFORMATION:

On April 16, 2019, City staff requested direction from the WEDC Board regarding utilizing the City logo or creating its own logo and if the staff should contract with a firm to create a logo or have staff submit a sample logo. MacKay Advertising provided two logo options for Board consideration. MacKay Advertising has a contractual relationship with the City for the advertising benches located throughout the City.

FINANCIAL IMPLICATIONS:

The design fee will be \$125.00 with limited usage. Meaning that the WEDC would be able to use the logo in all internal paperwork, web presence and anything not of a hard cost. All other uses of the logo for things that cost the WEDC money, such as, t-shirts, signs, promotional products, etc. would be priced competitively and MacKay requests to be consider for such bid opportunities. An unlimited license usage the charge would be \$300.

RECOMMENDATION/ACTION DESIRED:

City staff recommends the Board provide direction on moving forward with a logo for the WEDC.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. ED Logo 1
2. WEDC-idea

REVIEWED BY:

Denise Wilkinson, Economic Development Specialist
Andrea Gardner, City Manager
Approved as to form for inclusion on Agenda

Approved - 9/13/2019
Final Approval - 9/13/2019





1



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301 West Vickery Boulevard • Fort Worth, Texas 76104 • Phone: 817-877-1866 • Fax: 817-877-0504



AGENDA MEMORANDUM

DATE: September 12, 2019

TO: Watauga Economic Development Corporation Directors

FROM: Sandra Gibson, CGFO, CGFM, Director of Finance

SUBJECT: Discuss and consider action on a Request For Qualifications for Legal Services

BACKGROUND/INFORMATION:

During the April 2019 WEDC Meeting, the Board provided staff with direction to prepare an RFQ for legal services. At the May 2019 WEDC Board Meeting, the Board selected Ms. Jan Hill and Joy Longerbeam to serve on the Review Committee for the Legal Services RFQ. The August meeting was cancelled and the Council didn't reappoint Joy Longerbeam, thus the Mayor served in her place as part of the Review Committee.

The RFQ was prepared by the Finance Department and advertised in accordance with Texas Local Government Code Sec. 252 on August 16 and August 23, 2019.

The RFQ deadline was August 30, 2019. The Committee met on September 4, 2019 to open the RFQ submittals and receive instructions for evaluating the submittals. The Committee met again on September 10, 2019 to submit the evaluations to the Finance Department for tabulation (see attached scoring).

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff respectfully requests the Board take the action considered most appropriate.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Letter for Legal
2. 19-020 - Professional Legal Services
3. EVALUATION - LEGAL SERVICES # 19-020
4. WEDC RFQ Attorney

REVIEWED BY:

Sandra Gibson, CGFO, CGFM, Director of Finance
Andrea Gardner, City Manager

Approved - 9/13/2019
Final Approval - 9/13/2019



AGENDA MEMORANDUM

Approved as to form for inclusion on Agenda



CITY OF WATAUGA

REQUEST FOR QUALIFICATIONS

Reference Number: 19-020

**Project Title: Professional Legal Services for
Watauga Economic Development Corporation**

Closing Date and Time:

Friday, August 30, 2019
4:00 P.M. (CST)

INTRODUCTION

Watauga Economic Development Corporation (WEDC) seeks qualified attorneys and/or law firms to serve as contracted WEDC counsel and provide other legal services encompassing the traditional scope of work including legal counsel, opinions, and consultation with an emphasis on Municipal Type B Corporation and economic development law.

Preference will be given to those submittals demonstrating extensive experience in economic development law. The successful applicant(s) shall possess sufficient resources to ensure demands for the WEDC's legal needs will be met in a timely manner.

In order to ensure a fair review and selection process, firms submitting Qualifications are specifically required not to make contact or inquiries with City staff or members of the WEDC Board regarding the Request for Qualifications (RFQ). All inquiries regarding this RFQ should be in writing to Deby Woodard, Assistant Finance Director at dwoodard@cowtx.org prior to 2:00 P.M. (CST) Friday, August 23, 2019. Failure to comply with this may result in disqualification.

WEDC Counsel will provide general legal counsel to the WEDC board members and the City Manager, provide written opinions, draft ordinances and ordinance amendments, performance agreements and provide legal assistance to the WEDC Board and City Manager in the conduct of the WEDC business. Attendance at the WEDC meetings are required, including any additional City of Watauga meetings, as specified.

TERMS OF AGREEMENT

This anticipated agreement is for a one-year period upon contract award with the option to renew for two additional one-year periods upon the approval by the City and WEDC. In the event both parties cannot agree on pricing for the contract extensions, the existing contract will be allowed to expire and the services will be rebid.

SCOPE OF WORK

Under the proposed agreement, general counsel will provide the following services on a fixed fee or as needed arrangement:

1. Provide legal advice, counsel services, and consultation to the WEDC Board on a wide variety of civil assignments, including but not limited to: general municipal law, labor law, general state and federal laws relating to Type B Corporations, public disclosure issues, laws against discrimination, ordinance and resolution development and interpretation, economic development activities including performance agreements, development, redevelopment, property/real estate law, contract law, corporation leases, purchasing and procurement, trial activity, and tort law. General Counsel's advice includes methods to avoid civil litigation.
2. Prepare written legal opinions at the request of the WEDC Board and/or the City Manager.
3. Appear before courts and administrative agencies to represent the WEDC's interest if required.
4. Work cooperatively with any special legal counsel retained by the City for special projects. Coordinate with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal information.
5. Provide guidance and legal advice on the Open Meetings Act, the Freedom of Information Act, Robert's Rules of Order, and Board rules and procedures as required.

6. Assist WEDC Board Members to maintain awareness of ethical standards and appearances of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and any appearance of prohibited transaction as needed.
7. Prepare and review ordinances and resolutions for legal correctness and acceptability.
8. Prepare and review legal memorandums, contracts, leases, and other documents for legal correctness and acceptability as needed.
9. Attend and provide legal representation to the Board and City Manager at WEDC Board meetings and other City meetings as required.
10. Perform other legal services and tasks as requested.
11. Work cooperatively with the City Manager, City staff, and any special counsel retained by the City of Watauga for any projects or joint WEDC/City projects.

GENERAL SPECIFICATIONS

The following provisions will also apply and be considered:

1. Timeliness of response and accessibility to general counsel is an important aspect of this service. Accessibility and responsiveness of the selected firm is of great importance. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the availability to be reached by telephone or email.
2. Service response is of high importance. When WEDC request legal services, counsel should provide an estimated time of completion and keep the requesting party apprised of any delays or special considerations.
3. Shall provide detailed itemized statements on a monthly basis.
4. Must be licensed to practice in the State of Texas.

SUBMISSION

Attorney(s) or Firms wishing to respond should submit to the City in a sealed and clearly labeled package with:

#19-020 Professional Legal Services for WEDC
Closing: 4:00 P.M., Friday, August 30, 2019

All qualifications should include contact information and all required documentation sent to:

City of Watauga
Purchasing Agent
7105 Whitley Road
Watauga, Texas 76148

Qualifications received after the official closing date and time will be considered void and unacceptable. The City and WEDC is not responsible for lateness or non-delivery of mail, courier, etc., and the time and date recorded by the City of Watauga shall be the official time of receipt of the RFQ. It is the policy that late RFQ be returned to the sender unopened provided there is a return address. However, if a late RFQ is opened by staff in error, under no circumstances will the late RFQ be considered, even if opened. Firms are solely responsible for ensuring that RFQs are received by the City of Watauga on or before the submission due date and time.

All costs associated with preparing the RFQ submission shall be the full responsibility of the responder. The WEDC and City will not reimburse any expenses incurred with the preparation and submission and/or attendance at interviews as requested.

Nothing herein shall create an obligation on the part of the City or WEDC to do business with the attorney(s) or firm(s) in this RFQ process.

A contract will be negotiated with the highest ranked attorney or firm based on the evaluation criteria. Should negotiations be unsuccessful, the negotiations will then cease with the firm and negotiations will proceed with another firm. The WEDC reserves the right to negotiate all elements which comprise the RFQ, and to accept or reject any part or all of any RFQ.

WEDC expects all submitting attorneys or firms to consent to the Scope of Work and general specifications. Any exceptions desired must be clearly noted in the submission.

WEDC reserves the right to reject any or all RFQ's, in whole or part, to waive any informality in any qualification, request additional information, and to select the RFQ which, in its discretion, is in the best interest of the WEDC.

All interested parties must provide four (4) copies of a written response and one (1) electronic copy, to each inquiry in the order below. Please include one set of business cards with the original RFQ.

Each RFQ shall be considered binding, and in effect for a period of ninety (90 days) following the RFQ opening.

All RFQ responses shall include the following information in the order specified:

1. SECTION ONE - Attorney/Firm Experience:

- a. Provide a brief background history of the individual/firm, number of attorneys employed.
- b. Provide a statement of the general counsel/law firm's philosophy.
- c. Provide an overall experience summary of the knowledge in issues related to local, state, and federal government operations.
- d. Identify the specific experience in specialized areas, including but not limited to parliamentary procedures, open meeting, and any additional legal areas that will identify the focus of the individual or firm.
- e. Describe experienced with Development Corporations and any specific Acts or Statutes that govern Type B sales tax non-profit corporations.

Attachment A: Scope of Work

- List which of the areas of law outlined in section titled "Scope of Work: in which firm/individual has expertise.
- Discuss in some detail past experiences in representing clients in the enumerated areas of law.
- Identify past representation in those areas of law, providing dates of representation.
- Identify any areas noted in "Scope of Work" section in which you do not have experience.
- Identify any areas of law that you would refer out to special legal counsel for their expertise.

Attachment B: Firm Experience

- Provide a narrative description of the firm.
- Identify the firm's expertise in representing entities involved in economic development.

- Identify experience with municipal law, including land use, zoning, growth management, contract law, or other related experience.
- Detail and explain any grievances or disciplinary action that may have been taken against the firm or attorney by a client or former client.

Attachment C: Proposed WEDC attorney or team

- Identify and describe the attorney(s) and or legal team proposed to work with the WEDC, including the designated lead attorney.
- For each attorney of the proposed team, provide a resume that details their education, work experience and qualifications to represent the WEDC.
- Provide information regarding the undergraduate school/degree, law school/graduation date and the Texas Bar License number of any attorney who will be proposed to provide services to the WEDC.
- If specific attorney(s) or additional resources are available through your firm (in addition to the proposed team) to meet a special need that may arise for the WEDC or the City, identify them and their specialty. Include resumes.

Attachment D: Accessibility and responsiveness

- Discuss the accessibility of the proposed attorney(s) and the response time that is offered to the WEDC. Specifically, the “lead time” that is required for attendance of scheduled or ad hoc meetings
- Identify the physical location of the primary offices.
- Discuss the technical capabilities of the firm/attorney, including a discussion of any IT equipment that is available and used to increase accessibility and responsiveness.

2. SECTION TWO - References:

- Provide a reference list of three (3) recent government clients. If government clients are not available, other major clients may be submitted. However, particular attention will be given to government client references. Provide contact information including address, phone number and email address.
- The WEDC may contact any other known governmental clients, whether offered as references or otherwise, to obtain information that will assist in the evaluation process.
- The WEDC retains the right to use reference information to make selection decisions. Submission of an RFQ is agreement that the WEDC may contact and utilize such information.
- Submission of an RFQ is agreement that the WEDC may contact and use such information as needed.

Attachment A: References

- Provide three (3) professional references for the designated WEDC attorney, who will have worked with the attorney on legal matters such as those that the WEDC will require.
- Provide three (3) professional references for any designated secondary attorney.

3. SECTION THREE - Conflict of Interest:

- Indicate whether you currently represent, or have represented any client where representation may conflict with your ability to serve as counsel for the WEDC.
- Indicate if you currently represent any real estate developers doing business with, or anticipate doing business with, the WEDC.

- c. Indicate what procedures you would utilize to identify and resolve conflicts of interest.
- d. Indicate whether you currently represent any other local units of government having jurisdiction within, or contiguous to the City of Watauga.

Attachment A: Conflict of Interest

- Execute a Conflict of Interest Form
- Answer the following question: How would your firm handle representation of any other client engaged in a Project with the WEDC?
- In answering this question, please identify how the firm would handle a situation where attorney "A" in the firm represents the WEDC as the WEDC's contract attorney, and attorney "B" in the firm represents a project seeking assistance through the WEDC.
- In answering this question be sure to identify those steps, if any, the firm would be willing to undertake to eliminate or reduce the potential for conflict of interest.

Submission Requirements:

1. All required documents are to be complete and accurate with all appropriate signatures.
2. Packages are to be sealed and clearly identified and labeled.
3. Submissions cannot be altered or amended after the closing date. Submissions will be publicly acknowledged in the Watauga City Hall Council Chambers located at 7105 Whitley Road, Watauga, Texas 76148 at the time and date specified. All interested parties may be present.
4. Submissions are due no later than Friday, August 20, 2019 at 4:00 P.M. (CST).
5. RFQ's received after this deadline will be considered late and not considered.

TERMINATION

The successful firm will be engaged by WEDC and shall serve at the pleasure of the Board. Either party shall have the right to terminate this agreement with a sixty (60) day prior written notification to the other party.

SELECTION PROCESS

This anticipated schedule is for informational purposes only and may be adjusted as needed:

RFQ release: Friday, August 16, 2019
RFQ Submission deadline: Friday, August 30, 2019
RFQ Committee review and interviews as needed: TBD
Anticipated award: September 17, 2019

The WEDC and City reserve the right to modify the activities, time line, or any other aspect of the process at any time, as deemed necessary.

EVALUATION AND SELECTION PROCESS

The WEDC will use an evaluation committee to evaluate all submissions. The statements of qualifications received will be part of the selection process, together with an interview, if desired, to determine if a contract shall be pursued. The WEDC reserves the right to select and award to the attorney(s) and/or firm who best meets the needs and interest of the WEDC as determined solely by the WEDC.

EVALUATION CRITERIA

Written qualifications will be evaluated by the evaluation committee on a basis of points of the following criteria:

1. Applicable experience of the designated attorney – 25 points
2. Depth and/or stability of firm, practice or attorney – 20 points
3. Interpersonal match and philosophical concurrence with the EDC's mission, core beliefs, practices and personnel – 15 points
4. Accessibility and responsiveness of both the proposed designated WEDC attorney and any assisting attorneys – 15 points
5. References – 10 points
6. Completeness and professionalism of RFQ submission – 15 points

Interviews

If interviews are conducted, the interview team should be composed of attorneys who will be assigned to work with the WEDC Board as identified in the response.

Information

Firms may be asked to provide supplemental or additional information as needed.

Rejection

The WEDC reserves the right to reject any or all responses to the RFQ, or any and all portions or parts hereof. In addition, the WEDC may reject any response which is determined to be incomplete or non-responsive.

PROPRIETARY INFORMATION:

All material submitted becomes public property and is subject to the Texas Open Records Act upon receipt. If a responder does not desire proprietary information to be disclosed, each page must be identified and marked proprietary at time of submittal. The WEDC and City will, to the extent allowed by law, endeavor to protect such information from disclosure. The final decision as to what information must be disclosed, however, lies with the Texas Attorney General. Failure to identify proprietary information will result in all unmarked sections being deemed non-proprietary and available upon public request

GENERAL TERMS AND CONDITIONS

Responders shall promptly notify the City of Watauga of any omission, ambiguity, inconsistency or error that they may discover upon examination of the documents. The City assumes no responsibility for any errors or misrepresentations that result from incomplete qualifications. No plea of ignorance of conditions that exist, or difficulties or conditions concerning the work to be performed, or execution of the work shall be accepted as an excuse for any failure or omission on the part of specifications documents governing the scope of work.

There is no expressed or implied obligation for the City to reimburse responding attorneys or firms for any expenses incurred in the preparation of the RFQ. All costs shall be the full responsibility of the responder.

By requesting RFQ's, the WEDC is in no way obligated to award a contract or pay expenses of the firm(s) in connection with the preparation or submission of an RFQ.

All required documents are to be complete and accurate with all appropriate signatures. Packages are to be sealed and clearly identified.

The City of Watauga reserves the right to reject in part or in whole all RFQs submitted, and to waive any technicalities for the best interest of the WEDC.

The WEDC desires to enter into an agreement that will be advantageous to both the WEDC and the eligible firm.

Responders will be disqualified and/or their RFQ rejected, among other reasons, for any of the specific reasons listed below:

- Received after the closing date and time.
- Reason for believing collusion exists among the responders.
- Incomplete work which in the judgment of the WEDC will prevent or hinder the prompt completion of work, or having defaulted on a previous contract.
- Lack of competency as revealed by reference checks, experience and equipment, questionnaires, or qualification statements.

Addenda and Explanations:

If the City, in its sole discretion, determines that a clarification is required, such clarification shall be issued in writing in the form of an Addenda. Sole issuing of addenda shall be vested in the purchasing office. Addenda shall be sent to all who are known to have received a copy of the RFQ. Responders shall acknowledge receipt of all addenda within the RFQ responses.

Interpretations, corrections, or changes to the RFQ made in any other manner are not binding upon the City or WEDC and responders shall not rely upon such interpretation, corrections, or changes. Oral explanations or instructions given are not binding. It is the sole responsibility of the attorney(s) or firms to ensure that all available information has been received prior to submission. The City or WEDC will not be held liable for any addenda information not received.

Certificate of interested parties:

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code and applies to all contracts entered into on or after January 1, 2016. The law states that a governmental entity may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the governmental entity at the time the business entity submits the signed contract to the governmental entity. The law applies to all contracts/purchases of a governmental entity that require action or vote by the governing body of the entity.

With regard to the City of Watauga, a proposer that is awarded a contract or purchase that is greater than \$50,000 is required to electronically create a Form 1295 through the Texas Ethics Commission website (<https://www.ethics.state.tx.us>) and submit a signed copy of the form to the city. Note: The City requires that any contract that goes to the City Council must have a completed Form 1295. A contract, including city-issued purchase orders, will not be enforceable or legally binding until the City receives and acknowledges receipt of the properly completed Form 1295 from the firm(s).

By submitting this RFQ, the attorney(s) or firm certifies and represents that the responder has not

offered, conferred, or agreed to confer any pecuniary benefit or other thing of value for the receipt of special treatment, advantage, information, recipient's decision, opinion, recommendation, vote, or any exercise of discussion concerning this RFQ.

Responder further certifies and represents that they have not violated any state, federal, local law, regulation or ordinance relating to bribery, improper influence, collusion, discrimination, or other similar crimes and all services provided or delivered under any award shall conform hereto.

By submitting an RFQ, each responder represents and warrants that its RFQ is genuine and not a sham or collusive, or made in the interest of, or on behalf of, any person not named therein, that the responder has not directly or indirectly induced or solicited any other person to submit a sham response or any other person to refrain from submitting an RFQ. Responders also warrant that they have not in any manner colluded to secure any improper advantage over any other person submitting an RFQ, or to limit the competitiveness of the process.

By submitting this RFQ, responder certifies that to the best of their knowledge, no employee, either full or part time, owner, official, stockholder or member of their immediate family, are related to a member of the City of Watauga City Council, WEDC Board, or City Manager in violation of the Nepotism Prohibition of the Texas Government Code (Chapter 573, Gov. Code).

Disclosure of interest:

No public official shall have interest in this contract, in accordance with Vernon's Texas Codes Annotated, Local Government Code Title 5, Subtitle C, Chapter 171. Responders are required to submit with the RFQ a Conflict of Interest Questionnaire stating that no officer or employee of the City has, or will have, during the said term of this contract, any prohibited interest as defined. The responder understands that any existence of a prohibited interest at any time during the term of contract will render the contract voidable.

Pursuant to Chapter 176 of the Texas Local Government Code, a person, or agent of a person, who contracts or seeks to contract for the sale or purchase of property, goods, or services with municipalities must file a completed conflict of interest questionnaire which is included in this solicitation or available at www.ethics.state.tx.us. The conflict of interest questionnaire must be filed with the City no later than the seventh business day after the person or agent begins contract discussions or negotiations with the City or submits an application, response to an RFQ, correspondence, or writing related to a potential agreement. An updated conflict of interest questionnaire must be filed in accordance with Chapter 176 of the Local Government Code. An offense under Chapter 176 is a Class C misdemeanor. Updated Questionnaires must be filed in conformance with Chapter 176.

If you have any questions about compliance, please consult your own legal counsel. Compliance is the individual responsibility of each person or agent of a person who is subject to the filing requirement. An offense under Chapter 176 is a Class C misdemeanor.

By doing business or seeking to do business with the WEDC, you acknowledge that you have been notified of the requirements of Chapter 176 of the Texas Local Government Code and that you are solely responsible for complying with these requirements.

House Bill 89:

House Bill 89, effective September 1, 2017, amended the Texas Government Code to add Chapter 2270, Prohibition on contracts with companies boycotting Israel. Effective September 1, 2017, a state agency and a political subdivision (which includes a city) may not enter a contract with a company for goods or services unless the contract contains a written verification from the company that (a) it does not boycott Israel, and (b) will not boycott Israel during the term of the contract.

"Boycott Israel" is defined to mean refusing to deal with, terminating business activities with, or

otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business with Israel or in an Israel-controlled territory, but does not include an action made for ordinary purposes.

“Company” is defined to mean a for-profit sole proprietorship, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations that exists to make a profit.

Senate Bill 252:

Senate Bill 252, effective September 1, 2017, prohibits governmental contracts with a company doing business with Iran, Sudan, or a foreign terrorist organization. Senate Bill 252 amended the Texas Government Code to add Chapter 2252, Prohibition on contracts with certain companies. This Bill prohibits state agencies from contracting with or investing in companies that do business with Iran or designated foreign terrorist organizations.

“Foreign terrorist organization” means an organization designated as a foreign terrorist organization by the United States Secretary of State as authorized by 8 U.S.C. Section 1189.

“Government contracts” means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment. The term includes a contract to obtain a professional or consulting service subject to Chapter 2254.

CONFLICT OF INTEREST QUESTIONNAIRE **For vendor doing business with local governmental entity**

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

 Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐ Yes ☐ No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

 Signature of vendor doing business with the governmental entity

 Date



CITY OF WATAUGA, TEXAS HOUSE BILL 89 VERIFICATION

I, _____ (name), the undersigned
representative of:

Company or Business name: _____

(Hereafter referred to as company) being an adult over the age of eighteen (18) years of age, do hereby depose and verify that the company named-above, under the provisions of Subtitle F, Title 10, Government Code Chapter 2270:

1. Does not boycott Israel currently; and
2. Will not boycott Israel during the term of the contract.

Pursuant to Section 2270.001, Texas Government Code:

1. *"Boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes; and*
2. *"Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or any limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of those entities or business associations that exist to make a profit.*

DATE

SIGNATURE OF COMPANY REPRESENTATIVE



**CITY OF WATAUGA, TEXAS
SENATE BILL 252 CERTIFICATION**

I, _____ (name), the undersigned
representative of:

Company or Business name:

Do hereby depose and certify that the company named above is not identified on the Texas Comptroller's list of companies known to have contracts with, or provide supplies or services to, a foreign organization designated as Foreign Terrorist Organization by the U.S. Secretary of State. In addition it is further certified that company shall not do business with any of these organizations while providing products or services to the City of Watauga.

DATE

SIGNATURE OF COMPANY REPRESENTATIVE



RFQ EVALUATION # 19-020 LEGAL SERVICES - WEDC

CRITERIA

COMBINED TOTAL POINTS

	DNRBZ	RYAN HENRY	TOASE
# 1 Applicable experience of the designated attorney	70	50	80
# 2 Depth and/or stability of firm, practice or attorney	70	45	60
# 3 Interpersonal match and philosophical concurrence with the EDC's mission, core beliefs, practices and personnel	47	37	35
# 4 Accessibility and responsiveness of both the proposed designated WEDC attorney and any assisting attorney	40	41	50
# 5 References	37	40	28
# 6 Completeness and professionalism of RFQ submission	50	45	45
TOTALS	314	258	298

RANK ACCORDING TO POINTS:

DENTON NAVARRO ROCHA BERNAL & ZECH, PC (DNRBZ)
TAYLOR OLSON ADKINS SRALLA ELAM, LLP(TOASE)
RYAN HENRY, PLLC



**NOTICE
REQUEST FOR QUALIFICATIONS
PROFESSIONAL LEGAL SERVICES FOR WATAUGA ECONOMIC
DEVELOPMENT CORPORATION**

The City of Watauga is accepting Qualification Statements from qualified attorneys and/or law firms to provide professional legal services for the Watauga Economic Development Corporation (WEDC). Selected attorney or firm will serve as WEDC counsel and provide legal services encompassing the traditional scope of legal counsel with an emphasis on Municipal Type B Corporation and economic development law.

Questions regarding the Request for Qualifications will be accepted until 2:00PM (CST), Friday, August 23, 2019.

Qualification Statements will be accepted until 4:00PM (CST), Friday, August 30, 2019 in the City of Watauga Purchasing Office, 7105 Whitley Road, Watauga, Texas 76148. Qualifications will not be accepted after the closing date and time.

Qualifications shall be sealed and clearly labeled on the front of the envelope or package with:

19-020 Professional Legal Services for WEDC
Closing: 4:00PM, Friday, August 30, 2019

The City reserves the right to reject any and/or all qualifications and to waive any and all formalities. For further information contact Deby Woodard at 817-514-5833.

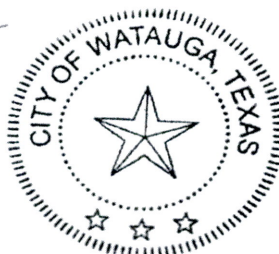
You may download Request for Qualifications documents by way of:

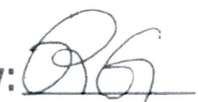
City of Watauga website www.cowtx.org
DemandStar www.demandstar.com.

PUBLISHED: Friday, August 16, 2019
 Friday, August 23, 2019

I hereby certify that this notice of request for qualifications was posted on the above
dates


Andrea Gardner, City Secretary



Removed By: 
Date: 9-3-19